

D. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because the interim rule does not impose any additional reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Part 231

Government procurement.

Claudia L. Naugle,

Deputy Director, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 231 is amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Section 231.205-6 is amended by adding a new paragraph (a)(2) preceding the existing paragraph (g)(2)(i) to read as follows:

231.205-6 Compensation for personal services.

(a)(2) Costs for individual compensation in excess of \$250,000 per year are unallowable under DoD contracts that are awarded after April 15, 1995, and are funded by fiscal year 1995 appropriations (Public Law 103-335).

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3. Section 231.303 is amended by adding paragraph (3) to read as follows:

231.303 Requirements.

(1) * * *

(2) * * *

(3) The limitation on allowable individual compensation at 231.2205-6(a)(2) also applies to this subpart.

4. Section 231.603 is amended by redesignating paragraphs (1) through (15) as (i) through (xv) and redesignating paragraphs (11) (i) and (ii) as paragraphs (xi) (A) and (B); designating the introductory text as paragraph (1); and adding a new paragraph (2) to read as follows:

231.603 Requirements.

* * * * *

(2) The limitation on allowable individual compensation at 231.205-6(a)(2) also applies to this subpart.

5. Section 231.703 is revised to read as follows:

231.703 Requirements.

(1) Under 10 U.S.C. 2324(e), the costs cited in 231.603(a) are unallowable.

(2) The limitation on allowable individual compensation at 231.205-6(a)(2) also applies to this subpart.

[FR Doc. 95-312 Filed 1-6-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 611 and 663**

[Docket No. 941265-4365; I.D. 121694D]

RIN 0648-AH50

Foreign Fishing; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures

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

ACTION: 1995 groundfish fishery specifications and management measures; request for comments.

SUMMARY: NMFS announces the 1995 fishery specifications and management measures for groundfish taken in the U.S. exclusive economic zone and state waters off the coasts of Washington, Oregon, and California as authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP). The specifications include the level of the acceptable biological catch (ABC) and harvest guidelines including the distribution between domestic and foreign fishing operations. The harvest guidelines are allocated between the limited-entry and open-access fisheries. The management measures for 1995 are designed to keep landings within the harvest guidelines, for those species for which there are harvest guidelines, and to achieve the goals and objectives of the FMP and its implementing regulations. The intended effect of these actions is to establish allowable harvest levels of Pacific Coast groundfish and to implement management measures designed to achieve, but not exceed those harvest levels, while extending fishing and processing opportunities as long as possible during the year.

DATES: Effective January 4, 1995 until the 1996 annual specifications and management measures are filed for public inspection with the Office of the Federal Register, unless modified, superseded, or rescinded. All landings between January 1, 1995, and January 4, 1995, inclusive, will be counted toward cumulative trip limits. Comments will be accepted until February 8, 1995.

ADDRESSES: Comments on these specifications should be sent to Mr. William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Bldg. 1, Seattle, WA 98115-0070; or Ms. Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to these specifications and management measures, including the SAFE report, has been compiled in aggregate form and is available for public review during business hours at the office of the Director, Northwest Region, NMFS (Regional Director), or may be obtained from the Pacific Fishery Management Council (Council), by writing the Council at 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Northwest Region, NMFS) 206-526-6140; or Rodney R. McInnis (Southwest Region, NMFS) 310-980-4040.

SUPPLEMENTARY INFORMATION: The FMP requires that fishery specifications for groundfish be evaluated each calendar year, that harvest guidelines or quotas be specified for species or species groups in need of additional protection, and that management measures designed to achieve the harvest guidelines or quotas be published in the **Federal Register** and made effective by January 1, the beginning of the next fishing year. This action announces and makes effective the final 1995 fishery specifications and the management measures designed to achieve them. These specifications and measures were considered by the Council at two meetings and were recommended to NMFS by the Council at its October 1994 meeting.

I. Final Specifications

ABCs and Harvest Guidelines; Apportionments to Foreign and Joint Venture Fisheries; Open Access and Limited-Entry Allocations.

The fishery specifications include ABCs, the designation of harvest guidelines or quotas for species that need individual management, the apportionment of the harvest guidelines or quotas between domestic and foreign fisheries, and allocation between the open-access and limited-entry segments of the domestic fishery.

The final 1995 specifications for ABCs, harvest guidelines, and limited-entry and open-access allocations are listed in Table 1, followed by a discussion of each 1995 specification that differs from 1994 levels. The

apportionment between foreign and domestic fisheries is explained separately at the end of this section. As

in the past, the specifications include fish caught in state ocean waters (0-3 nautical miles offshore) as well as fish

caught in the exclusive economic zone (EEZ) (3-200 nautical miles offshore).

TABLE 1.—1995 SPECIFICATIONS OF ACCEPTABLE BIOLOGICAL CATCH (ABC), HARVEST GUIDELINES, AND LIMITED-ENTRY AND OPEN-ACCESS ALLOCATIONS, BY INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION (INPFC) SUBAREAS

Species	Acceptable Biological Catch (ABC) (x1,000 mt)						Total ABC	Harvest Guideline (x1,000 mt)	Allocations (x1,000 mt)				
	Van-couver ^a	Columbia	Eureka	Monterey	Concept-ion	Total ABC			1000 mt	Percent	Open access		
											1000 mt	Percent	
Roundfish:													
Lingcod ^b	1.3		0.3	0.7	0.1	2.4	2.4	1.21	80.9	0.29	19.1		
Pacific cod	3.2		(c)	(c)	(c)	3.2							
Pacific whiting ^d			223.0			223.0	178.4						
Sablefish ^{e,f}			8.7		0.425	9.1	7.1	5.90	93.4	0.42	6.6		
Jack mackerel ^g			52.6			52.6	52.6						
Rockfish:													
POP ^h	0.0	0.0	(c)	(c)	(c)	0.0	1.3						
Shortbelly			23.5			23.5	23.5						
Widow ⁱ			7.7			7.7	6.5	6.26	96.3	0.24	3.7		
Thornyheads:													
Shortspine ^{e,j}			8.0			8.0							
Longspine ^{e,j}			1.0			1.0	1.5						
Sebastes complex: ^k			7.0			7.0	6.0						
	11.9			13.2		11.9 N, 13.2 S	11.8 N, 13.2 S	10.67 8.76	90.4 67.4	1.13 4.24	9.6 32.6		
Bocaccio ^l	(c)	(c)		1.7		1.7	1.7	1.01	67.4	0.49	32.6		
Canary ^m	1.0		0.25	(c)	(c)	1.25	0.85	0.78	91.2	0.07	8.8		
Chilipepper	(c)	(c)		4.0		4.0							
Yellowtail ⁿ	1.19	2.97	2.58	(c)	(c)	6.74	4.16 N 2.58 S	3.76 2.33	90.4 90.4	0.40 0.25	9.6 9.6		
Remaining rockfish	0.8	3.7		7.0		11.5							
Flatfish:													
Dover sole ^{e,o}	2.4	3.0	2.9	5.0	1.0	14.3	13.6 WOC, 2.85 Col						
English sole	2.0			1.1		3.1							
Petrals sole	1.2		0.5	0.8	0.2	2.7							
Arrowtooth Flounder			5.8			5.8							
Other flatfish	0.7	3.0	1.7	1.8	0.5	7.7							
Other fish ^p	2.5	7.0	1.2	2.0	2.0	14.7							

^a U.S. Vancouver only, except for Pacific whiting.

^bThe lingcod stock assessment covers the entire Vancouver INPFC area, including Canada, and the Columbia subarea north of Cape Falcon. The U.S. ABC is based on 50 percent of the ABC for this assessment area plus 400 mt for the Columbia subarea south of Cape Falcon. The coastwide harvest guideline equals the sum of the ABCs and includes a recreational harvest of 900 mt.

^cThese species are not common nor important in the areas footnoted. Accordingly, for convenience, Pacific cod is included in the "other fish" category for the areas footnoted, and rockfish species are included in the "remaining rockfish" category for the areas footnoted only.

^dCoastwide ABC including Canadian waters. The U.S. harvest guideline is 80 percent of the U.S./Canada ABC. The shore-based reserve is 71,400 mt in 1995, 40 percent of the harvest guideline.

^eDover sole, thornyheads, and trawl-caught sablefish are managed together as the "DTS complex" (formerly called the deepwater complex). There is no harvest guideline for the DTS complex.

^fThe 7,100 mt sablefish harvest guideline is the 8,700 mt ABC north of the Conception subarea (north of 36° N. latitude) reduced by 900 mt for estimated discards and 700 mt for projected harvest above the 1994 harvest guideline. The 7,100 mt harvest guideline is reduced by 780 mt for the treaty tribes before dividing the remaining 6,320 mt between the limited entry (5,900 mt) and open access (420 mt) fisheries. The limited entry allocation is further divided 58 percent (3,420 mt) trawl, 42 percent (2,480 mt) nontrawl allocations which also are harvest guidelines. (See the section on trawl and nontrawl sablefish management for 1994.)

^gOnly jack mackerel north of 39°00' N. latitude are managed by the FMP. The ABC and harvest guideline include area beyond 200 nm.

^hThe POP harvest guideline applies to the Vancouver/Columbia subareas combined. A discard factor of 16 percent was used in setting the harvest guideline for landed catch.

