

TABLE 1B.—LIST OF APPROVED INORGANIC TEST PROCEDURES—Continued

Parameter, units and methods	Reference (Method No. or page)				
	EPA ¹ ₃₅	Std. meth-ods 18th Ed.	ASTM	USGS2	Other

^{xx} Method 1664: N-Hexane Extractable Material (HEM) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM) by Extraction and Gravimetry (Oil and Grease and Total Petroleum Hydrocarbons), April 1995, Document No. EPA-821-B-94-004b, can be obtained from the EPA Water Resource Center, Mail Code RC-4100, 401 M Street, S.W., Washington, D.C. 20460.

* * * * *
 3. In § 136.3(e), Table II—Required Containers, Preservation Techniques, and Holding Times, is proposed to be amended by adding an entry for petroleum hydrocarbons to read as follows:
§ 136.3 Identification of test procedures.
 * * * * *

TABLE II.—REQUIRED CONTAINERS, PRESERVATION TECHNIQUES, AND HOLDING TIMES

Parameter	Con-tainer ¹	Preservation ^{2,3}	Maximum holding time ⁴
(Add the following entry.) — —. Petroleum hydrocarbons	G	Cool to 4° C, H ₂ SO ₄ or HCL to pH<2	28 days.

[FR Doc. 96-877 Filed 1-22-96; 8:45 am]
 BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 960111002-6002-01; I.D. 112495B]

RIN 0648-AG31

Pacific Coast Groundfish Fishery; Designation of Routine Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would designate certain management measures as "routine" in the Pacific coast groundfish fishery off Washington, Oregon, and California. Once management measures have been designated as routine, they may be modified after a single meeting and recommendation of the Pacific Fishery Management Council (Council). Such action is authorized under the Pacific

Coast Groundfish Fishery Management Plan (FMP) and is intended to provide for responsive inseason management of the groundfish resource.

DATES: Comments must be received by March 8, 1996.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070; or Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to this proposed rule has been compiled in aggregate form and is available for public review during business hours at the Office of the Director, Northwest Region, NMFS. Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) can be obtained from the Council, 2000 SW First Avenue, Suite 420, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, or Rodney R. McInnis at 310-980-4030.

SUPPLEMENTARY INFORMATION: The FMP authorizes the designation of certain management measures as "routine." Routine management measures are specific for species, gear types and purposes. Implementation and adjustment of those routine measures

may occur after consideration at a single Council meeting, subsequent approval by NMFS and announcement in the Federal Register. Adjustments must be within the scope of the analysis performed when the management measure originally is designated routine. A list of routine management measures is found at 50 CFR 663.23, specifying the species and gear types to which they apply.

At its August 1994 meeting, the Council announced its preliminary recommendation to designate the management measures contained in this proposed rule as routine. A draft EA/RIR was distributed to the public. At its October 1994 meeting, after hearing public testimony, the Council confirmed its preliminary recommendations to establish additional routine designations as follows: (1) Trip limits for all groundfish species, separately or in any combination, taken with open access gear; and (2) trip and size limits for lingcod, and trip limits for canary rockfish, shortspine thornyheads and longspine thornyheads taken with any legal gear in the limited entry (or open access) fisheries.

The most common type of routine management measure is "trip landing and frequency limits," which applies to the harvest of most major groundfish species. Trip landing and frequency limits (trip limits) include limits on the

amount of fish that a vessel may legally land per fishing trip or cumulatively per unit of time, and/or limits on the number of landings that may be made by a vessel in a given period of time. Taken to an extreme, a fishery may be closed (equivalent to a "zero trip limit") under this routine designation.

Size limits have been designated as routine in the recreational fishery for lingcod and in the commercial and open access fisheries for sablefish. Size limits often are used in conjunction with trip limits to prevent the harvest of immature fish or fish that have not reached their full reproductive capacity. Size limits also are used to slow the harvest rate and prolong the fishery. Whenever size limits are used, it is understood that conversion factors and methods of measurement may be established or adjusted routinely on a case-by-case basis.

