

50 CFR Part 661

[Docket No. 950426116-5116-01; I.D. 042095A]

RIN 0648-AH79

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; 1995 Management Measures

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

ACTION: Annual management measures for the ocean salmon fishery; request for comments.

SUMMARY: NMFS establishes fishery management measures for the ocean salmon fisheries off Washington, Oregon, and California for 1995. Specific fishery management measures vary by fishery and area. The measures establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and minimum lengths for salmon taken in the exclusive economic zone (3-200 nautical miles) off Washington, Oregon, and California. These management measures are intended to prevent overfishing and to apportion the ocean harvest equitably among treaty Indian and non-treaty commercial and recreational fisheries. The measures are intended to allow a portion of the salmon runs to escape the ocean fisheries to provide for spawning escapement and inside fisheries. NMFS also announces 1996 recreational salmon seasons opening earlier than May 1, 1996.

DATES: Effective from 0001 hours Pacific Daylight Time (P.d.t.), May 1, 1995, until the effective date of the 1996 management measures, as published in the **Federal Register**.

Comments must be received by June 2, 1995.

ADDRESSES: Comments on the management measures may be sent to William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, WA 98115-0070; or Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213. Documents cited in this notice are available on request.

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

SUPPLEMENTARY INFORMATION:

Background

The ocean salmon fisheries off Washington, Oregon, and California are managed under a "framework" fishery management plan (FMP). The framework FMP was approved in 1984 and has been amended five times (52 FR 4146, February 10, 1987; 53 FR 30285, August 11, 1988; 54 FR 19185, May 4, 1989; 56 FR 26774, June 11, 1991; 59 FR 23013, May 4, 1994). Regulations at 50 CFR part 661 provide the mechanism for making preseason and inseason adjustments to the management measures, within limits set by the FMP, by notification in the **Federal Register**.

These management measures for the 1995 ocean salmon fisheries were recommended by the Pacific Fishery Management Council (Council) at its April 4-7, 1995, meeting.

Schedule Used To Establish 1995 Management Measures

In accordance with the FMP, the Council's Salmon Technical Team (STT) and staff economist prepared several reports for the Council, its advisors, and the public. The first report, "Review of 1994 Ocean Salmon Fisheries," summarizes the 1994 ocean salmon fisheries and assesses how well the Council's management objectives were met in 1994. The second report, "Preseason Report I Stock Abundance Analysis for 1995 Ocean Salmon Fisheries," provides the 1995 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 1994 regulations or regulatory procedures were applied to the 1995 stock abundances.

The Council met on March 7-10, 1995, in South San Francisco, CA, to develop proposed management options for 1995. Three commercial and three recreational fishery management options were proposed for analysis and public comment. These options presented various combinations of management measures designed to protect numerous weak stocks of coho and chinook salmon and provide for ocean harvests of more abundant stocks. All options provided for no directed harvest of chinook salmon in non-treaty fisheries north of Cape Falcon, OR, and no directed harvest of coho salmon south of Cape Falcon. After the March Council meeting, the STT and staff economist prepared a third report, "Preseason Report II Analysis of Proposed Regulatory Options for 1995 Ocean Salmon Fisheries," which analyzes the effects of the proposed 1995 management options. This report

also was distributed to the Council, its advisors, and the public.

Public hearings on the proposed options were held March 27-29, 1995, in Westport, WA; Astoria and North Bend, OR; and Eureka and Sacramento, CA.

The Council met on April 4-7, 1995, in Portland, OR, to adopt its final 1995 recommendations. Following the April Council meeting, the STT and staff economist prepared a fourth report, "Preseason Report III Analysis of Council-Adopted Management Measures for 1995 Ocean Salmon Fisheries," which analyzes the environmental and socio-economic effects of the Council's final recommendations. This report also was distributed to the Council, its advisors, and the public.

Resource Status

Many salmon runs returning to Washington, Oregon, and California streams in 1995 are expected to be somewhat improved from the record low levels in 1994.

Aside from salmon species listed under the Endangered Species Act (discussed below), the primary resource concerns are for: Klamath River fall chinook; Columbia River hatchery chinook; Oregon Production Index area coho stocks destined for the Columbia River and the California and Oregon coasts, particularly Oregon coastal natural coho; and Washington coastal and Puget Sound natural coho. (The Oregon Production Index (OPI) is an annual index of coho abundance from Leadbetter Point, Washington, south through California). Management of all of these stocks is affected by interjurisdictional agreements among Tribal, State, Federal, and/or Canadian managers.

Chinook Salmon Stocks

California Central Valley stocks are relatively abundant compared to the other chinook stocks of the Pacific coast. The Central Valley Index of abundance of combined Central Valley chinook stocks is estimated to be 654,000 fish for 1995, 13 percent above the postseason estimate of the index for 1994 and 7 percent above the average of the index from 1970-1994. The spawning escapement of Sacramento River adult fall chinook was 141,700 adults in 1994, 11 percent greater than the 1993 escapement and within the spawning escapement goal range of 122,000 to 180,000 adult spawners.

Winter-run chinook from the Sacramento River are listed under the ESA as an endangered species (59 FR 440, January 4, 1994) and are a

consideration in establishing ocean fishing regulations. The 1994 spawning escapement was estimated to be 189 adults, the lowest return on record. Neither preseason nor postseason estimates of ocean abundance are available for the winter run.

Klamath River fall chinook ocean abundance is expected to be 172,100 age-3 and age-4 fish at the beginning of the fishing season. Although the abundance forecast is 31 percent above the 1994 actual abundance, it is 43 percent below the average estimates for 1985-94. The spawning escapement goal for the stock is 33-34 percent of the natural adults for each brood but no fewer than 35,000 natural spawners (fish that spawn outside of hatcheries). The natural spawning escapement in 1994 was 33,400 adults, which was below the minimum natural spawner requirement for the fifth consecutive year.

In recent years of low abundances, the procedures used to model the Klamath fall chinook population have consistently overestimated stock abundance. This year the Council modified the predictor used to forecast age-4 ocean abundance. The change resulted in a 24 percent reduction in the 1995 forecast of the age-4 ocean population. A new predictor of the ratio of natural to hatchery adult spawners was also implemented in the 1995 escapement forecast.

Oregon coastal chinook stocks include south-migrating and localized stocks primarily from southern Oregon streams, and north-migrating chinook stocks which generally originate in central and northern Oregon streams. Abundance of south-migrating and localized stocks is expected to be low and similar to the levels observed in 1994. These stocks are important contributors to ocean fisheries off Oregon and northern California. The generalized expectation for north-migrating stocks is for a continuation of average to above-average abundance as observed in recent years. These stocks contribute primarily to ocean fisheries off British Columbia and Alaska. It is expected that the aggregate Oregon coastal chinook spawning escapement goal of 150,000 to 200,000 naturally spawning adults will be met in 1995.

Estimates of Columbia River chinook abundance vary by stock as follows.