ⁱThe 6,500 mt harvest guideline is derived by subtracting an estimate of discards (1,200 mt) from the ABC (7,700 mt).

^jThe thornyhead ABCs and harvest guidelines apply north of Point Conception, CA. The harvest guideline represents landed catch.

^kThe *Sebastes*-North harvest guideline (11,800 mt) applies to the Vancouver and Columbia subareas and equals the sum of the ABCs as follows: canary (1,000 mt), yellowtail rockfish (6,740 mt coastwide minus 300 mt for the Eureka subarea), and remaining rockfish (4,500 mt), minus 150 mt for estimated discards of canary rockfish. Within the *Sebastes*-North harvest guideline are two small harvest guidelines for commercial harvest of black rockfish by the Makah, Quileute, Hoh, and Quinault Indian tribes: 20,000 pounds (9,072 kg) for the EEZ north of Cape Alava (48°09'30" N. latitude) and 10,000 pounds (4,536 kg) between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude). The *Sebastes*-South harvest guideline is the sum of the ABCs for the species in the Eureka/Monterey/Conception subareas: bocaccio (1,700 mt), canary (250 mt), chilipepper (4,000 mt), yellowtail rockfish (300 mt), and remaining rockfish (7,000 mt).

^lThe bocaccio harvest guideline applies to the Eureka, Monterey, and Conception subareas; as trip-limit induced discards are believed to be minimal, there is no deduction for discards. The open access and limited entry allocation percentages for bocaccio are applied only to the commercial portion of the harvest guideline, which is 1,500 mt in 1995 (1,700 mt harvest guideline minus 200 mt estimated recreational harvest).

^mThe canary rockfish harvest guideline for the Vancouver/Columbia area is the sum of the ABCs minus 150 mt for estimated discards.

ⁿThe 1993 yellowtail rockfish assessment addressed three separate areas: U.S. Vancouver; Columbia north of Cape Falcon; and Columbia south of Cape Falcon plus Eureka. For this table, the 2,970 mt Columbia ABC is for north Columbia only, and the Eureka ABC is for the Eureka subarea plus south Columbia. The total ABC for yellowtail rockfish is divided into two harvest guidelines: 4,160 mt for the northern area (Vancouver plus Columbia north of Cape Lookout, close to Cape Falcon) and 2,580 mt for the southern area (Eureka plus Columbia area south of Cape Lookout). The harvest guidelines for the *Sebastes* complex apply to different areas, north and south of the Columbia/Eureka border at 43°00'00" N. latitude. For calculating the *Sebastes* complex harvest guidelines, 300 mt of yellowtail rockfish is estimated for the Eureka subarea. Therefore, 300 mt of the yellowtail rockfish southern harvest guideline is included in the southern *Sebastes* complex harvest guideline, and the remainder of the yellowtail rockfish harvest guideline is included in the northern *Sebastes* complex harvest guideline.) A 16 percent discard factor will be added to certain landings of yellowtail rockfish inseason. This will affect inseason landings estimates for the *Sebastes* complex also.

^oThe 13,600 mt coastwide harvest guideline for Dover sole (14,300 mt ABC minus 700 mt estimated discards) includes a 2,850 mt harvest guideline for the Columbia subarea (3,000 mt ABC minus 150 mt estimated discards).

^pIncludes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in footnote ^e.

Changes to the ABCs and Harvest Guidelines

The 1995 final ABCs are changed from the 1994 levels for the following species: lingcod, Pacific whiting (whiting), sablefish, widow rockfish, shortspine thornyheads, longspine thornyheads, bocaccio, canary rockfish and Dover sole. These changes are based on the best available scientific information. The ABCs represent the total catch—amounts that are discarded as well as that are retained. Information considered in determining the ABCs is available from the Council and was made available to the public, before the Council's October 1994 meeting, in the Council's stock assessment and fishery evaluation (SAFE) document (see ADDRESSES).

Those species or species groups with harvest guidelines in 1994 will continue to be managed with harvest guidelines in 1995. As in 1994, no quotas are established. The 1995 harvest guidelines differ from those in 1994 for: lingcod, whiting, sablefish, *Sebastes* complex—north and south of 43°00'00" N. lat. (the Columbia/Eureka subarea boundary), bocaccio, and Dover sole. Harvest guidelines are established for the first time for canary rockfish and individually for shortspine thornyheads and longspine thornyheads; the harvest guideline for thornyheads combined is no longer needed. In 1995, most of the species harvest guidelines represent only that portion of the catch that is landed. Where information is available, a discard factor is subtracted from the ABC to determine the harvest guideline. More detailed information is found in the Council's SAFE document.

The changes to the ABCs and harvest guidelines are described briefly below. All other ABC and annual harvest guideline specifications announced for 1994 (Table 1 at 59 FR 685, January 6, 1994) will apply again in 1995 and are included in Table 1. More detailed information appears in the Council's SAFE document, the "Groundfish Management Team (GMT) Final Recommendations for 1995 Acceptable Biological Catches (ABC) and Harvest Guidelines" (GMT Report F.3.) from the October 1994 Council meeting, and the Council's newsletters for its August and October 1994 meetings (see ADDRESSES).

Lingcod. A new stock assessment for lingcod resulted in severe reductions to its ABC, from 7,000 mt in 1994 to 2,400 mt in 1995, based on reductions in each subarea: From 1,000 mt (Vancouver) and 4,000 mt (Columbia) in 1994 to 1,300 mt for both subareas combined in 1995; from 500 mt in 1994 to 300 mt in 1995 in the Eureka subarea; from 1,100 mt in

1994 to 700 mt in 1995 in the Monterey subarea; and from 400 mt in 1994 to 100 mt in 1995 in the Conception subarea. These reductions result from a comprehensive assessment based on fishery and survey data between Cape Falcon, OR, and 49°00'00" N. lat. off Vancouver Island, Canada, between 1979–93. The average yield of 2,736 mt in this area during 1989–1993 is just below the overfishing level. South of Cape Falcon, there is concern that the young average age in the catch indicates a substantial level of fishing mortality. The ABCs are set at 63 percent of the average catch during 1989–93, proportional to the reduction of catch recommended north of Cape Falcon, to reduce catch until a full stock assessment can be conducted. The harvest guideline is equal to the coastwide ABC; there is no estimate for discards at this time. Reductions in catch are expected to occur through imposition of a cumulative trip limit and a size limit in 1995. Lingcod management is complicated by harvest in Canadian waters and by recreational fisheries. Coordination with Canada on assessment and management of this species is necessary.

Whiting. The ABC for whiting in 1994 (325,000 mt for the United States and Canada combined) was substantially higher than in previous years, predominantly because the 1992 hydroacoustic survey utilized new, more sensitive equipment, and extended farther offshore and farther north to encompass the species' range. To provide for cautious exploitation until the survey results can be confirmed (in 1995–96), a conservative harvest rate policy was adopted to minimize the risk to the resource if the ABC were later found to be too high. The Council also felt it prudent to acknowledge the possibility that the total U.S. and Canadian harvest in 1994 might exceed the U.S.-Canada ABC, as occurred in 1992 and 1993.

The U.S.-Canada ABC for whiting in 1995 is much lower, 223,000 mt, due to the anticipated decline in stock level following the very large 1980 and 1984 year classes, which for the most part, are no longer available to the fishery. The Council recommended that the U.S. harvest guideline be set at 80 percent of the U.S.-Canada ABC, unless agreement for a different share were reached at the U.S.-Canada discussions to be held after the Council meeting. Agreement was not reached between the two countries. Therefore, the 80-percent share is used again in 1995, resulting in the U.S. harvest guideline of 178,400 mt.

If Canada continues to calculate its share in the same manner as in 1992–

94, the U.S. and Canadian total harvest will be 14 percent above the coastwide ABC in 1995. These overages have not caused a biological problem, particularly given the large increase in the ABC in 1994 and use of a conservative exploitation rate. The total harvest in 1995 would be lower than the overfishing level, and lower than the amount that would have been taken if the Council had chosen to use a moderate harvest rate level, as in 1993, in determining the ABC. Bilateral discussions with Canada are expected to continue.

The regulations at 50 CFR 663.23(b)(4) set aside 40 percent of the U.S. harvest guideline for priority use by vessels delivering shoreside. In 1995, this reserve is 71,400 mt.

Sablefish. The 1995 ABC in the Conception area remains at 425 mt. The ABC for sablefish north of the Conception subarea (36°00'00" N. lat.) is increased from 7,000 mt in 1994 to 8,700 mt in 1995, based on the results of a new stock assessment and by including expected discards in the ABC. However, the 1995 harvest guideline (north of 36°00'00" N. lat.) is 7,100 mt (considerably lower than the combined ABC), only 100 mt higher than the harvest guideline in 1994. An estimate of discards (900 mt) is subtracted from the ABC for the area north of Conception to derive a harvest guideline that represents only landed catch. A further reduction of 780 mt is made for treaty tribes. The harvest guideline for 1995 was reduced further to compensate for 700 mt the Council expected to be taken above the harvest guideline in 1994. After the October meeting, it was discovered that landings were projected to be 700 mt over the limited entry gear allocations, rather than the species' harvest guideline. Therefore, because the open-access allocation would not be reached, the harvest guideline would be exceeded by only about 328 mt (5 percent). The Council is expected to address this error at its March 1995 meeting and may recommend an increase to the sablefish harvest guideline in 1995.

