

*Order No. 2005-11: Issued 4 p.m., September 6, 2005.*

#### All Citizen Fisheries

Areas 7 and 7A Gillnet: Open to fishing from 8 a.m. until 11:59 p.m. (Midnight) on both Wednesday, September 7, and Friday, September 9, 2005.

Areas 7 and 7A Purse Seine: Open to fishing from 5 a.m. until 9 p.m. on both Wednesday, September 7, and Friday, September 9, 2005.

Areas 7 and 7A Reef Net: Open to fishing from 5 a.m. until 9 p.m. on both Wednesday, September 7, and Friday, September 9, 2005.

*Order No. 2005-12: Issued 12 p.m., September 9, 2005.*

#### Treaty Indian Fisheries

Areas 4B, 5, and 6C: Open for drift gillnets from 5 a.m., Saturday, September 10, 2005, to 9 p.m. Monday, September 12, 2005.

Areas 6, 7, and 7A: Open for drift gillnets and purse seines from 5 p.m., Saturday, September 10, 2005, to 9 p.m. Monday, September 12, 2005.

#### All Citizen Fisheries

Areas 7 and 7A Gillnet: Open to fishing from 8 a.m. until 11:59 p.m. (Midnight) on both Tuesday, September 13, and Wednesday, September 14, 2005.

Areas 7 and 7A Purse Seine: Open to fishing from 5 a.m. until 9 p.m. on both Tuesday, September 13, and Wednesday, September 14, 2005.

Areas 7 and 7A Reef Net: Open to fishing from 5 a.m. until 9 p.m. on both Tuesday, September 13, and Wednesday, September 14, 2005.

*Order No. 2005-13: Issued 12 p.m., September 12, 2005.*

#### Treaty Indian Fisheries

Areas 4B, 5, and 6C: Relinquish regulatory control effective 12:01 a.m., Tuesday, September 13, 2005. *Order No. 2005-14: Issued 12 p.m., September 16, 2005.*

The Fraser River Panel approved the following relinquishment of regulatory control in U.S. Puget Sound Panel waters:

Areas 6, 6A, and 7: Relinquish regulatory control effective 12:01 a.m., Saturday, September 17, 2005.

Area 7A: Relinquish regulatory control in that portion of Area 7A lying east and south of a straight line drawn from the low water range marker in Boundary Bay on the International Boundary through the east tip of Point Roberts in the State of Washington to the East Point Light on Saturna Island

in the province of British Columbia, Canada, effective 12:01 a.m., Saturday, September 17, 2005.

The Assistant Administrator for Fisheries NOAA (AA), finds that good cause exists for the inseason orders to be issued without affording the public prior notice and opportunity for comment under 5 U.S.C. 553(b)(B) as such prior notice and opportunity for comments is impracticable and contrary to the public interest. Prior notice and opportunity for public comment is impracticable because NMFS has insufficient time to allow for prior notice and opportunity for public comment between the time the stock abundance information is available to determine how much fishing can be allowed and the time the fishery must open and close in order to harvest the appropriate amount of fish while they are available.

Moreover, such prior notice and opportunity for public comment is impracticable because not closing the fishery upon attainment of the quota would allow the quota to be exceeded and thus compromise the conservation objectives established preseason, and it does not allow fishers appropriately controlled access to the available fish at the time they are available.

The AA also finds good cause to waive the 30-day delay in the effective date, required under 5 U.S.C. 553(d)(3), of the inseason orders. A delay in the effective date of the inseason orders would not allow fishers appropriately controlled access to the available fish at that time they are available.

This action is authorized by 50 CFR 300.97, and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 3636(b).

Dated: November 14, 2005.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 05-22862 Filed 11-17-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[I.D. 111505B]

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the western zone of the Gulf of Mexico. This closure is necessary to protect the Gulf king mackerel resource.

**DATES:** The closure is effective 12 noon, local time, November 17, 2005, through June 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Steve Branstetter, 727-824-5305, fax: 727-824-5308, e-mail: [Steve.Branstetter@noaa.gov](mailto:Steve.Branstetter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf of Mexico only, dolphin and bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS implemented a commercial quota for the Gulf of Mexico migratory group of king mackerel in the western zone of 1.01 million lb (0.46 million kg) (66 FR 17368, March 30, 2001).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the **Federal Register**. NMFS has determined the commercial quota of 1.01 million lb (0.46 million kg) for Gulf group king mackerel in the western zone will be

reached on November 16, 2005.

Accordingly, the commercial fishery for Gulf group king mackerel in the western zone is closed effective 12 noon, local time, November 17, 2005, through June 30, 2006, the end of the fishing year. The boundary between the eastern and western zones is 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for Gulf group king mackerel in the EEZ in the closed zones or subzones. A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed zones or subzones under the bag and possession limits set forth in 50 CFR 622.39(c)(1)(ii) and (c)(2), provided the vessel is operating as a charter vessel or headboat. A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zones or subzones taken in the EEZ, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the closed zones or subzones that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor.

#### Classification

This action is required by 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself already has been subject to notice and comment, and all that remains is to notify the public of the closure.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action in

order to protect the fishery since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment will require time and would potentially result in a harvest well in excess of the quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: November 15, 2005.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[I.D. 111405B]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005 Tilefish Commercial Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS closes the commercial fishery for tilefish (goldface tilefish, blackline tilefish, anchor tilefish, blueline tilefish, and tilefish) in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has determined that the tilefish quota for the commercial fishery will have been reached by November 21, 2005. This closure is necessary to protect the tilefish resource.

**DATES:** Closure is effective 12:01 a.m., local time, November 21, 2005, until 12:01 a.m., local time, on January 1, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Jason Rueter, telephone 727-824-5350, fax 727-824-5308, e-mail [Jason.Rueter@noaa.gov](mailto:Jason.Rueter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority

of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622. Those regulations set the commercial quota for tilefish in the Gulf of Mexico at 0.44 million lb (200,000 kg) for the current fishing year, January 1 through December 31, 2005.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by filing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has determined that the available commercial quota of 0.44 million lb (200,000 kg) for tilefish will be reached on or before November 21, 2005. Accordingly, NMFS is closing the commercial tilefish fishery in the Gulf of Mexico EEZ from 12:01 a.m., local time, on November 21, 2005, until 12:01 a.m., local time, on January 1, 2006. The operator of a vessel with a valid reef fish permit having tilefish aboard must have landed and bartered, traded, or sold such tilefish prior to 12:01 a.m., local time, November 21, 2005.

During the closure, the bag and possession limits specified in 50 CFR 622.39(b) apply to all harvest or possession of tilefish in or from the Gulf of Mexico EEZ, and the sale or purchase of tilefish taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to sale or purchase of tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, November 21, 2005, and were held in cold storage by a dealer or processor.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to close the fishery constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(3)(B), as such procedures would be unnecessary and contrary to the public interest. These procedures are unnecessary because the regulation requiring the closure has been subject to notice and comment, and all that remains is to notify the public of the closure. For these same reasons, there is good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d)(3), a delay in the effective date is waived.