(1) *Upper Columbia River spring and summer chinook.* Numbers of upriver spring chinook predicted to return to the river in 1995 are at a record low of 12,000 fish, 43 percent below the 1994 run size of 21,100 fish, and 79 percent below the 1979-84 average of 56,600 fish. The 1995 stock status continues the

substantial 1994 decline from recent improvements (1985-90 and 1992-93) in the depressed status of this stock. The 1985-90 and 1992-93 increases from the poor returns in the early 1980s are primarily the result of increases of hatchery stocks. The natural stock component remains severely depressed. Ocean escapement is expected to be significantly below the goal of 115,000 adults counted at Bonneville Dam. Upriver spring chinook are affected only slightly by ocean harvests in Council area fisheries, with the contribution of these stocks being generally 1 percent or less of the total chinook catch north of Cape Falcon, OR. Expected ocean escapement of adult upriver summer chinook is a record low of 8,600 fish. The 1995 stock status remains extremely depressed, with ocean escapement being only 11 percent of the lower end of the spawning escapement goal range of 80,000 to 90,000 adults counted at Bonneville Dam. Upriver summer chinook migrate to the far north and are not a major contributor to ocean fisheries off Washington and Oregon. Snake River spring and summer chinook are listed as threatened under the ESA (57 FR 14653, April 22, 1992).

(2) *Willamette River spring chinook.* Willamette River spring chinook returns are projected to be 48,500 fish, similar to the observed 1994 run of 47,800 fish, and 26 percent below the 1980-84 average return of 65,000 fish. Willamette River spring chinook stocks are important contributors to Council area fishery catches north of Cape Falcon.

(3) *Columbia River fall chinook.* Abundance estimates are made for five distinct fall chinook stock units, as follows.

(a) Upriver bright fall chinook ocean escapement is expected to be 125,000 adults, 7 percent below the 1994 actual return of 134,500 adults. The escapement goal for upriver bright fall chinook is 40,000 adults above McNary Dam, although in recent years the management goal has been 45,000 adults above McNary Dam. This stock has a northern ocean migratory pattern and constitutes less than 10 percent of Council area fisheries north of Cape Falcon.

(b) Lower river natural fall chinook ocean escapement is forecast at 11,500 adults, 11 percent below the 1994 run size of 12,900 adults.

(c) Lower river hatchery fall chinook ocean escapement is forecast at a record low of 42,400 adults, similar to the 1994 preseason estimate but 20 percent below the 1994 return of 52,900 adults. This stock has declined sharply since the record high return in 1987. Lower Columbia River fall chinook stocks

normally account for more than half the total catch in Council area fisheries north of Cape Falcon, with lower river hatchery fall chinook being the single largest contributing stock.

(d) Spring Creek hatchery fall chinook ocean escapement is projected to be about 22,500 adults, above the 1994 return of 18,000 adults; the 1986-1990 average ocean escapement was 16,700 adults. The Spring Creek hatchery fall chinook stock has been rebuilding slowly since the record low return in 1987.

(e) Mid-Columbia bright fall chinook ocean escapement is projected to be about 30,100 adults, 6 percent above the 1994 return of 28,500 adults. These fall chinook are returns primarily from hatchery releases of bright fall chinook stock in the area below McNary Dam, although some natural spawning in tributaries between Bonneville and McNary dams is also occurring.

(4) *Snake River wild fall chinook.* Also of concern are Snake River wild fall chinook, which are listed as threatened under the ESA (57 FR 14653, April 22, 1992). Ocean escapement of Snake River fall chinook in 1995 is predicted to be 580 fish, just over one-half the 1994 run. Information on the stock's ocean distribution and fishery impacts are not available. Attempts to evaluate fishery impacts on Snake River fall chinook have used the Lyons Ferry Hatchery stock to represent Snake River wild fall chinook. The Lyons Ferry stock is widely distributed and harvested by ocean fisheries from southern California to Alaska.

(5) *Washington coastal and Puget Sound chinook.* Washington coastal and Puget Sound chinook generally migrate to the far north and are affected insignificantly by ocean harvests from Cape Falcon to the U.S.-Canada border.

Coho Salmon Stocks

Oregon coastal and Columbia River coho stocks are the primary components of the OPI. Beginning in 1988, the Council adopted revised estimation procedures that were expected to more accurately predict abundance of the following individual OPI area stock components: Public hatchery, private hatchery, Oregon coastal natural (OCN) for rivers and lakes, and Salmon Trout Enhancement Program. Prediction methodologies are described in the Council's "Preseason Report I Stock Abundance Analysis for 1988 Ocean Salmon Fisheries." In response to the extremely low abundances in 1994, some changes to the abundance predictors were implemented as described in the Council's "Preseason Report I Stock Abundance Analysis for

1994 Ocean Salmon Fisheries." In particular, the predictor for the OCN river component did not adequately incorporate environmental variability. Therefore, an environment-based model used to predict abundance in 1994 is again being used in 1995. This model incorporates upwelling and sea surface temperatures by year, but its long-term usefulness is doubtful, because it does not take into account the number of spawners. Future use of this model will be evaluated before the 1996 season. The 1995 OPI is forecast to be 443,000 coho, 85 percent above the 1994 pre-season forecast of 239,700 coho, and 30 percent above the 1994 observed level of 341,000 fish. The 1995 estimate includes one of the lowest on record for OCN coho: 219,000 fish, 61 percent above the record low abundance of 136,200 OCN fish observed in 1994. The 1994 spawning escapement of the OCN stock was 133,300 fish.

All Washington coastal natural coho stocks and Puget Sound combined natural coho stocks are expected to be more abundant in 1995 than forecast in 1994. Abundances for Washington coastal stocks of Hoh, Queets, and Grays Harbor natural coho are projected to be 36 percent, 75 percent, and 70–92 percent above the 1994 pre-season predictions, respectively. Abundances for Puget Sound stocks of Skagit, Stillaguamish, and Hood Canal natural coho are projected to be 66 percent, more than 3 times, and 43 percent above the 1994 pre-season predictions, respectively. Despite increased abundance, many natural coho run sizes are forecast to be well below maximum sustainable yield (MSY) spawning escapement goals. Abundance forecasts for coho hatchery production are well above 1994 expectations for most Washington coastal stocks and 10 percent below the 1994 forecast for Puget Sound combined stocks.

Coho populations in California have not been monitored closely nor have they been a controlling factor in establishing ocean salmon management measures in the past. Although no forecast of the ocean abundance of coho originating from California are available, these runs have been generally at low abundance levels for several years. Concern for California coho has prompted petitions to list these runs under the ESA and a formal review of their status has confirmed that concern is well founded. NMFS is considering the results of the status review and may soon propose to list appropriate groups of coho stocks in California as well as elsewhere on the coast.

Pink Salmon Stocks

Major pink salmon runs return to the Fraser River and Puget Sound only in odd-numbered years. In 1995, abundance expectations are for 20 million Fraser River pink salmon and 3.4 million Puget Sound pink salmon.