Widow rockfish. No new stock assessment was prepared for widow rockfish, but the ABC is increased from 6,500 mt in 1994 to 7,700 mt in 1995 to include an estimate of discards in the fishery. The harvest guideline remains the same as in 1994, 6,500 mt, representing only the landed catch.

Shortspine and longspine thornyheads. Based on new stock assessments, the ABCs for shortspine and longspine thornyheads are reduced in 1995: from 1,900 mt to 1,000 mt for shortspine thornyheads and from 10,100

mt to 7,000 mt for longspine thornyheads. The 1995 ABCs apply north of Point Conception, CA (34°30'00" N. lat.), whereas in 1994 they applied only to the Monterey, Eureka, and Columbia subareas (36°00'00"–47°30'00" N. lat.). The reductions occurred primarily because the survey area was enlarged, revealing an overestimate of the coastwide biomass in the previous stock assessment, particularly for shortspine thornyheads. Shortspine thornyheads are fully exploited, but did not reach the overfishing level in 1994. Longspine thornyheads are being fished down to the level that would produce maximum sustainable yield (MSY).

For the first time, separate harvest guidelines are set for shortspine and longspine thornyheads. In previous years, they were combined because it had been thought that the two species, which often are caught together, were too difficult to tell apart. However, the industry has testified that the species can be differentiated, and certain areas can be avoided to decrease excessive harvest of shortspine thornyheads. Consequently, the Council recommended harvest guidelines of 1,500 mt for shortspine thornyheads (above its ABC) and 6,000 mt for longspine thornyheads (below its ABC). Even though longspine thornyheads are above the level that would produce MSY, its harvest guideline is less than ABC to protect shortspine thornyheads, and in anticipation of future declines in the longspine thornyhead ABC as it is reduced to its MSY level. The shortspine thornyhead harvest guideline is set above its ABC because of the uncertainty in the assessment; the 1,500-mt harvest guideline is less than the overfishing level under the preferred assessment scenario and is similar to the ABC level that would result from plausible assessments with higher levels of natural mortality or lower levels of survey catchability. These harvest guidelines, which apply only north of Point Conception, will result in a small increase in the longspine thornyhead catch and a large decrease in the shortspine thornyhead catch.

Bocaccio. The ABC and harvest guideline for bocaccio are increased from 1,540 mt in 1994 to 1,700 mt in 1995. This increase is due entirely to removal of an assumed discard level. The discard factor is removed because only a small number of vessels are constrained by current trip limits. As in the past, the harvest guideline applies only to the Eureka, Monterey, and Conception subareas (the EEZ south of 43°00'00" N. lat.), and, because discards are assumed to be negligible, the harvest

guideline represents total catch. An estimate of discards will be added to inseason projections of the catch if new information indicates that discarding is occurring.

Canary rockfish. A new assessment for canary rockfish in the Vancouver and Columbia subareas (north of 43°00'00" N. lat.) indicates that the stock has undergone a substantial decline and that continuation of current catch levels, which are at the ABC levels set in 1990, would be overfishing. Therefore, the 1994 ABCs of 800 mt in the Vancouver subarea and 1,500 mt in the Columbia subarea are reduced to 1,000 mt for both areas combined in 1995. The survey trend in the Eureka area indicates an even more severe decline, so the ABC is reduced from 600 mt in 1994 to 250 mt in 1995, close to the recent average catch in this area. Therefore, the coastwide ABC is reduced from 2,900 mt in 1994 to 1,250 mt in 1995. A harvest guideline is set for the first time in 1995, at 850 mt, for the combined Vancouver/Columbia area, which is equal to the subarea ABCs minus 150 mt of estimated discards.

Sebastes complex. The *Sebastes* complex includes all rockfish except widow, shortbelly, Pacific ocean perch (POP), and thornyheads.

North: The harvest guideline for the *Sebastes* complex in the Vancouver-Columbia area (the EEZ north of 43°00'00" N. lat.) is 11,800 mt in 1995, 1,440 mt lower than the 13,240 mt harvest guideline in 1994. It is calculated by adding the ABCs for canary and remaining rockfish in the Vancouver and Columbia subareas, and for yellowtail rockfish in the Vancouver, Columbia, and Eureka subareas and then subtracting 450 mt (300 mt for an estimate of the yellowtail ABC in the Eureka subarea, and 150 mt for estimated discards of canary rockfish). The reduction in 1995 reflects the reduction in the ABC for canary rockfish in the same area. Inseason estimates of yellowtail rockfish discards are counted toward this harvest guideline.

South: The harvest guideline for the *Sebastes* complex in the Eureka, Monterey, and Conception subareas (the EEZ south of 43°00'00" N. lat.) is 13,200 mt in 1995, slightly lower than 13,440 mt in 1994. It is based on the sum of the ABCs of the species in those subareas (bocaccio, chilipepper, yellowtail rockfish, and remaining rockfish); no estimate for discards is subtracted because trip-limit induced discards are believed to be negligible for these species in this area. The decrease reflects the net change in the ABCs for bocaccio and canary rockfish in the southern area.

Note: As in 1994, the 1995 ABCs and harvest guidelines for the *Sebastes* complex and yellowtail rockfish apply to different areas due to differences in stock assessment areas. The ABCs and harvest guidelines for the *Sebastes* complex apply north and south of 43°00'00" N. lat. (the Columbia/Eureka subarea boundary). The yellowtail rockfish ABCs in the Columbia area are divided at Cape Falcon (45°46'00" N. lat.) and the harvest guidelines are divided at Cape Lookout (40°20'15" N. lat.). Further explanation is found in the October 1993 SAFE document and at 59 FR 691, January 6, 1994. Trip limits are applied to the same areas as the harvest guidelines.

Dover sole. Based on a new stock assessment, the ABC for Dover sole in the Eureka subarea is reduced from 3,500 mt in 1994 to 2,900 mt in 1995, and in the Columbia subarea from 4,000 mt in 1994 to 3,000 mt in 1995. The Vancouver, Monterey, and Conception subarea ABCs are not changed, so the coastwide ABC is reduced from 15,900 mt in 1994 to 14,300 mt in 1995, which is similar to the catch in 1993; landings in 1994 are expected to be less than 9,000 mt. The reduction in the Eureka ABC appears to be due to declining recruitment. There is some uncertainty in Dover sole biomass estimates due to the catchability coefficient applied to the survey data, especially in the Columbia area. The Columbia ABC is believed to be a realistic upper estimate.

The coastwide harvest guideline for Dover sole is reduced from 16,900 mt in 1994 to 13,600 mt in 1995, equal to the sum of the subarea ABCs minus 5 percent for estimated discards. As in the past, a separate harvest guideline is set for the Columbia subarea. In 1992, the Columbia subarea harvest guideline was set higher than the ABC and was scheduled to be reduced by 1,000 mt annually until it equaled 4,000 mt, the expected ABC in 1995. However, the 1995 ABC has been reduced to 3,000 mt, and the Council maintained its original intent to set the harvest guideline equal to the ABC by 1995. Therefore, the Columbia area harvest guideline is reduced from 5,000 mt in 1994 to 2,850 mt in 1995 (the 3,000-mt Columbia ABC minus 150 mt for estimated discards).

Setting Harvest Guidelines Greater Than ABC

In most cases, harvest guidelines are less than or equal to the ABCs, or prorated ABCs, for specific areas. However, for 1995 as in 1994, the Council recommended harvest guidelines that exceed the ABCs for two species, POP and shortspine thornyheads. The FMP requires that the Council consider certain factors when setting a harvest guideline above an ABC. These factors were analyzed by

the Council's GMT and considered at the Council's October 1994 meeting before recommending the 1995 harvest guidelines. These factors also were considered when establishing the 20-year rebuilding schedule for POP in the 1981 FMP, in the most recent stock assessments for POP (in the August 1992 SAFE document) and shortspine thornyheads (in the October 1994 SAFE document), and in the GMT's recommendations for 1995 (GMT Report F.3., October 1994).

Overfishing. The FMP defines "overfishing" as a fishing mortality rate that would, in the long-term, reduce the spawning biomass per recruit below 20 percent of what it would have been if the stock had never been exploited (unless the species is above the level that would produce MSY). The rate is defined in terms of the percentage of the stock removed per year. Therefore, high catch rates can cause overfishing at any stock abundance level. Conversely, overfishing does not necessarily occur for stocks at low abundance levels if the catch can be kept to a sufficiently small fraction of that stock level. The target rate of exploitation for Pacific Coast groundfish typically is the rate that would reduce spawning biomass per recruit to 35 percent of its unfished level. This desired rate of fishing will always be less than the overfishing rate, so there is a buffer between the management target and the level that could harm the stock's long-term potential productivity. If the overfishing level is reached, the Guidelines for Fishery Management Plans at 50 CFR part 602 require the Council to identify actions to be undertaken to alleviate overfishing.