A. *Open Access Fishery—trip limits for all groundfish, separately or in any combination.* Trip limits for most groundfish species with harvest guidelines have already been designated routine for the limited entry and open access fisheries. (These species/species groups are: Widow rockfish, the *Sebastes* complex, yellowtail rockfish, Pacific ocean perch, sablefish, Dover sole, thornyheads, bocaccio, and Pacific whiting.) The primary purpose of those trip limits is to keep landings within the levels specified by the Secretary of Commerce (Secretary). However, not all species caught in the open access fishery have a harvest guideline (because there is inadequate information or no need for close management), and not all species with a harvest guideline have an individual open access allocation (because very little catch has occurred historically or is expected in the open access fishery). Individual trip limits for these minor species generally would be too small to be manageable. Therefore, open access trip limits have been set for larger groups of species, "all rockfish" and "all groundfish" in 1995, under the assumption that the species composition of the catch would remain similar to recent historical levels. Consequently, a number of species whose trip limits have not been individually designated routine are included under the trip limits for "all rockfish" and "all groundfish" in the open access fishery. These are minor species like grenadiers and shortbelly rockfish about which there is little biological information and little known harvest. However, without a routine designation for trip limits for these species, the trip limits for "all rockfish" and "all groundfish" may not be adjusted quickly during the season

unless a resource problem exists (under the points of concern mechanism in the FMP). However, it is prudent to limit harvest before a conservation problem occurs, for example, by keeping landings within the harvest guideline. As discussed above, sometimes inseason adjustments are necessary to achieve the Council's non-biological goals such as keeping landings within the open access allocations, to maintain a long fishing season, and to discourage increases in effort. In addition, trip limits for individual species may need to be established and adjusted if the open access fishery for that species begins to expand beyond historical levels. Therefore, trip limits for all groundfish species, separately or in any combination, that are caught in the open access fishery must be designated routine in order to respond swiftly to changes in effort in the fishery, and such trip limits need not apply to the same groups of species managed by trip limits in the limited entry fishery.

This "blanket" all-groundfish designation would add approximately 137,150 mt of species with acceptable biological catch (ABC) or harvest guideline specifications (as of 1995) to routine management in the open access fishery. Of this, about 76,000 mt are underutilized species (jack mackerel and shortbelly rockfish) whose landings have not yet come close to their respective harvest guidelines, 35,000 mt are miscellaneous rockfish and flatfish with no individual harvest guideline, and about 15,000 mt are miscellaneous groundfish in the management unit but that do not have individual species ABCs or harvest guidelines. The remaining 11,000 mt are for Pacific cod, shortspine thornyheads, longspine thornyheads, and canary rockfish.

Trip limits in the open access fishery have been set annually and are not expected to change drastically from current levels. The level of trip limits will vary, however, depending largely on the amount of species available, effort in the fishery, and attempts to prolong the fishery as long as possible. Therefore, it is important to be able to modify these limits during the season rather than awaiting an annual cycle.

The purposes for making routine adjustments to trip limits would still apply (50 CFR 663.23(c)(1)(ii)): To keep landings within the levels announced by the Secretary; to extend the fishing season; to minimize disruption of traditional fishing and marketing patterns; to avoid discards; to discourage target fishing while allowing small incidental catches to be landed; and to allow small fisheries to operate outside the normal season. In addition,

trip limits for the open access fishery are intended to maintain landings at historical (1984–88) proportions (50 CFR 663.23(c)(2)(ii)).

B. *Limited Entry and Open Access Fisheries—Trip and size limits for lingcod; trip limits for canary rockfish, shortspine thornyheads, and longspine thornyheads.* Several species that had harvest guidelines in 1995, and are expected to have harvest guidelines again in 1996, and that are appropriately managed with trip limits have not yet been designated for individual routine management. These species are lingcod, canary rockfish, shortspine thornyheads and longspine thornyheads. (Size limits for lingcod will also need to be designated as routine for the commercial fishery; they already are routine in the recreational fishery.) Clearly, these species should be managed consistently, especially those caught together in a species complex. This is even more critical because stock assessments for lingcod, canary rockfish, and shortspine thornyheads indicate harvests have been close to the estimated levels of overfishing in recent years.