Management Measures for 1995

The Council adopted allowable ocean harvest levels and management measures for 1995 that are designed to apportion the burden of protecting the weak stocks discussed above equitably among ocean fisheries and to allow maximum harvest of natural and hatchery runs surplus to inside fishery and spawning needs. The management measures below reflect the Council's recommendations.

A. South of Cape Falcon

In the area south of Cape Falcon, the management measures in this rule are based primarily on concerns for Klamath River fall chinook, Sacramento River winter chinook, and California and OCN coho stocks.

The low abundance of Klamath River fall chinook resulted in restrictive fishing seasons in the area between Humbug Mountain, OR, and Horse Mountain, CA, termed the Klamath management zone (KMZ), as well as in the areas adjacent to the KMZ. The Council recommended measures that equally distribute Klamath River fall chinook impacts north and south of the KMZ and provide for a target ocean exploitation rate on age-4 Klamath fall chinook of 9 percent. This level of ocean harvest is intended to provide equal sharing of the harvest of Klamath River fall chinook between the Klamath River Indian Tribes and non-Indian fishers, as well as meet the spawning escapement floor of 35,000 natural adult spawners.

Sacramento River winter-run chinook are listed as an endangered species under the ESA. In 1991, NMFS concluded a formal consultation regarding the impacts of the ocean salmon fishing regulations on the winter run. The biological opinion issued from that consultation concluded that the 1990 level of incidental harvest by ocean fisheries should allow the recovery of the winter-run. NMFS recommended shortening the recreational fishing season off central California and closure of an area at the mouth of San Francisco Bay during the time when the winter-run are entering the Bay. These recommended conservation measures were implemented in 1991 and remain a part of the salmon management measures for 1995. NMFS also recommended

reducing ocean impacts on winter-run chinook from their 1990 levels. The overall impact of the 1995 salmon management program on the winter-run is expected to be less than in 1990, the base year for the biological opinion. This expectation is based on the ocean exploitation index model for the Central Valley Index stocks of fall chinook, which predicts an ocean exploitation index of 0.72 in 1995 as compared to 0.79 in 1990. These indices only indicate the relative impact on the winter-run, because these fish are less vulnerable to the ocean fisheries than fall-run chinook due to the timing of the seasons as well as their growth and migration patterns.

Since 1991, all hatchery-reared Sacramento River winter chinook have been tagged. Based on ocean recoveries of tagged winter chinook, it is estimated that approximately 100 hatchery produced winter chinook were taken in the 1994 sport and commercial harvests. There are no estimates of the ocean abundance of either hatchery or wild winter-run chinook, nor are there estimates of the numbers of wild winter-run chinook taken by ocean fisheries. As a result, it is not possible to assess what fraction of the total winter-run chinook population the estimated 100 hatchery-reared adults taken in ocean fisheries represent. NMFS intends to reinstate consultation prior to next year's seasons under section 7 of the ESA to determine whether further steps are necessary to reduce overall mortality of the stock.

The 1995 abundance estimate for OCN coho is a near-record low of 219,000 fish. At this abundance level, the FMP only allows up to a 20 percent incidental exploitation rate that would result in a spawner escapement of 35 adults per mile on standard index surveys. The 1995 management measures result in a total OCN coho exploitation rate of 12 percent, of which 5 percent are impacts associated with non-Council fisheries (Canadian, Alaskan, and inside fisheries). At this exploitation rate, the expected spawner escapement is 38 adults per mile on standard index surveys—less than the spawning escapement goal of 42 adults per mile. There is also ongoing concern for specific individual stocks within the OCN complex, given the disproportionate geographic distribution of OCN coho spawners. The Council's recommendations include time and area closures, and gear restrictions intended to minimize incidental fishing contact with OCN coho and subsequent hook-and-release mortality while allowing access to harvestable stocks of chinook salmon.

Commercial Troll Fisheries

Retention of coho salmon is prohibited in all areas south of Cape Falcon. All seasons listed below are restricted to all salmon species except coho salmon.

Chinook quotas are being implemented in the area between Florence South Jetty and House Rock, OR, to further ensure that the ocean impacts on Klamath River fall chinook do not exceed those that have been modeled. Specifically, commercial troll fisheries will be limited to: Quotas of 1,000 chinook during May in the area between Sisters Rocks and House Rock; 1,200 chinook during July and August in the area between Sisters Rocks and Mack Arch; 13,500 chinook during May and June in the area between Cape Arago and Humbug Mountain; 10,000 chinook during September and October in the area between Cape Arago and Humbug Mountain; and 14,000 chinook during August in the area between Florence South Jetty and Cape Arago. Troll fisheries in other areas south of Cape Falcon are not limited by chinook quotas because of the minor contribution of Klamath stocks to the fisheries.

From Point San Pedro, CA, to the United States-Mexico border, the commercial fishery for all salmon, except coho, will open May 1 through June 15, then reopen July 19 through September 30. Gear is restricted to no more than six lines per boat.

From Point Reyes to Point San Pedro, CA, the commercial fishery for all salmon, except coho, will open May 24 through July 4, then reopen July 19 through September 30. Gear is restricted to no more than six lines per boat.

From Point Arena to Point Reyes, CA, the commercial fishery for all salmon, except coho, will open July 5 through September 30. Gear is restricted to no more than six lines per boat.

From Horse Mountain to Point Arena, CA, the commercial fishery for all salmon, except coho, will open September 1 through September 30. Gear is restricted to no more than six lines per boat.

From Sisters Rocks to House Rock, OR, the commercial fishery for all salmon, except coho, will be open on the following days through May 31 or attainment of the chinook quota, whichever comes earlier: May 1-2, 5-6, 10-11, 14-15, 18-19, 23-24, 27-28, and 31. The days open may be adjusted inseason, if necessary, to manage the fishery. Gear is restricted to no more than four spreads per line, with the open area restricted to only 0-6 nautical

miles (11.1 km) of the baseline from which the territorial sea is measured.

From Sisters Rocks to Mack Arch, OR, the commercial fishery for all salmon, except coho, will open the following days through August 31 or attainment of the chinook quota, whichever comes earlier: July 24-25, 28-29, August 1-2, 5-6, 9-10, 13-14, 17-18, 21-22, 25-26, and 30-31. The days open may be adjusted inseason if necessary to manage the fishery. Gear is restricted to no more than four spreads per line, with the open area restricted to only 0-4 nautical miles (7.4 km) of the baseline from which the territorial sea is measured.

From Cape Falcon to Humbug Mountain, OR, the commercial fishery for all salmon except coho will open May 1 and continue through June 30, except that the area between Cape Arago and Humbug Mountain will close on the attainment of the chinook quota for that area. A control zone in state waters at the mouth of Tillamook Bay will be closed to commercial troll fishing in June. Gear is restricted to no more than four spreads per line.