None of the ABCs for 1995 exceeds the level of overfishing. However, for those species whose harvest guideline exceeds ABC (POP and shortspine thornyheads), the harvest guideline approaches overfishing. In addition, new assessments for Dover sole in the Columbia area, lingcod, and canary rockfish indicate that the overfishing level for these species may have been reached in the recent past. Further discussion appears in the GMT Supplemental Report F.3.(1) (October 1994). Efforts have been taken to avoid overfishing by establishment or reduction of harvest guidelines in 1995 (discussed above) and by more restrictive trip limit management for these species.

Discards. In 1995, the ABCs represent total catch, and most of the harvest guidelines, except for yellowtail rockfish and Pacific whiting, represent only that portion of the catch that is landed. Stock assessments and inseason

catch monitoring are designed to account for all fishing mortality, including that resulting from fish discarded at sea. Discards of rockfish and sablefish in the fishery for whiting processed at sea are well monitored and are accounted for inseason as they occur. In the other fisheries, discards caused by trip limits are not monitored, so discard factors have been developed to account for this extra catch. A level previously measured for widow rockfish (16 percent) in a scientific study is assumed to be appropriate for the commercial fisheries for widow rockfish, yellowtail rockfish, and POP. A lower level of 8 percent is used for the deepwater thornyhead fishery. The discard factors are typically applied by setting the harvest guideline for landed catch at a level that is equal to the ABC minus expected discard. More detailed information is found in the Council's SAFE document.

Foreign and domestic fisheries. For those species needing individual management that will not be fully utilized by domestic processors or harvesters, and that can be caught without severely affecting species that are fully utilized by domestic processors or harvesters, foreign or joint venture operations may occur. A joint venture is U.S. vessels delivering their catch to foreign processing vessels in the EEZ. The harvest guidelines or quotas for these species may be apportioned to domestic annual harvest (DAH, which includes domestic annual processing (DAP) and joint venture processing (JVP)) and the total allowable level of foreign fishing (TALFF). In 1995, there initially are no surplus groundfish available for joint venture or foreign fishing operations. Consequently, all the harvest guidelines in 1995 are designated entirely for DAP (which also equals DAH), and JVP and TALFF are set at zero.

In the unlikely event that fish are reallocated inseason and a foreign or joint venture fishery should occur, the incidental catch levels for a whiting fishery would be the same as announced at Table 2, footnote 1 of 58 FR 2990 (January 7, 1993), and for a jack mackerel joint venture, initially would be the same as those suggested in section 12.5.2 of the FMP, but could be changed during the year.

II. The Limited-Entry Program

Amendment 6 to the FMP established a limited-entry program which, on January 1, 1994, divided the commercial groundfish fishery into two components, the limited-entry fishery and the open-access fishery, each of which has its own allocations and

management measures. The limited-entry and open-access allocations are calculated according to a formula specified at section II.E. of the appendix to 50 CFR part 663. At its October 1994 meeting, the Council recommended the species and areas subject to open-access and limited-entry allocations in 1995, and the Regional Director calculated the amounts of the allocations, that are presented in Table 1. Unless otherwise specified, the limited-entry and open-access allocations are treated as harvest guidelines in 1995.

Open-Access Allocations

The open-access fishery means the fishery composed of vessels using (1) exempt gear, or (2) longline or pot (trap) gear used pursuant to the harvest guidelines, quotas, and other management measures governing the open-access fishery. Exempt gear means all types of fishing gear except groundfish trawl, longline, and pots. (Exempt gear includes trawls used to harvest pink shrimp or spot or ridgeback prawns (shrimp trawls), and, south of Point Arena, CA, California halibut or sea cucumbers.)

The open-access allocation is derived by applying the open-access allocation percentage to the annual harvest guideline or quota after subtracting any set asides for recreational fishing or treaty Indians (see sections II.E. (b) and (c) of the Appendix to 50 CFR part 663). For those species in which the open-access share would have been less than 1 percent, no open-access allocation is specified because significant open-access effort is not anticipated. At the time the calculations were made, the status of some vessels (whether they would receive a limited-entry permit) was not certain. The catch by these vessels was divided equally between the limited-entry and open-access allocations. These amounts are minor and would not affect the level of trip limits for the limited-entry or open-access fisheries.

Limited-Entry Allocations

The limited-entry fishery means the fishery composed of vessels using limited-entry gear fished pursuant to the harvest guidelines, quotas, and other management measures governing the limited-entry fishery. Limited-entry gear means longline, pot, or groundfish trawl gear used under the authority of a valid limited-entry permit, issued under 50 CFR part 663, affixed with an endorsement for that gear. (Groundfish trawl gear excludes shrimp trawls used to harvest pink shrimp, spot prawns, or ridgeback prawns, and other trawls used

to fish for California halibut or sea cucumbers south of Point Arena, CA.)

The limited-entry allocation is the allowable catch (harvest guideline or quota) reduced by: (1) Set asides, if any, for treaty Indian fisheries or recreational fisheries; and (2) the open-access allocation.

III. 1995 Management Measures

Most of the 1995 management measures announced in this document have been designated as "routine" under the procedures contained in Amendment 4 to the FMP (56 FR 736, January 8, 1991). The "routine" designation means that a measure is likely to need adjustment on an annual or more frequent basis, and that it may be implemented and adjusted for a specified species or species group and gear type after consideration at a single Council meeting. However, the effects of the particular measure must have been analyzed previously, the purpose of the measure must be the same as when it was designated as routine, and the measure must be announced in the **Federal Register**.

Those management measures announced in this document that are not yet designated "routine" at 50 CFR 663.23 are: For the limited entry fishery, trip landing and frequency limits for canary rockfish, lingcod, shortspine thornyheads, and longspine thornyheads, which are managed individually for the first time in 1995, and size limits for lingcod; and, for the open access fishery, trip landing and frequency limits for all groundfish species, separately or in any combination. These management measures will be proposed as routine measures in a separate **Federal Register** document.

In the following discussion, the projections of landings in 1994 are based on the information available to the Council at its October 1994 meeting (Supplemental GMT Report F.2., October 1994).

A. Limited-Entry Fishery

The following management measures apply to vessels operating in the limited-entry fishery after January 1, 1995, and are designed to keep landings within the harvest guidelines or limited-entry allocations.

Widow Rockfish. In 1994, the cumulative trip limit for widow rockfish continued at 30,000 lb (13,608 kg) per month until December 1, when it was reduced to 3,000 lb (1,361 kg) per trip. Landings are projected to exceed the 6,500-mt harvest guideline by about 3 percent in 1994. Because the harvest guideline is not changed, the 30,000-lb

cumulative monthly trip limit will again be implemented in January 1995.

The *Sebastes* Complex (Including Yellowtail Rockfish, Canary Rockfish, and Bocaccio). In 1994, the cumulative monthly trip limit for the *Sebastes* complex was 80,000 lb (36,287 kg) coastwide, until September, when it was increased to 100,000 lb (45,359 kg) south of Cape Mendocino, CA (40°30'00" N. lat.). Within these limits for the *Sebastes* complex were cumulative monthly trip limits for yellowtail rockfish and bocaccio, that did not change during the year: 14,000 lb (6,350 kg) of yellowtail rockfish north of Cape Lookout, OR (45°20'15" N. lat.); 30,000 lb (13,608 kg) of yellowtail rockfish south of Cape Lookout; and 30,000 lb (13,608 kg) of bocaccio south of Cape Mendocino. Neither of the harvest guidelines for the *Sebastes* complex (north and south of 43°00'00" N. lat.), nor for bocaccio, will be reached in 1994. The harvest guidelines for yellowtail rockfish north and south of Cape Lookout are expected to be exceeded by about 1 percent.

To provide for reasonable levels of harvest of other species in the *Sebastes* complex while protecting yellowtail rockfish, canary rockfish, and bocaccio, the Council recommended starting the year with three different cumulative monthly trip limits for the *Sebastes* complex: 35,000 lb (15,876 kg) north of Cape Lookout, 50,000 lb (22,680 kg) between Cape Lookout and Cape Mendocino, and 100,000 lb (45,359 kg) south of Cape Mendocino. The yellowtail and bocaccio cumulative monthly trip limits remain the same as in 1994, except in 1995, the 30,000-lb (13,608 kg) southern trip limit for yellowtail rockfish extends only to Cape Mendocino, rather than to the U.S.-Mexico border. For the first time, a separate cumulative monthly trip limit for canary rockfish is implemented (within the *Sebastes* complex trip limit), at 6,000 lb (2,722 kg) coastwide.

The declaration procedures implemented by the States of Washington and Oregon for vessels operating north and south of Cape Lookout remain in effect, except in 1995 they will apply to the *Sebastes* complex as well as to yellowtail rockfish. The declarations enable a vessel to operate both north and south of Cape Lookout during the month, and to take and retain the more liberal, southern limits of the *Sebastes* complex and yellowtail rockfish, but only if the state is notified, as required by state law.

POP. The 1994 trip limit for POP was the same as in 1991-93: 3,000 lb (1,361 kg) or 20 percent of all fish on board, whichever is less, in landings of POP

above 1,000 lb (454 kg). Landings of POP are projected to be 17 percent below its 1,300-mt harvest guideline in 1994. However, because the trip limit is intended to allow only incidental catches to be landed, it is not increased to achieve the harvest guideline.