Information on each species and management measure proposed for routine designation is summarized below. More detailed information appears in the EA/RIR for this rule and in the Stock Assessment and Fishery Evaluation documents for the 1995 and 1996 fisheries available from the Council (see ADDRESSES).

(1) *Lingcod.* A new stock assessment in 1994 resulted in a significant decrease in the harvest guideline (from 4,000 mt in 1994 to 2,400 mt in 1995) due to heavy exploitation, particularly north of Cape Falcon, OR (45°46' N. lat.). The average catch of 2,736 mt north of Cape Falcon during 1989–93 was below, but near, the overfishing level. Management is complicated because this is a transboundary stock that also is harvested in Canadian waters. A harvest guideline was established for lingcod for the first time in 1994 in response to indications of reduced abundance and concerns of effort shifts into the open access fishery for this species. Until 1995, there were no Federal trip or size limits on the commercial fishery. Recreational bag limits (3–5 fish) applied in all three states, and a size limit of 22 inches (56 cm) applied only in California. During the annual management cycle in 1995, a 20,000-lb (907-kg) cumulative monthly trip limit was implemented. The 22-inch (56-cm) size limit was applied coastwide in both commercial and recreational fisheries, with a "per trip" limit of 100 lb (45 kg) for trawl-

caught lingcod. Recreational bag and size limits for lingcod already are designated routine, but not commercial trip and size limits.

As in the recreational fishery, size limits may be appropriate in the commercial fishery to protect juvenile fish and the reproductive potential of the stock. The size composition of lingcod in the Monterey-Columbia subareas in 1992–93 was smaller than observed in limited samples in 1978–83. There is concern that the young average age and size of the catch indicates a substantial level of fishing mortality. The 22-inch (56 cm) size limit used in the recreational fishery is a reasonable starting point for the commercial fishery. More information may be needed to refine size limits, because trawl selectivity and/or relative year class strength may differ along the coast, depending on the fishery and gender of the fish, and some data indicate that size at 50 percent maturity increases from south to north. It is important to be able to respond to new information as it becomes available, particularly when this resource appears to be harvested near its overfishing level.

(2) *Canary rockfish*. Canary rockfish is a component of the multi-species *Sebastes* complex, which already is managed under routine trip limits. A 1994 stock assessment for canary rockfish indicated a substantial decline in stock biomass and that continuation at current ABC levels (set in 1990) would result in overfishing. Therefore, a separate harvest guideline for canary rockfish was set for the first time in 1995, with separate limits for canary rockfish (6,000 lb (2,722 kg) per month cumulative coastwide) that are counted toward the total limit for the *Sebastes* complex. The canary harvest guideline for the Vancouver-Columbia subareas of 1,250 mt in 1995 is about half the recent annual catch of 2,500 mt in 1992 and 1993. Although landings are well below the harvest guideline in 1995, the ability to modify trip limits during the season is essential to respond to changes in fishing behavior and to keep landings within the harvest guideline.

(3) *Thornyheads (shortspine and longspine)*. Thornyheads were managed together until 1995 when separate harvest guidelines were established for each species. Trip limits for thornyheads combined already are designated routine. Although trip limits for shortspine thornyheads have been adjusted under the routine designation for thornyheads combined, NMFS proposes to revise the regulations to clarify that the routine designation applies to each species separately.

Thornyheads are a component of the DTS complex that includes Dover sole, both species of thornyheads, and trawl-caught sablefish. Longspine thornyheads are more abundant and are being fished down to the level that would produce their maximum sustainable yield. There is no conservation problem with longspine thornyheads. However, shortspine thornyheads, which are caught with longspine thornyheads, are less abundant and have been fished close to their overfishing level in recent years. The 1995 harvest of shortspine thornyheads is expected to slightly exceed the overfishing level (60 FR 58527, November 28, 1995). Landings of longspine thornyheads are restricted to protect shortspine thornyheads.