Later in the season, the area from Cape Arago to Humbug Mountain will reopen for all salmon, except coho, on September 1 and continue through the earlier of October 31 or attainment of the chinook quota. Gear is restricted to no more than four spreads per line.

From Florence South Jetty to Cape Arago, OR, the commercial fishery for all salmon, except coho, will reopen August 1 until attainment of the 14,000 chinook quota, then open again September 1 through October 31. Gear is restricted to no more than four spreads per line.

From Cape Falcon to Florence South Jetty, OR, the commercial fishery for all salmon except coho will reopen August 1 through October 31, except that in September the open area north of Cape Lookout is restricted to 0-3 miles (4.8 km) of the baseline from which the territorial sea is measured. A control zone in state waters at the mouth of Tillamook Bay will be closed to commercial troll fishing in August and September.

Recreational Fisheries

Retention of coho salmon is prohibited in all areas from May 1. From Point Arena, CA, to the United States-Mexico border, the recreational fishery, which opened on March 4 (the nearest Saturday to March 1) for all salmon, continues for all salmon, except coho, from May 1 through October 29 (the nearest Sunday to November 1) with a two-fish daily bag limit.

From Horse Mountain to Point Arena, the recreational fishery, which opened on February 18 (the nearest Saturday to February 15) for all salmon, continues for all salmon, except coho, from May 1 through June 30, with a two-fish daily bag limit. This area will reopen on August 1 for all salmon except coho and continue through November 12 (the nearest Sunday to November 15) with a two-fish daily bag limit.

From Humbug Mountain to Horse Mountain, the recreational fishery will open May 17 for all salmon, except coho, and continue through the earlier of July 8 or attainment of the 10,600-chinook quota. If the quota is exceeded by more than 10 percent, the amount over 10 percent will be deducted from the August quota. This area will reopen on August 16 for all salmon, except coho, and continue through the earlier of August 31 or attainment of the 900-chinook quota, except that the control zone at the mouth of the Klamath River will be closed. Both seasons will be open Wednesday through Saturday only, with a one-fish daily bag limit. This area will reopen for all salmon except coho from September 1 through September 9, open 7 days per week, with a one-fish daily bag limit, and no person may retain more than 6 fish in 7 consecutive days.

From Cape Falcon to Humbug Mountain, the recreational fishery will open May 1 through June 30 for all salmon except coho, with a two-fish daily bag limit, no more than six fish in 7 consecutive days, and a control zone at the mouth of Tillamook Bay will be closed in June. Legal gear is limited to artificial plugs or whole bait, either of which must be no less than 6 inches (15.2 cm) long; only nonpainted weights may be used; and no more than two single-point, single-shank barbless hooks are allowed on whole bait or artificial plugs. All attractors, including divers, are prohibited.

B. North of Cape Falcon

From the United States-Canada border to Cape Falcon, ocean fisheries are managed to protect depressed upper Columbia River spring and summer chinook salmon, lower Columbia River hatchery fall chinook salmon, and Washington coastal and Puget Sound natural coho salmon stocks. Ocean treaty and non-treaty harvests and management measures were based in part on negotiations between Washington State fishery managers, user groups, and the Washington coastal, Puget Sound, and Columbia River Treaty Indian tribes as authorized by the U.S. District Court in *U.S. v.*

Washington, U.S. v. Oregon, and Hoh Indian Tribe et al. v. Baldrige.

Due to the projected low returns for Columbia River chinook salmon stocks, non-treaty commercial troll and recreational ocean fisheries north of Cape Falcon prohibit the retention of chinook salmon in 1995. Snake River wild spring chinook and Snake River wild summer chinook comprise only a very small proportion of total chinook abundance in the Council management area, and it is unlikely that these fish are significantly impacted in Council area fisheries. For Snake River wild fall chinook, which are caught in Council area fisheries, the STT estimated a 65-percent reduction in the ocean exploitation rate in Council area fisheries under the recommended 1995 ocean measures compared to the 1988-93 average.

Commercial Troll Fisheries

The commercial fishery for all salmon except chinook will open between the United States-Canada border and Carroll Island, WA, on August 5 through the earliest of September 15 or attainment of the 18,750-coho quota or the 160,000-pink-salmon guideline. The fishery will follow a cycle of 4 days open and 3 days closed, with a possession and landing limit of 80 coho per opening, and gear restricted to flashers with barbless, bare, blued hooks or flashers with barbless hooks and pink hoochies of 3 inches (7.6 cm) or less.

Recreational Fisheries

Recreational all-salmon-except-chinook fisheries are divided into four subareas. Opening dates, subarea quotas, bag limits, and area and gear restrictions are described below. The fisheries in all subareas will close by September 28 or at attainment of the subarea coho salmon quota.

From the Queets River to Leadbetter Point and from Leadbetter Point to Cape Falcon, the fishery will open July 24, with coho subarea quotas of 20,800 and 28,125, respectively. Both subareas will be open Sunday through Thursday only, with a two-fish daily bag limit; no person may retain more than four fish in 7 consecutive days; and the area will be closed 0-3 miles (4.8 km) off shore and in the control zone at the Columbia River mouth.

From Cape Alava to Queets River, the fishery will open August 1, with a 1,460 coho subarea quota, open Sunday through Thursday only, will be subject

to a two-fish daily bag limit, and closed 0-3 miles (4.8 km) of shore.

From the U.S.-Canada border to Cape Alava, the fishery will open August 1 with a 5,850-coho subarea quota, open 7 days per week with a two-fish daily bag limit, and closed 0-3 miles (4.8 km) off shore south of Skagway Rock.

Treaty Indian Fisheries

Ocean salmon management measures proposed by the treaty Indian tribes are part of a comprehensive package of Indian and non-Indian salmon fisheries in the ocean and inside waters agreed to by the various parties. Treaty troll seasons, minimum length restrictions, and gear restrictions were developed by the tribes and agreed to by the Council. Treaty Indian troll fisheries north of Cape Falcon are governed by quotas of 12,000 chinook and 25,000 coho salmon. The all-except-coho seasons will open May 1 and extend through May 31 or until the overall harvest guideline of 7,000 chinook is reached, whichever is earlier. The all-salmon seasons will open August 1 and extend through the earliest of September 30 or attainment of the chinook or coho quotas. The minimum length restrictions for all treaty ocean fisheries, excluding ceremonial and subsistence harvest, is 24 inches (61.0 cm) for chinook and 16 inches (40.6 cm) for coho.

1996 Fisheries

The timing of the March and April Council meetings makes it impracticable for the Council to recommend to NMFS fishing seasons that begin before May 1 of the same year. Therefore, openings for 1996 fishing seasons earlier than May 1 are established in this notification. The Council recommended, and NMFS concurs, that the following two recreational seasons will open in 1996. First, the area from Point Arena to the United States-Mexico border will open on March 2 (the nearest Saturday to March 1) for all salmon. This fishery will be subject to a two-fish daily bag limit unless an evaluation indicates low coho abundance is anticipated in 1996, in which case inseason action may be taken to prohibit retention of coho. The control zone near the mouth of San Francisco Bay will be closed from March 2 through March 31. Second, the area from Horse Mountain to Point Arena will open on February 17 (the nearest Saturday to February 15) for all

salmon, except coho, with a two-fish daily bag limit.