The Council recommended a change from the "per trip" limit in 1994 to a cumulative trip limit in 1995 of 6,000 lb (2,722 kg) per month. Public testimony and landing records confirmed that some fishermen were targeting POP even under the 1994 "per trip" limit, resulting in discards of fish in excess of the trip limit. Also, because the number of trips was not restricted, total landings in a month could be well above 6,000 lb (2,722 kg) per vessel. The cumulative trip limit is intended to reduce the level of discards induced by the "per trip" limit, and to accommodate only unavoidable incidental catches. It will not be increased to achieve the harvest guideline.

Sablefish. The sablefish harvest guideline is subdivided among several fisheries. The tribal fishery allocation is set aside prior to dividing the balance of the harvest guideline between the commercial limited-entry and open-access fisheries. These three fisheries are managed differently. The limited-entry allocation is further subdivided into trawl (58 percent) and nontrawl (42 percent) allocations. Trawl-caught sablefish are managed together with Dover sole and thornyheads as the DTS (or deepwater) complex because they often are caught together. Landings of sablefish are expected to exceed the harvest guideline by about 5 percent in 1994.

Washington Coastal Tribal Fisheries for Sablefish. From 1991 through 1994, the Washington coastal treaty tribes have conducted a tribal sablefish fishery of 300 mt that was recognized in these annual management measures. In 1994, the U.S. Government formally recognized the treaty right to fish for groundfish of the four Washington Coastal Treaty tribes (the Makah, Hoh, Quileute, and Quinault), and concluded that, in general terms, the quantification of the right is 50 percent of the harvestable surplus of groundfish available in the tribes' usual and accustomed fishing areas (marine waters under U.S. jurisdiction north of 46°53'18" N. lat. and east of 125°44'00" W. long.). For 1995, the tribes' treaty right to sablefish is determined to be 780 mt. The treaty Indian fishery for this amount of sablefish will be managed by the tribes. The treaty Indian fishery for sablefish is a separate fishery, and is not governed by the limited-entry or open-access regulations or allocations.

DTS Complex (Dover sole, Thornyheads, and Trawl-Caught Sablefish). In January 1994, the cumulative monthly trip limit for the DTS complex was 50,000 lb (22,680 kg) per month, including no more than 30,000 lb (13,608 kg) of thornyheads and 12,000 lb (5,443 kg) of trawl-caught sablefish. On July 1, the cumulative monthly limits were reduced to 30,000 lb (13,608 kg) of the DTS complex, including no more than 8,000 lb (3,629 kg) of thornyheads and 6,000 lb (2,722 kg) of trawl-caught sablefish. The sablefish "per trip" limit of 1,000 lb (454 kg) or 33.333 percent of the Dover sole and thornyheads (equivalent to 25 percent of the DTS complex), whichever is greater, continued throughout 1994, as did the 5,000-lb (2,268-kg) trip limit on sablefish smaller than 22 inches (56 cm). Even though the sablefish harvest guideline applied only north of the Conception subarea (36°00'00" N. lat.), these trip limits were applied coastwide to avoid effort shifts into the Conception area. At the October Council meeting, the trawl allocation was projected to be exceeded by 15 percent. Consequently, on December 1, north of the Conception subarea (36°00'00" N. lat.), all landings of sablefish were prohibited; the thornyhead trip limit was reduced to 1,500 lb (680 kg) per month and a Dover sole trip limit was imposed of 6,000 lb (2,722 kg) per month, removing the need for an overall DTS cumulative limit. At year's end, the limited-entry trawl allocation for sablefish was expected to be exceeded by about 15 percent; thornyheads were expected to exceed their combined harvest guideline by about 2 percent, and Dover sole was far below its harvest guidelines (42 percent below its coastwide harvest guideline and 30 percent below its Columbia subarea harvest guideline). These "underages" were not addressed by increasing the trip limits for Dover sole because of the species' association with sablefish and new information supporting more cautious management of Dover sole.

For 1995, the Council recommended two cumulative monthly trip limits for the DTS complex: 35,000 lb (15,876 kg) north of Cape Mendocino and 50,000 lb (22,680 kg) south of Cape Mendocino. This differential trip limit is intended to provide additional protection for shortspine thornyheads, the most valuable and least abundant species in the DTS complex, while encouraging the harvest of Dover sole in more southern areas. Further protection for shortspine thornyheads is intended by managing the two thornyhead species separately in 1995. A cumulative trip

limit is set for both shortspine and longspine thornyheads combined of 20,000 lb (9,072 kg) per month, of which no more than 4,000 lb (1,814 kg) may be shortspine thornyheads. The trip limits for trawl-caught sablefish remain the same as established in July 1994 (6,000 lb (2,722 kg) cumulative per month, and 1,000 lb (454 kg) or 33.333 percent of the Dover sole and thornyheads per trip). The exception is that the trip limit for sablefish smaller than 22 inches (56 cm) is reduced to 500 lb (227 kg) to reflect the lower overall trip limits for sablefish in recent years.

Nontrawl Sablefish. Small daily trip limits were applied to the nontrawl fishery again in 1994, until 72 hours before, and 72 hours after, the regular ("open") season, that started on May 15, 1994. A 250-lb (113-kg) daily trip limit was applied only north of the Conception subarea (36°00'00" N. lat.), the same area covered by the harvest guideline. In the Conception area, where there is no harvest guideline and landings had been below the 425-mt ABC, the daily trip limit was 350 lb (159 kg) to accommodate most landings without encouraging excessive effort shifts into that area. The trip limit for sablefish smaller than 22 inches (56 cm) (1,500 lb (680 kg) or 3 percent of all legal sablefish on board, whichever is greater) remained in effect. All further landings of sablefish caught north of 36°00'00" N. lat. were prohibited on December 1, 1994. In 1994, the nontrawl allocation is expected to be exceeded by 28 percent.

The Council recommended continuing the 350-lb (159-kg) daily trip limit in the Conception area for 1995, and increasing the northern daily trip limit for sablefish to 300 lb, slightly increasing the amount that could be taken outside the regular season for the nontrawl limited-entry fishery. The same daily trip limit is applied to the limited-entry and open-access fisheries to avoid effort shifts into the open-access fishery. This increase is intended primarily to bring landings closer to the open-access allocation, that was not achieved in 1994. These trip limits for the limited-entry fishery will apply outside the regular season and any subsequent "mop-up" fishery.

Under current regulations at 50 CFR 663.23(b)(2), the start of the regular nontrawl sablefish fishery is 3 days before the first opening in Alaska. The implementation of an individual quota (IQ) system in Alaska in 1995 would radically change the opening date of the regular season, from mid-May to late February, off Washington, Oregon, and California. The Council has discussed this problem and recommended the

following new management regime for the nontrawl sablefish fishery for implementation in 1995: (1) A delay in the regular season until August 6; (2) before the regular season, a 72-hour closure during which all nontrawl groundfish gear, both open-access and limited-entry, must be out of the water and sablefish landings are prohibited; (3) an exception which, 24 hours before the regular season begins, allows pot gear (both open-access and limited-entry) to be set and baited; (4) removal of the 72-hour closure at the end of the regular season, and instead resume the same daily trip limits used before the regular season; (5) a 1-month mop-up fishery, about 3 weeks after the end of the regular season, under cumulative trip limits; followed by (6) resumption of the daily trip limits. Trip limits for nontrawl sablefish smaller than 22 inches (56 cm) would remain in effect during the regular and mop-up fisheries. The States may require inspections of vessel holds before the regular and mop-up fisheries.

Whiting. The Council recommended continuation of the 10,000-lb (4,536-kg) trip limit for whiting taken before and after the regular whiting season and inside the 100-fathom (183-m) contour in the Eureka subarea (40°30'00"–43°00'00" N. lat.). In 1995 as in 1994, the regular season begins on March 1 between 42°00'00"–40°30'00" N. lat., and on April 15 north of 42°00'00" N. lat. and south of 40°30'00" N. lat., as stated at 50 CFR 663.23(b)(3)(i). Additional regulations, including the allocation of whiting to vessels that deliver shoreside and those that deliver at-sea, are found at 50 CFR 663.23(b) (3) and (4).

Lingcod. The harvest guideline for lingcod was first established in 1994, but specific trip limits were not recommended until 1995. The Council recommended a cumulative trip limit of 20,000 lb (9,072 kg) per month. A minimum size limit of 22 inches (56 cm), which previously had been implemented in the California recreational fishery, is applied coastwide for both commercial and recreational fisheries. The size limit is intended to minimize harvest of immature fish, that are needed to sustain the reproductive potential of the stock.

Black Rockfish. Black rockfish off the State of Washington continue to be managed under the regulations at 50 CFR 663.23(b)(1)(iii). The Council has considered trip limits off the State of Oregon but has not yet submitted its recommendation to NMFS for review.

B. Open-Access Fishery

In 1994, open-access trip limits were established for the first time. The trip limits are all designed to keep landings within the open-access allocation, while allowing the fisheries to operate for as long as possible during the year. Any more restrictive limits imposed on the limited-entry vessels also apply to the open-access vessels.