Thornyheads have become the most valuable species in the DTS complex and effort on them has intensified, resulting in the need for sometimes frequent inseason adjustment. Trip limits have been adjusted to divert effort to deeper water where longspine thornyheads are more abundant relative to shortspine thornyheads. In 1995, the cumulative monthly trip limits ranged from 20,000–8,000 lb (9,072–3,629 kg) for thornyheads combined, of which no more than 4,000–1,500 lb (1,814–680 kg) could be shortspine thornyheads. Even so, landings of shortspine thornyheads have been very difficult to control, and the entire DTS complex fishery will be closed in late 1995 to protect shortspine thornyheads. Management of thornyheads will be even more restrictive in 1996.

C. *Clarification*. Reducing discards already is included in the regulations as a reason for making routine inseason adjustments to trip limits in commercial fisheries (50 CFR 663.23(c)(1)(ii)(A)). However, this reason was inadvertently omitted from the regulations governing routine groundfish trip limits that apply to the shrimp fishery. The ability to adjust trip limits to avoid discards is important, because, if set too low, a trip limit may actually result in increased discards of fish caught unavoidably in excess of the limit, resulting in no net reduction of total catch. “Reducing discards” is changed to “avoiding discards” to better describe the reason for making a routine change. Reduction of discards is not easily measured or determined. This rule would establish avoidance of discards as a reason for setting or adjusting trip limits in all commercial fisheries (including the harvest of groundfish with nongroundfish trawl gear), not just for those species listed individually at 50 CFR 663.23(c)(1)(i). Also, for simplification, this rule would combine

the purposes for routine management measures listed in paragraphs (c)(1)(ii) and (c)(2)(ii), making clear that maintaining landings at historical levels applies only to the open access fishery.

Classification

The Assistant Administrator for Fisheries, NOAA has initially determined that this action is consistent with the FMP, the national standards and other provisions of the Magnuson Act, and other applicable law.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The socio-economic impacts are discussed in the EA/RIR. Based on the Council’s analysis, NMFS has considered the costs to the limited entry and open-access fleets and believes that there is no additional cost to the industry from taking this proposed action. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 663

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 17, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

PART 663—PACIFIC COAST GROUND FISH FISHERY

1. The authority citation for part 663 continues to read as follows:

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

2. In § 663.23, paragraphs (c)(1)(i)(G) through (I) and paragraph (c)(1)(ii)(A) are revised, paragraphs (J), (K), and (L) are added; paragraph (c)(2) is removed, and paragraph (c)(3) is redesignated as paragraph (c)(2) to read as follows:

§ 663.23 Catch restrictions.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(G) Thornyheads (shortspine thornyheads or longspine thornyheads, separately or combined)—all gear—trip landing and frequency limits;

(H) Bocaccio—all gear—trip landing and frequency limits;

(I) Pacific whiting—all gear—trip landing and frequency limits;

(J) Lingcod—all gear—trip landing and frequency limits; size limits;

(K) Canary rockfish—all gear—trip landing and frequency limits; and

(L) All groundfish, separately or in any combination—any legal open access gear (including non-groundfish trawl gear used to harvest pink shrimp, spot or ridgeback prawns, California halibut or sea cucumbers in accordance with the regulations in this subpart)—trip landing and frequency limits. (Size limits designated routine in this section continue to apply.)

(ii) * * *

(A) Trip landing and frequency limits—to extend the fishing season; to minimize disruption of traditional fishing and marketing patterns; to reduce discards; to discourage target fishing while allowing small incidental catches to be landed; to allow small fisheries to operate outside the normal season; and, for the open access fishery only, to maintain landings at historical (1984–88) proportions.

* * * * *

[FR Doc. 96–885 Filed 1–22–96; 8:45 am]

BILLING CODE 3510–22–F