The following tables and text are the management measures recommended by the Council for 1995 and, as specified, for 1996. The Secretary concurs with these recommendations and finds them responsive to the goals of the FMP, the requirements of the resource, and the socio-economic factors affecting resource users. The management measures are consistent with requirements of the Magnuson Fishery Conservation and Management Act and other applicable law, including U.S. obligations to Indian tribes with Federally recognized fishing rights.

Halibut Retention

In accordance with the Northern Pacific Halibut Act, regulations governing the Pacific halibut fishery were published in the **Federal Register** on March 20, 1995 (60 FR 14651) under 50 CFR part 301. The regulations state that vessels participating in the salmon troll fishery in Area 2A (all waters off the States of Washington, Oregon, and California), that have obtained the appropriate International Pacific Halibut Commission (IPHC) license, may retain halibut caught incidentally during the May through June salmon fisheries, in conformance with the annual salmon management measures.

As provided by 50 CFR 301.7(c) and 301.23(e), the following measures have been approved. Trollers must obtain a license from the IPHC by May 1 to retain Pacific halibut caught incidental to the salmon troll fishery during May through June in Area 2A. A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not both. During the May-through-June troll fishery, no more than one halibut may be landed for each 20 chinook landed by a salmon troller. Any halibut retained must be in compliance with the minimum size limit of 32 inches (81.3 cm). A salmon troller must have 20 chinook on board before retaining a halibut. The Oregon Department of Fish and Wildlife will monitor landings, and if they are projected to exceed the 16,068-pound (7.3-mt) preseason allocation specified at 50 CFR 301.10(b)(2), NMFS will take inseason action to close the incidental halibut fishery through a notice published in the **Federal Register**.

BILLING CODE 3510-22-P

Table 1. Commercial management measures for 1995 ocean salmon fisheries.

(Note: This table contains important restrictions in Parts A, B, C, D, and E which must be followed for lawful participation in the fishery. Areas on the map are not proportional to actual geographic areas.)

A. SEASONS, SUBAREA QUOTAS, AND SPECIES (Shaded areas represent closures.)

| MAY | JUNE | JULY | AUGUST | SEPT/OCT | |
|--|------|------|---|----------|----------------------------|
| U.S.-CANADA BORDER | | | | | U.S.-CANADA BORDER |
| <p>8/5 thru earliest of 9/15 or 18,750 coho quota (E.1.) or 160,000 pink guideline. All salmon except chinook. Cycle of 4 days open/3 days closed. Possession and landing limit of 80 coho per opening. Legal gear limited to flashers with barbless, bare, blued hooks or flashers with barbless hooks and pink boochies 3 inches (7.6 cm) or less. See D.1.</p> <p>CARROLL ISLAND 48E00N18NN N. lat.</p> | | | | | |
| U.S.-CANADA BORDER | | | | | |
| CAPE FALCON 45E46N00NN N. lat. | | | | | |
| 5/1 thru 6/30. All salmon except coho. No more than 4 spreads per line. Closed in Control Zone 2, mouth of Tillamook Bay, in June (C.5). | | | 8/1 thru 10/31. All salmon except coho. No more than 4 spreads per line. Open only 0 to 3 miles (4.8 km) of shore north of Cape Lookout (45E20N15NN N. lat.) in September. Closed in Control Zone 2, mouth of Tillamook Bay, in August and September (C.5). | | Neah Bay |
| FLORENCE SOUTH JETTY 44E01N00NN N. lat. | | | | | |
| 5/1 thru 6/30. All salmon except coho. No more than 4 spreads per line. | | | 8/1 thru 10/31. All chinook quota (E.2.). All salmon except coho. No more than 4 spreads per line. | | La Push |
| CAPE ARAGO 43E18N20NN N. lat. | | | | | |
| 5/1 thru earlier of 6/30 or 13,500 chinook quota (E.3.). All salmon except coho. No more than 4 spreads per line. | | | 9/1 thru earlier of 10/31 or 10,000 chinook quota (E.3.). All salmon except coho. No more than 4 spreads per line. | | Westport Ilwaco/Astoria |
| HUMBUG MOUNTAIN 42E40N30NN N. lat. | | | | | |
| HUMBUG MOUNTAIN 42E40N30NN N. lat. | | | | | |
| CAPE FALCON 45E46N00NN N. lat. | | | | | |
| FLORENCE SOUTH JETTY 44E01N00NN N. lat. | | | | | |
| CAPE ARAGO 43E18N20NN N. lat. | | | | | |
| HUMBUG MOUNTAIN 42E40N30NN N. lat. | | | | | |

Garibaldi
Cape Lookout
Newport
Florence
Coos Bay
Charleston
Port Orford

Table 1. Commercial management measures for 1995 ocean salmon fisheries (continued).

| MAY | JUNE | JULY | AUGUST | SEPT/OCT | |
|--|------|------|--------|----------|------------------------------------|
| HUMBUG MOUNTAIN 42E40N30NN N. lat. | | | | | HUMBUG MOUNTAIN 42E40N30NN N. lat. |
| <p>SISTERS ROCKS 42E35N45NN N. lat. 5/1 thru earlier of 5/31 or 1,000 chinook quota (E.4.). All salmon except coho. Open for 2-day periods only. Open only 0 to 6 nautical miles (11.1 km) of shore. No more than 4 spreads per line. See D.2.</p> | | | | | |
| <p>SISTERS ROCKS 42E35N45NN N. lat. 7/24 thru earlier of 8/31 or 1,200 chinook quota (E.5.). All salmon except coho. Open for 2-day periods only. Open only 0 to 4 nautical miles (7.4 km) of shore. No more than 4 spreads per line. See D.3.</p> | | | | | |
| <p>HOUSE ROCK 42E06N32NN N. lat.</p> | | | | | |
| HORSE MOUNTAIN 40E05N00NN N. lat. | | | | | |
| <p>POINT ARENA 38E57N30NN N. lat.</p> | | | | | |
| <p>POINT REYES 37E59N44NN N. lat.</p> | | | | | |
| <p>POINT SAN PEDRO 37E35N40NN N. lat.</p> | | | | | |
| <p>POINT ARENA 38E57N30NN N. lat.</p> | | | | | |
| <p>POINT REYES 37E59N44NN N. lat.</p> | | | | | |
| <p>POINT SAN PEDRO 37E35N40NN N. lat.</p> | | | | | |
| <p>U.S.-MEXICO BORDER</p> | | | | | U.S.-MEXICO BORDER |

Gold Beach

Brookings
Crescent City
Eureka

Shelter Cove

Fort Bragg

Bodega Bay

San Francisco

Half Moon Bay

Monterey

TABLE 1.—COMMERCIAL MANAGEMENT MEASURES FOR 1995 OCEAN SALMON FISHERIES (Continued)
[B. Minimum size limits (Inches) *]

| | Chinook | | Coho | | Pink |
|--------------------------------------|--------------|----------|--------------|----------|-------|
| | Total length | Head-off | Total length | Head-off | |
| North of Cape Falcon ..... | ..... | ..... | 16.0 | 12.0 | None. |
| Cape Falcon to Humbug Mountain | 26.0 | 19.5 | ..... | ..... | None. |
| South of Humbug Mountain | 26.0 | 19.5 | ..... | ..... | None. |

Chinook not less than 26 inches (19.5 inches head-off) taken in open seasons south of Cape Falcon may be landed north of Cape Falcon only when the season is closed north of Cape Falcon.