All Open-Access Gear Except Trawls. In 1994, for all open-access gear except trawls, the Council recommended: (1) A cumulative trip limit for rockfish of 40,000 lb (18,144 kg) per month, including a 10,000-lb (4,536-kg) "per trip" limit, which was removed for the set net fishery in May 1994; and (2) a sablefish trip limit of the same amounts and areas as for the limited-entry nontrawl fishery before the regular season: Daily trip limits of 250 lb (113 kg) north of 36°00'00" N. lat. and 350 lb (159 kg) south of 36°00'00" N. lat.

The Council recommended continuation of most of the same trip limits in 1995 as were in place at the end of 1994 for the open-access fishery, with two changes for all open-access gears except the nongroundfish trawls: (1) The cumulative trip limit for rockfish is reduced to 35,000 lb (15,876 kg) north of Cape Lookout to be consistent with the limited-entry limit for the *Sebastes* complex in the same area, but remains at 40,000 lb (18,144 kg) south of Cape Lookout; and (2) the daily trip limit for sablefish north of 36°00'00" N. lat. is increased to 300 lb (136 kg) to promote achievement of the open-access allocation for sablefish. The limited-entry trip limit was modified to be consistent with the open-access trip limit.

Shrimp/Prawn Fisheries. The bycatch of groundfish also is regulated in the shrimp/prawn fishery. In 1994, the trip limit in the spot and ridgeback prawn fishery continued at 1,000 lb (454 kg) of groundfish per trip. The trip limit in the pink shrimp fishery (1,500 lb (680 kg) of groundfish per day times the number of days in the fishing trip) also remained the same as in past years, except there was no exclusion for whiting, shortbelly rockfish, and arrowtooth flounder. The Council recommended continuation of these limits in 1995, except it clarified that these trip limits also apply to pot gear, as in the past, not just trawl gear. This allowance is not intended to supersede any state law that is more restrictive regarding retention of groundfish caught in shrimp or prawn pots or traps.

California Halibut/Sea Cucumber Trawl. For 1995, the Council recommended continuation of the 500-

lb (227-kg) "per trip" limit on the bycatch of all groundfish species taken while fishing in the California halibut and sea cucumber trawl fisheries south of Point Arena, CA (38°57'30" N. lat.).

C. Operating in Both Limited-entry and Open-Access Fisheries

Vessels using open-access gear are subject to the management measures for the open-access fishery, whether or not the vessel has a valid limited-entry permit endorsed for any other gear. In addition, a vessel operating in the open-access fishery must not exceed any trip limit, frequency limit, and/or size limit for the same gear and/or subarea in the limited-entry fishery (as announced in this **Federal Register** document in paragraphs titled "limited-entry"). A vessel that operates in both the open-access and limited-entry fisheries is not entitled to two separate trip limits for the same species. Fish caught with open-access gear will also be counted toward the limited-entry trip limit. For example: In 1 month, a trawl vessel catches 5,000 lb (2,268 kg) of POP in the limited-entry fishery, and in the same month catches 3,000 lb (1,361 kg) of POP with hook-and-line (open access) gear. Because the open-access landings are counted toward the limited-entry limit, the vessel would have exceeded its limited-entry, cumulative trip limit of 6,000 lb (2,722 kg) by 2,000 lb (907 kg).

D. Operating in Areas With Different Trip Limits

Additional management lines have been added in 1995, meaning that trip limits may differ for a species or species complex at different locations on the coast. Unless otherwise stated (as for yellowtail rockfish, black rockfish, and the *Sebastes* complex), the cross-over provisions utilized in the bocaccio fishery in 1994 will apply.

E. Changes to Trip Limits; Closures

The Council confirmed at its October 1994 meeting that, unless otherwise stated, a vessel must have initiated offloading its catch before the fishery is closed or before a more restrictive trip limit becomes effective. As in the past, all fish on board the vessel when offloading begins are counted toward the landing limits (50 CFR 663.2, the definition of "landing").

F. Designated Species B Permits

Designated species B permits may be issued if the limited-entry fleet will not fully utilize the harvest guideline for Pacific whiting, shortbelly rockfish, or jack mackerel. (Only jack mackerel north of 39°00'00" N. lat. are governed

by the FMP.) The limited-entry fleet has requested the full use of the harvest guideline for Pacific whiting and shortbelly rockfish. At the October 1994 Council meeting, NMFS announced its determination that, based on the best information available at that time, only 30,500 mt of the 52,600-mt harvest guideline for jack mackerel was likely to be used in 1995, leaving about 20,000 mt available for designated species B permits, should applications for that amount be received. NMFS also stated that its determination could be revised if additional information were received before the annual specifications were published in the **Federal Register**. Additional responses to NMFS' "Survey of Intent to Harvest Underutilized Species" were received. Consequently, NMFS has revised its determination and finds that 49,000 mt of the jack mackerel harvest guideline may be used by the limited-entry fleet in 1995, leaving 3,600 mt available for designated species B permits.

There is virtually no information regarding bycatch in a jack mackerel fishery north of 39°00'00" N. lat. The Council recommended bycatch limits, which may be changed during the year, based on the open-access limits and guidance in the FMP regarding a jack mackerel joint venture. These limits are intended to enable information to be obtained about levels and species of bycatch in this fishery. If designated species B permits for jack mackerel are issued in 1995, the Council initially recommended the following bycatch limits, which may be changed during the year: (1) Rockfish, 40,000 lb (18,144 kg) cumulative per month, not to exceed any limited-entry limit; (2) sablefish, 300 lb (136 kg) per day, consistent with the Council's final recommendation for the open-access daily trip limit (and slightly higher than the 250-lb (113-kg) daily trip limit initially discussed by the Council in October); (3) whiting—3 percent of the monthly cumulative delivery of jack mackerel, unless at-sea processing of whiting is prohibited, in which case no whiting could be retained.

G. Recreational Fishing

Lingcod. In 1994, the recreational daily bag limits for lingcod were five fish 22 inches (56 cm) or larger off California, and three fish of any size off Oregon and Washington. In 1995, the daily bag limits are continued, but the 22-inch (56-cm) minimum size limit is applied to Oregon and Washington as well.

Rockfish. The 1994 recreational daily bag limits for rockfish continue in 1995: In California, 15 fish; in Oregon, 15 fish

of which no more than 10 may be black rockfish; in Washington, 15 fish south of Leadbetter Point (46°38'10" N. lat.) and 12 fish north of Leadbetter Point.

The State of California allows possession of multi-day limits according to State law.

IV. NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurs with the Council's recommendations and announces the following management actions for 1995, including those that are the same as in 1994.

A. General Definitions and Provisions

The following definitions and provisions apply to the 1995 management measures, unless otherwise specified in a subsequent notice:

(1) *Trip limits.* Trip limits are used in the commercial fishery to specify the amount of fish that a vessel may legally land per fishing trip or cumulatively per unit of time, or the number of landings that may be made by a vessel in a given period of time, as explained below.

(a) A *trip limit* is the total allowable amount of a groundfish species or species complex, by weight, or by percentage of fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) A *daily trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) A *cumulative trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time, without a limit on the number of landings or trips. Cumulative trip limits for 1995 initially apply to calendar months.

(2) Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next legal period, so long as no fish (including but not limited to groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next legal period. As stated in the regulations at 50 CFR 663.2, once offloading of any species begins, all fish aboard the vessel are counted as part of the landing.

(3) All weights are round weights or round-weight equivalents.

(4) Percentages are based on round weights, and, unless otherwise

specified, apply only to legal fish on board.

(5) "Legal fish" means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 663, the Magnuson Act, any notice issued under subpart B of part 663, and any other regulation promulgated or permit issued under the Magnuson Act.

(6) *Size limits and length measurement.* Total length is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without mutilation of the fish or the use of additional force to extend the length of the fish. No fish with a size limit may be retained, if it is in such condition that its length has been extended or cannot be determined by these methods.

(7) "Closure," when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See the regulations at 50 CFR 663.2.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes.

(8) The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nautical miles offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nautical miles offshore, or landed in, Washington, Oregon, or California are presumed to have been taken and retained from the fishery management area, unless otherwise demonstrated by the person in possession of those fish.

(9) Inseason changes to trip limits are announced in the **Federal Register**. Most trip and bag limits in the groundfish fishery have been designated "routine," which means they may be changed rapidly after a single Council meeting. Information concerning changes to trip limits is available from the NMFS Northwest and Southwest Regional Offices (see ADDRESSES above). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit

for the open-access fishery without having a valid limited-entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 663.7(t)).

(11) *Operating in both limited-entry and open-access fisheries.* The open-access trip limit applies to any fishing conducted with open-access gear, even if the vessel has a valid limited-entry permit with an endorsement for another type of gear. A vessel that operates in both the open-access and limited-entry fisheries is not entitled to two separate trip limits for the same species. Fish caught with open-access gear will also be counted toward the limited-entry trip limit.

(12) *Operating in areas with different trip limits.* Trip limits for a species or species complex may differ in different geographic areas along the coast. The following "crossover" provisions apply to vessels operating in different geographical areas that have different cumulative or "per trip" trip limits for the same species or species complex. They do not apply to species that are only subject to daily trip limits, or to the trip limits for black rockfish off the State of Washington (see 50 CFR 663.23(b)(1)(iii)). They also do not apply to the trip limits for yellowtail rockfish and the *Sebastes* complex when the vessel is in compliance with paragraph IV.C.(2)(c) below.

If a vessel fishes, for any species, in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit, for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed. Similarly, if a vessel takes and retains a species (or species complex) in an area where a higher trip limit (or no trip limit) applies, and possesses or lands that species (or species complex) in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit for that trip limit period.

(13) *Sorting.* Regulations at 50 CFR 663.7(l) make it unlawful for any person to "fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, if the weight of the total delivery exceeds 3,000 lb (1,361 kg) (round weight or round weight equivalent)." This provision applies to both the limited-entry and open-access fisheries.

Note: The Council has recommended that this regulation be changed to require all species or species groups with a trip limit, harvest guideline, or quota to be sorted. There would be no exception for landings under 3,000 lb (1,361 kg). The States of

Washington and Oregon already have the same or similar requirements. If approved, the regulation is expected to be implemented in 1995.

(14) *Experimental fisheries.* U.S. vessels operating under an experimental fishing permit issued under 50 CFR 663.10 also are subject to these restrictions, unless otherwise provided in the permit.

(15) Paragraphs IV.B. through IV.I. below pertain to the commercial groundfish fishery. The provisions in paragraphs IV.B. through IV.I. that are not covered under the headings "limited-entry" or "open-access" apply to all vessels in the commercial fishery that take and retain groundfish, unless otherwise stated. Paragraph IV.J. pertains to the recreational fishery.

B. Widow Rockfish

(1) *Limited-entry fishery.* The cumulative trip limit for widow rockfish is 30,000 lb (13,608 kg) per vessel per month. (Widow rockfish also are called brownies.)

(2) *Open-access fishery.* See paragraph IV.I. below.

C. *Sebastes* Complex (Including Bocaccio, Yellowtail, and Canary Rockfish)

(1) *General.* (a) *Sebastes* complex means all rockfish managed by the FMP except Pacific ocean perch (*Sebastes alutus*), widow rockfish (*S. entomelas*), shortbelly rockfish (*S. jordani*), and *Sebastes* spp. (also called thornyheads, idiot, or channel rockfish). Yellowtail rockfish (*S. flavidus*) are commonly called greenies. Bocaccio (*S. paucispinis*) are commonly called rock salmon. Canary rockfish (*S. pinniger*) are commonly called orange rockfish.

(b) Cape Lookout means 45°20'15" N. lat.

(c) Cape Mendocino means 40°30'00" N. lat.

(2) *Limited-entry fishery*—(a) *Cumulative trip limits*—(i) *North of Cape Lookout.* The cumulative trip limit for the *Sebastes* complex taken and retained north of Cape Lookout is 35,000 lb (15,876 kg) per vessel per month. Within this cumulative trip limit for the *Sebastes* complex, no more than 14,000 lb (6,350 kg) may be yellowtail rockfish taken and retained north of Cape Lookout, and no more than 6,000 lb (2,722 kg) may be canary rockfish.

(ii) *Cape Lookout to Cape Mendocino.* The cumulative trip limit for the *Sebastes* complex taken and retained between Cape Lookout and Cape Mendocino is 50,000 lb (22,680 kg) per vessel per month. Within this cumulative trip limit for the *Sebastes* complex, no more than 30,000 lb

(13,608 kg) may be yellowtail rockfish taken and retained between Cape Lookout and Cape Mendocino, and no more than 6,000 lb (2,722 kg) may be canary rockfish.

(iii) *South of Cape Mendocino.* The cumulative trip limit for the *Sebastes* complex taken and retained south of Cape Mendocino is 100,000 lb (45,359 kg) per vessel per month. Within this cumulative trip limit for the *Sebastes* complex, no more than 30,000 lb (13,608 kg) may be bocaccio taken and retained south of Cape Mendocino, and no more than 6,000 lb (2,722 kg) may be canary rockfish.

(b) For operating in areas with different trip limits for the same species, see paragraph IV.A.(12) above.

(c) *State declarations.* The provisions of paragraph IV.A.(12) do not apply to vessels fishing in conformance with this paragraph. The States of Oregon and Washington are implementing declaration procedures that enable a vessel that fishes or transits both north and south of Cape Lookout during a month to retain the larger cumulative limit for the *Sebastes* complex and yellowtail rockfish taken and retained south of Cape Lookout. Declarations must be made, according to state law, to the state where the fish will be landed. To make a declaration or for further information, contact: Washington Department of Fish and Wildlife, Montesano, WA, at 206-249-4628; or Oregon Department of Fish and Wildlife, Newport, OR, at 503-867-4741 or 503-867-0300.

(3) *Open-access fishery.* See paragraph IV.I. below. The State declaration procedures are available to all vessels, whether in the limited-entry or open-access fishery.

D. POP

(1) *Limited-entry fishery.* The cumulative trip limit for POP is 6,000 lb (2,722 kg) per vessel per month.

(2) *Open-access fishery.* See paragraph IV.I. below.

E. Sablefish and the DTS Complex (Dover Sole, Thornyheads, and Trawl-Caught Sablefish)

(1) *1995 Management goal.* The sablefish fishery will be managed to achieve the 7,100-mt harvest guideline in 1995.

(2) *Washington coastal tribal fisheries.* The U.S. Government recognizes that the Makah, Hoh, Quileute, and Quinault tribes have treaty rights to fish for groundfish. Each tribe has such right in its usual and accustomed fishing grounds. The tribal treaty allocation for sablefish for 1995 is 780 mt. The tribes

will regulate their fisheries so as not to exceed this allocation.

(3) *Limited-entry fishery*—(a) *Gear allocations.* After subtracting the tribal-imposed catch limit and the open-access allocation from the harvest guideline, the remainder will be allocated 58 percent to the trawl fishery and 42 percent to the nontrawl fishery.

Note: The 1995 harvest guideline for sablefish north of 36° N. lat. is 7,100 mt. The 780-mt tribal allocation is subtracted, and the limited-entry and open-access allocations are based on the remaining 6,320 mt. The limited-entry allocation for 1995 of 5,900 mt is allocated 3,420 mt (58 percent) to the trawl fishery and 2,480 mt (42 percent) to the nontrawl fishery. The trawl and nontrawl gear allocations are harvest guidelines in 1995, which means the fishery will be managed so that the harvest guidelines are not exceeded, but will not necessarily be closed if they are reached.

(b) *Trip and size limits.* These provisions apply to Dover sole and thornyheads caught with any limited-entry gear and to sablefish caught with limited-entry trawl gear.

(i) "DTS complex" means Dover sole (*Microstomus pacificus*), thornyheads (*Sebastes* spp.), and trawl-caught sablefish (*Anoplopoma fimbria*). Sablefish also are called blackcod. Thornyheads, also called idiots, channel rockfish, or hardheads, include two species, shortspine thornyheads (*S. alascanus*) and longspine thornyheads (*S. altivelis*).

(ii) *Trip limits.* (A) *North of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained north of Cape Mendocino is 35,000 lb (15,876 kg) per vessel per month. Within this cumulative trip limit, no more than 6,000 lb (2,722 kg) may be sablefish, and no more than 20,000 lb (9,072 kg) may be thornyheads. No more than 4,000 lb (1,814 kg) of the thornyheads may be shortspine thornyheads.

(B) *South of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained south of Cape Mendocino is 50,000 lb (22,680 kg) per vessel per month. Within this cumulative trip limit, no more than 6,000 lb (2,722 kg) may be sablefish, and no more than 20,000 lb (9,072 kg) may be thornyheads. No more than 4,000 lb (1,814 kg) of the thornyheads may be shortspine thornyheads.

(C) In any trip, no more than 1,000 lb (454 kg) or 33.333 percent of the legal thornyheads and Dover sole, whichever is greater, may be trawl-caught sablefish; and no more than 500 lb (227 kg) may be trawl-caught sablefish smaller than 22 inches (56 cm) total length.

Note: One third of thornyheads and Dover sole (the DTS complex excluding sablefish) is equivalent to 25 percent of the DTS complex (including sablefish). As stated in paragraph IV.A.(4), percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(D) For operating in areas with different trip limits for the same species, see paragraph IV. A.(12) above.

(c) *Nontrawl trip and size limits.* These daily trip limits, which apply to sablefish of any size, apply until the closed period before the start of the regular season, as specified at 50 CFR 663.23(b)(2).

(i) *North of 36°00'00" N. lat.* The daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00'00" N. lat. is 300 lb (136 kg).

(ii) *South of 36°00'00" N. lat.* The daily trip limit for sablefish taken and retained with nontrawl gear south of 36°00'00" N. lat. is 350 lb (159 kg).

Note: The Council recommended that the regular season be delayed until August 6, with a closure to all nontrawl gear 72 hours before it begins. This change must be approved by NMFS and then implemented by a regulation published in the **Federal Register**. The Council's recommendation is more fully discussed earlier in this document.

(iii) During the "regular" season, the only trip limit in effect applies to sablefish smaller than 22 inches (56 cm) total length, which may comprise no more than 1,500 lb (680 kg) or 3 percent of all legal sablefish on board, whichever is greater. (See paragraph IV.A.(6) regarding length measurement.)