* Metric equivalents for chinook: 26.0 inches=66.0 cm, 19.5 inches=49.5 cm.

Metric equivalents for coho: 16.0 inches=40.6 cm, 12.0 inches=30.5 cm.

C. General Requirements, Restrictions, and Exceptions

C.1. *Hooks*—Single point, single shank barbless hooks are required.

C.2. *Spread*—A single leader leading to an individual lure or bait.

C.3. *Transit Through Closed Areas with Salmon on Board*—It is unlawful for a vessel, that has been issued an ocean salmon permit by any state, to have troll gear in the water while transiting any area closed to salmon fishing while possessing salmon.

C.4. *Landing Salmon in Closed Areas*—Legally caught salmon may be landed in closed areas unless otherwise prohibited by these regulations.

C.5. *Control Zone 2*—The area immediately adjacent to the mouth of Tillamook Bay is closed as established by the Oregon Department of Fish and Wildlife in state regulations.

C.6. Consistent with Council management objectives, the State of Oregon may establish some additional late-season, all-salmon-except-coho fisheries in state waters.

C.7. For the purposes of California Fish and Game Code Section 8232.5, the definition of the Klamath management zone for the ocean salmon season shall be that area from Humbug Mountain, Oregon, to Horse Mountain, California.

C.8. *Inseason Management*—In addition to certain automatic inseason actions and specific inseason regulatory modifications noted under Section D below, NMFS may make inseason adjustments to fisheries north of Cape Falcon which are consistent and complementary to Council spawner escapement objectives in the event that management agreements or understandings with Canada warrant re-evaluation of the Council's assumptions about prior interceptions.

C.9. *Halibut Retention*—Trollers must obtain a license from the International Pacific Halibut Commission (206-634-1838) by May 1 to retain Pacific halibut caught incidental to the salmon troll fishery during May through June in Area 2A (all waters off the States of Washington, Oregon, and California). A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not both. During the May through June troll fishery, no more

than 1 halibut may be landed for each 20 chinook landed by a salmon troller. Any halibut retained must be in compliance with the minimum size limit of 32 inches (81.3 cm). A salmon troller must have 20 chinook on board before retaining a halibut. The Oregon Department of Fish and Wildlife will monitor landings and if they are projected to exceed the 16,068 pound (7.3 mt) preseason allocation, NMFS will take inseason action to close the incidental halibut fishery through a notice published in the **Federal Register**.

D. Possession, Landing, and Special Restrictions by Management Area

If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the U.S. Coast Guard and receive acknowledgement of such notification prior to leaving the area where landing is required. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board, and the estimated time of arrival.

D.1. *U.S.-Canada Border to Carroll Island, August/September All-Salmon-Except-Chinook Season*—The fishery will follow a cycle of 4 days open and 3 days closed, continuing the cycle until the earliest of September 15 or attainment of the coho quota (see E.1.) or pink harvest guideline. Each vessel may possess, land and deliver no more than 80 coho per open period. Vessels must land and deliver within the area or in adjacent closed areas. All salmon must be landed and delivered within 24 hours of each closure. If the catch exceeds 6,000 coho in the first 4-day cycle, the fishery may be modified inseason to maximize the likelihood that the fishery will continue for at least 3 cycles by either (1) adjusting the landing and possession limit or (2) prohibiting retention of coho. The Fraser River Panel of the Pacific Salmon Commission intends to maintain jurisdiction over the level of ocean commercial harvest of pink salmon north of Carroll Island in 1995 and is expected to set a quota of 160,000 pink salmon for this fishery.

D.2. *Sisters Rocks to House Rock in May*—The fishery will be open only on the following days through the earlier of May 31 or attainment of the chinook quota (see E.4.): May 1-2, 5-6, 10-11, 14-15, 18-19, 23-24,

27-28 and 31. The Oregon Department of Fish and Wildlife and NMFS may adjust the open/closure cycle through the inseason management process as necessary to manage the fishery. All salmon caught in the area must be landed and delivered in the immediate area ports only (Gold Beach, Brookings, or Port Orford) within 24 hours of each closure. Landing limits may be imposed inseason as required to maintain an orderly fishery.

D.3. *Sisters Rocks to Mack Arch in July and August*—The fishery will be open only on the following days through the earlier of August 31 or attainment of the chinook quota (see E.5.): July 24-25, 28-29, August 1-2, 5-6, 9-10, 13-14, 17-18, 21-22, 25-26, and 30-31. The Oregon Department of Fish and Wildlife and NMFS may adjust the open/closure cycle through the inseason management process as necessary to manage the fishery. All salmon caught in the area must be landed in the immediate area ports only (Gold Beach, Brookings, or Port Orford) within 24 hours of each closure. Landing limits may be imposed inseason as required to maintain an orderly fishery.

E. Quotas

E.1. *North of Cape Falcon*—All non-treaty troll and recreational ocean fisheries will be limited by either (a) an overall 0 chinook quota or (b) impacts on critical Washington coastal and Puget Sound natural coho stocks equivalent to the preseason quota of 75,000 coho. The troll fishery will be limited by overall catch quotas of 0 chinook and 18,750 coho. Any transfers between subarea quotas of 5,000 fish or less shall be done on a fish-for-fish basis.

E.2. *Florence South Jetty to Cape Arago in August*—Limited to a catch quota of 14,000 chinook.

E.3. *Cape Arago to Humbug Mountain*—Limited by catch quotas of 13,500 chinook for the May/June fishery and 10,000 chinook for the September/October fishery.

E.4. *Sisters Rocks to House Rock*—Limited by a catch quota of 1,000 chinook in May.

E.5. *Sisters Rocks to Mack Arch*—Limited by a catch quota of 1,200 chinook for July and August.

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Table 2. Recreational management measures for 1995 ocean salmon fisheries.

(Note: This table contains important restrictions in Parts A, B, C, and D which must be followed for lawful participation in the fishery. Areas on the map are not proportional to actual geographic areas.)