(iv) Following the regular season, on a date to be announced in the **Federal Register**, the daily trip limits will be reimposed for sablefish (of any size) caught with nontrawl gear.

(d) For processed ("headed") sablefish:

(i) The minimum size limit, which corresponds to 22 inches (56 cm) total length for whole fish, is 15.5 inches (39 cm) measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact; and

(ii) The product recovery ratio (PRR) established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The PRR currently is 1.6 in Washington, Oregon, and California. However, the state PRRs may differ and fishermen should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official PRR.)

(4) *Open-access fishery.* See paragraph IV.I. below.

F. Whiting

(1) *Limited-entry fishery.* Additional regulations that apply to the whiting fishery are found at 50 CFR 663.7 and 663.23(b)(3) and (4).

(a) No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed, per vessel per fishing trip until the regular season for whiting begins, as specified at 50 CFR 663.23(b)(3). This includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka subarea (see paragraph IV.F.(1)(b)).

(b) No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100-fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka subarea (from 43°00'00" N. lat. to 40°30'00" N. lat.).

(2) *Open-access fishery.* See paragraph IV.I. below.

G. Lingcod

(1) *Limited-entry fishery.* The cumulative trip limit for lingcod is 20,000 lb (907 kg) per vessel per month. All lingcod must be greater than 22 inches (56 cm) total length. Length measurement is explained at paragraph IV.A.(6).

(2) *Open-access fishery.* See paragraph IV.I. below.

H. Black Rockfish

The regulations at 50 CFR 663.23(b)(1)(iii) state: "The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09'30" N. lat.), and between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), is 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel per fishing trip. This trip limit does not apply to coastal treaty Indian fishermen operating under harvest guidelines established under paragraph (b)(1)(ii) of this section [§ 663.23]." The provisions at paragraphs IV.A.(12) and IV.C.(2)(c) do not apply.

I. Trip Limits in the Open-Access Fishery

A vessel operating in the open-access fishery must not exceed any trip limit, frequency limit, and/or size limit for the open-access fishery (announced in this paragraph IV.I.), or for the same gear and/or subarea in the limited-entry fishery (as announced in this **Federal**

Register document in paragraphs titled "limited-entry"). The cross-over provisions at paragraph IV.A.(12) that apply to the limited-entry fishery apply to the open-access fishery as well.

(1) *Hook-and-line and pot gear:*

(a) *Rockfish.* Rockfish means all rockfish as defined at 50 CFR 663.2, which includes the *Sebastes* complex (including yellowtail rockfish, bocaccio, and canary rockfish), shortbelly rockfish, widow rockfish, POP, and thornyheads.

(i) *North of Cape Lookout.* The cumulative monthly trip limit for rockfish taken and retained north of Cape Lookout is 35,000 lb (15,876 kg) per vessel per month.

(ii) *South of Cape Lookout.* The cumulative monthly trip limit for rockfish taken and retained south of Cape Lookout is 40,000 lb (18,144 kg) per vessel per month.

(iii) *Coastwide.* Within the cumulative trip limits, there is a 10,000-lb (4,536-kg) trip limit for rockfish that applies per vessel per fishing trip.

(iv) For operating in areas with different trip limits for the same species, see paragraph IV.A.(12) above.

(b) *Sablefish.*

(i) *North of 36°00'00" N. lat.* The daily trip limit for sablefish taken and retained north of 36°00'00" N. lat. is 300 lb (136 kg).

(ii) *South of 36°00'00" N. lat.* The daily trip limit for sablefish taken and retained south of 36°00'00" N. lat. is 350 lb (159 kg).

Note: Under current regulations, the "regular" season and 72-hour closures specified at 50 CFR 663.23(b)(2) do not apply to the open-access fishery. This may change, however, if the Council recommendations are approved and the regulations revised for 1995.

(2) *Set net and trammel net:* The trip limits are the same as for hook-and-line and pot gear (paragraph IV.I.(1)), except that the 10,000-lb (4,536-kg) "per trip" limit for rockfish does not apply (at paragraph IV.I.(1)(a)(iii)).

(3) *Shrimp trawl or pot (trap)* (used to catch pink shrimp or spot or ridgeback prawns):

(a) *Pink shrimp.* The trip limit for a vessel engaged in fishing for pink shrimp is 1,500 lb (680 kg) (multiplied by the number of days of the fishing trip) of groundfish species listed at 50 CFR 663.2.

(b) *Spot and ridgeback prawns.* The trip limit for a vessel engaged in fishing for spot or ridgeback prawns is 1,000 lb (454 kg) of groundfish species per fishing trip.

(c) No groundfish landing by shrimp or prawn trawl may be in excess of the limited-entry trip limit for groundfish

trawl gear. No groundfish landing by shrimp or prawn pot (trap) gear may be in excess of the limited-entry trip limit for nontrawl gear.

(d) This rule is not intended to supersede any more restrictive State law relating to the retention of groundfish taken in shrimp or prawn pots or traps.

(4) *California halibut or sea cucumber trawl.* The trip limit for a vessel participating in the California halibut fishery or in the sea cucumber fishery south of Point Arena, CA (38°57'30" N. lat.) is 500 lb (227 kg) of groundfish per vessel per fishing trip.

(a) A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited-entry permit issued under 50 CFR part 663 for trawl gear;

(ii) All fishing on the trip takes place south of Point Arena; and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: "No California halibut may be taken, possessed or sold which measures less than 22 inches in total length, unless it weighs four pounds or more in the round, three and one-half pounds or more dressed with the head on, or three pounds or more dressed with the head off. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail."

(b) A trawl vessel will be considered participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited-entry permit issued under 50 CFR part 663 for trawl gear;

(ii) All fishing on the trip takes place south of Point Arena; and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code section 8396, which requires a permit issued by the State of California.

(c) No groundfish landing by California halibut or sea cucumber trawl may be in excess of the limited-entry trip limit for groundfish trawl gear.

J. Recreational Fishery

(1) *California.* The bag limits for each person engaged in recreational fishing seaward of the State of California are: five lingcod per day, which may be no smaller than 22 inches (56 cm) total length; and 15 rockfish per day. Multi-day limits are authorized by a valid permit issued by the State of California

and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(2) *Oregon.* The bag limits for each person engaged in recreational fishing seaward of the State of Oregon are: Three lingcod per day, which may be no smaller than 22 inches (56 cm) total length; and 15 rockfish per day, of which no more than 10 may be black rockfish (*Sebastes melanops*).

(3) *Washington.* The bag limits for each person engaged in recreational fishing seaward of the State of Washington are: three lingcod per day no smaller than 22 inches (56 cm) total length, and either 15 rockfish per day south of Leadbetter Point (46°38'10" N. lat.) or 12 rockfish per day north of Leadbetter Point.

Classification

The final specifications and management measures for 1995 are issued under the authority of and are in accordance with 50 CFR parts 611 and 663, the regulations implementing the FMP.

Much of the data necessary for these specifications and management measures come from the current fishing season. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, and the need to have these specifications and management measures in effect at the beginning of the fishing year, there is good cause under section 553(b) of the Administrative Procedure Act to waive prior notice and opportunity for public comment for the specifications and management measures. Amendment 4 to the FMP, implemented on January 1, 1991, recognized these timeliness considerations, and set up a system by which the interested public was notified, through **Federal Register** publication and Council mailings, of meetings and of the development of these measures, and was provided the opportunity to comment during the Council process. The public participated in GMT, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in August and October 1994 where these recommendations were formulated. Additional public comments will be accepted for 30 days after publication of this document in the **Federal Register**. The Assistant Administrator will consider all comments made during the public comment period and may propose modifications as appropriate.

Because this rule is being issued without prior notice and opportunity for public comment, preparation of a Regulatory Flexibility Analysis is not required and none has been prepared.

The Administrative Procedure Act requires that publication of an action be made not less than 30 days before its effective date unless the Assistant Administrator finds and publishes with the rule good cause for an earlier effective date. These specifications announce the harvest goals and the management measures designed to achieve those harvest goals in 1995. A delay in implementation could compromise the management strategies that are based on the projected landings from these trip limits. Therefore, a delay in effectiveness is contrary to the public interest and these actions are effective on January 4, 1995.

Dated: January 4, 1995.

Charles Karnella,

*Acting Program Management Officer,
National Marine Fisheries Service.*

[FR Doc. 95-465 Filed 1-4-95; 2:58 pm]

BILLING CODE 3510-22-P

50 CFR Part 677

[Docket No. 940412-4360; I.D. 102094A]

RIN 0648-AD80

North Pacific Fisheries Research Plan

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to clarify and make minor changes to the regulations implementing the North Pacific Fisheries Research Plan (Research Plan). This action clarifies 1995 observer coverage requirements, revises the definition of the term "processor," specifies who is and is not included in the definition of processor, and exempts certain processors included in the definition from the requirement to have a Federal Processor Permit. These clarifications are incorporated as minor revisions to the instructions accompanying the Federal Processor Permit Application. In addition, the definition of "round weight" is revised to conform it to recent regulatory changes. This final rule is consistent with the intent of the regulations implementing the Research Plan and is intended to reduce confusion during the first year of the fee-collection program authorized under the Research Plan.

EFFECTIVE DATE: January 4, 1995.