A. SEASONS, SUBAREA QUOTAS, SPECIES AND BAG LIMITS (Shaded areas represent closures.)

| FEB/MAR/APR | MAY | JUNE | JULY | AUGUST | SEPT/OCT/NOV | |
|---|-----|------|------|--------|--------------|--|
| U.S.-CANADA BORDER | | | | | | U.S.-CANADA BORDER |
| CAPE ALAVA 48E10N00NN N. lat. | | | | | | Neah Bay |
| 8/1 thru earlier of 9/28 or 5,850 coho subarea quota (D.1.). Open 7 days per week. All salmon except chinook. 2 fish per day. Closed 0 to 3 miles (4.8 km) of shore south of Skagway Rock (48E21N58NN N. lat.). Inseason management may be used to maintain season length. | | | | | | |
| CAPE ALAVA 48E10N00NN N. lat. | | | | | | La Push |
| 8/1 thru earlier of 9/28 or 1,460 coho subarea quota (D.1.). Open Sunday thru Thursday only. All salmon except chinook. 2 fish per day. Closed 0 to 3 miles (4.8 km) of shore. Inseason management may be used to maintain season length. | | | | | | |
| QUEETS RIVER 47E31N42NN N. lat. | | | | | | Westport |
| 7/24 thru earlier of 9/28 or 20,800 coho subarea quota (D.1.). Open Sunday thru Thursday only. All salmon except chinook. 2 fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore. Inseason management may be used to maintain season length. | | | | | | |
| LEADBETTER POINT 46E38N10NN N. lat. | | | | | | Ilwaco/Astoria |
| 7/24 thru earlier of 9/28 or 28,125 coho subarea quota (D.1.). Open Sunday thru Thursday only. All salmon except chinook. 2 fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore and in Control Zone 1, Columbia River mouth (C.3.). Inseason management may be used to maintain season length. | | | | | | |
| CAPE FALCON 45E46N00NN N. lat. | | | | | | Garibaldi Pacific City Newport Florence Coos Bay |
| 5/1 thru 6/30. All salmon except coho. 2 fish per day. No more than 6 fish in 7 consecutive days. See gear restriction C.2. Closed in Control Zone 2, mouth of Tillamook Bay, in June (C.4.). | | | | | | |
| HUMBUG MOUNTAIN 42E40N30NN N. lat. | | | | | | |
| Limited fall fisheries in State waters (see C.8.). | | | | | | |

Table 2. Recreational management measures for 1995 ocean salmon fisheries (continued).

| FEB/MAR/APR | MAY | JUNE | JULY | AUGUST | SEPT/OCT/NOV | |
|--|-----|------|------|--------|--------------|--|
| <p>HUMBUG MOUNTAIN 42E40N30NN N. lat.</p> | | | | | | Gold Beach Brookings |
| <p>5/17 thru earlier of 7/8 or 10,600 chinook quota (D.2.). Open Wednesday thru Saturday only. All salmon except coho. 1 fish per day. If quota exceeded by more than 10%, the amount over 10% will be deducted from the August quota.</p> | | | | | | |
| <p>8/16 thru earlier of 8/31 or 900 chinook quota (D.2.). Open Wednesday thru Saturday only. All salmon except coho. 1 fish per day. Closed in Control Zone 3, Klamath River mouth (C.5.).</p> | | | | | | Crescent City |
| <p>9/1 thru 9/9. All salmon except coho. 1 fish per day. No more than 6 fish in 7 consecutive days.</p> | | | | | | Eureka |
| <p>Limited fall fisheries in Oregon, State waters (see C.8.).</p> | | | | | | |
| <p>HUMBUG MOUNTAIN 42E40N30NN N. lat.</p> | | | | | | |
| <p>HORSE MOUNTAIN 40E05N00NN N. lat.</p> | | | | | | Shelter Cove |
| <p>2/18 (nearest Saturday to 2/15) thru 4/30. All salmon. 2 fish per day.</p> | | | | | | |
| <p>5/1 thru 6/30. All salmon except coho. 2 fish per day.</p> | | | | | | |
| <p>In 1996, the season will open 2/17 (nearest Saturday to 2/15) thru 4/30 for all salmon except coho; 2 fish per day.</p> | | | | | | Fort Bragg |
| <p>POINT ARENA 38E57N30NN N. lat.</p> | | | | | | |
| <p>3/4 (nearest Saturday to 3/1) thru 4/30. All salmon. 2 fish per day.</p> | | | | | | |
| <p>5/1 thru 10/29 (nearest Sunday to 11/1). All salmon except coho. 2 fish per day.</p> | | | | | | |
| <p>In 1996, the season will open 3/2 (nearest Saturday to 3/1) thru 4/30 for all salmon; 2 fish per day. If evaluation indicates low coho abundance in 1996, inseason action may be taken to prohibit retention of coho. In 1996, Control Zone 4, near the mouth of San Francisco Bay, will be closed from 3/2 thru 3/31 (C.6.).</p> | | | | | | Bodega Bay San Francisco Half Moon Bay Monterey |
| <p>U.S.-MEXICO BORDER</p> | | | | | | U.S.-MEXICO BORDER |

TABLE 2.—RECREATIONAL MANAGEMENT MEASURES FOR 1995 OCEAN SALMON FISHERIES (Continued)
[B. Minimum size limits (Total Length in Inches)*]

| | Chinook | Coho | Pink |
|--------------------------------------|---------|-------|-----------------------------------|
| North of Cape Falcon ..... | ..... | 16.0 | None. |
| Cape Falcon to Humbug Mountain | 20.0 | ..... | None. |
| South of Humbug Mountain | 20.0 | ..... | None, except 20.0 off California. |

*Metric equivalents: 20.0 inches=50.8 cm, 16.0 inches=40.6 cm.

C. Special Requirements, Restrictions and Exceptions

C.1. *Hooks*—Single point, single shank barbless hooks are required north of Point Conception, California (34°27'00" N. latitude).

C.2. *Gear Restriction Between Cape Falcon and Humbug Mountain*—Legal gear limited to artificial plugs or whole bait, either of which must be no less than 6 inches (15.2 cm) long; nonpainted weights and no more than 2 single point, single shank barbless hooks allowed on whole bait or artificial plugs; all attractors, including divers, are prohibited.

C.3. *Control Zone 1*—The ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nautical miles (11.1 km) due west from North Head along 46°18'00" N. latitude to 124°13'18" W. longitude, then southerly along a line of 167° True to 46°11'06" N. latitude and 124°11'00" W. longitude (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty.

C.4. *Control Zone 2*—The area immediately adjacent to the mouth of Tillamook Bay is closed as established by the Oregon Department of Fish and Wildlife in state regulations.

C.5. *Control Zone 3*—The ocean area surrounding the Klamath River mouth bounded on the north by 41°38'48" N. latitude (approximately 6 nautical miles north of the Klamath River mouth), on the west by 124°23'00" W. longitude (approximately 12 nautical miles off shore),

and on the south by 41°26'48" N. latitude (approximately 6 nautical miles south of the Klamath River mouth), is closed August 16–31. (6 nautical miles=11.1 km, 12 nautical miles=22.2 km)

C.6. *Control Zone 4 (Sacramento River Winter Chinook Conservation Closure)*—The ocean area bounded by a line commencing at Bolinas Point (Marin County, 37°54'17" N. latitude, 122°43'35" W. longitude) southerly to Duxbury Buoy to Channel Buoy 1 to Channel Buoy 2 to Point San Pedro (San Mateo County, 37°35'40" N. latitude, 122°31'10" W. longitude) is closed from the opening of the season in 1996 through March 31.

C.7. *Inseason Management*—To meet preseason management objectives such as quotas, harvest guidelines and season duration, certain regulatory modifications may become necessary inseason. Such actions could include modifications to bag limits or days open to fishing and extensions or reductions in areas open to fishing. In addition, NMFS may make inseason adjustments to fisheries north of Cape Falcon which are consistent and complementary to Council spawner escapement objectives in the event that management agreements or understandings with Canada warrant re-evaluation of the Council's assumptions about prior interceptions.

The procedure for inseason transfer of coho among recreational subareas north of Cape Falcon will be as follows:

After conferring with representatives of the affected ports and the Salmon Advisory

Subpanel recreational representatives north of Cape Falcon, NMFS may transfer coho inseason among recreational subareas to help meet the recreational season duration objectives (for each subarea). Any transfers between subarea quotas of 5,000 fish or less shall be done on a fish-for-fish basis.

C.8. Consistent with Council management objectives, the State of Oregon may establish limited, all-salmon-except-coho fisheries inside state waters. Fall fisheries under consideration (mid-September through November) include areas at the mouths of Tillamook, Yaquina and Coos bays, and at the mouths of the Elk and Chetco rivers.

C.9. Consistent with Council management objectives, the State of Washington may establish limited fisheries in state waters.

D. Quotas

D.1. *North of Cape Falcon*—All non-treaty troll and recreational ocean fisheries will be limited by either (a) an overall 0 chinook quota or (b) impacts on critical Washington coastal and Puget Sound natural coho stocks equivalent to the preseason quota of 75,000 coho. The recreational fishery will be limited by overall catch quotas of 0 chinook and 56,250 coho.

D.2. *Humbug Mountain to Horse Mountain*—Limited by harvest quotas of 10,600 chinook in May–July, and 900 chinook in August. If the May–July quota is exceeded by more than 10 percent, the amount over 10 percent will be deducted from the August quota.

TABLE 3.—TREATY INDIAN MANAGEMENT MEASURES FOR 1995 OCEAN SALMON FISHERIES

| Tribe and area boundaries | Open seasons | Salmon species | Minimum size limit (inches)* | | Special restrictions by area |
|--|---|-----------------------|------------------------------|-------|---|
| | | | Chinook | Coho | |
| A. Seasons, Species, Minimum Size Limits, and Gear Restrictions | | | | | |
| <i>Makah</i> —That portion of the Fishery Management Area (FMA) north of 48°02'15" N. latitude (Norwegian Memorial) and east of 125°44'00" W. longitude. | May 1 thru earlier of May 31 or overall chinook guideline. | All except coho | 24 | ..... | Barbless hooks. No more than 8 fixed lines per boat or no more than 4 hand-held lines per person. |
| | August 1 thru earliest of September 30 or chinook or coho quota | All | 24 | 16 | |
| <i>Quileute</i> —That portion of the FMA between 48°07'36" N. latitude (Sand Point) and 47°31'42" N. latitude (Queets River) east of 125°44'00" W. longitude. | May 1 thru earlier of May 31 or overall chinook guideline. | All except coho | 24 | ..... | Barbless hooks. No more than 8 fixed lines per boat. |
| | August 1 thru earliest of September 30 or chinook or coho quota | All | 24 | 16 | |
| <i>Hoh</i> —That portion of the FMA between 47°54'18" N. latitude (Quillayute River) and 47°21'00" N. latitude (Quinault River) east of 125°44'00" W. longitude. | May 1 thru earlier of May 31 or overall chinook guideline. | All except coho | 24 | ..... | Barbless hooks. No more than 8 fixed lines per boat. |
| | August 1 thru earliest of September 30 or chinook or coho quota | All | 24 | 16 | |

TABLE 3.—TREATY INDIAN MANAGEMENT MEASURES FOR 1995 OCEAN SALMON FISHERIES—Continued

| Tribe and area boundaries | Open seasons | Salmon species | Minimum size limit (inches)* | | Special restrictions by area |
|---|---|-----------------------|------------------------------|-------|--|
| | | | Chinook | Coho | |
| Quinault—That portion of the FMA between 47°40'06" N. latitude (Destruction Island) and 46°53'18" N. latitude (Point Chehalis) east of 125°44'00" W. longitude. | May 1 thru earlier of May 31 or overall chinook guideline. | All except coho | 24 | ..... | Barbless hooks. No more than 8 fixed lines per boat. |
| | August 1 thru earliest of September 30 or chinook or coho quota | All | 24 | 16 | |

* Metric equivalents: 24 inches=61.0 cm, 16 inches=40.6 cm.

(Note: This table contains important restrictions in Parts A, B, and C which must be followed for lawful participation in the fishery.)

B. Special Requirements, Restrictions, and Exceptions

B.1. All boundaries may be changed to include such other areas as may hereafter be authorized by a federal court for that tribe's treaty fishery.

B.2. Applicable lengths for dressed, head-off salmon, are 18 inches (45.7 cm) for chinook and 12 inches (30.5 cm) for coho. Minimum size and retention limits for ceremonial and subsistence harvest are as follows: *Makah Tribe*—None. *Quileute, Hoh, and Quinault tribes*—Not more than 2 chinook longer than 24 inches in total length may be retained per day. Chinook less than 24 inches total length may be retained.

B.3. The areas within a 6-mile (9.7 km) radius of the mouths of the Queets River (47°31'42" N. latitude) and the Hoh River (47°45'12" N. latitude) will be closed to commercial fishing. A closure within 2 miles (3.2 km) of the mouth of the Quinault River (47°21'00" N. latitude) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

C. Quotas

C.1. The overall treaty troll ocean quotas are 12,000 chinook and 25,000 coho salmon. These quotas include troll catches by the Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 30. The all-salmon-except-coho fishery in May will be limited by an overall harvest guideline of 7,000 chinook with the remainder of the quota available for the all-salmon fishery beginning in August.

Gear Definitions and Restrictions

In addition to gear restrictions shown in Tables 1, 2, and 3 of this preamble, the following gear definitions and restrictions will be in effect.

Troll Fishing Gear

Troll fishing gear for the Fishery Management Area (FMA) is defined as one or more lines that drag hooks behind a moving fishing vessel.

In that portion of the FMA off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

Recreational Fishing Gear

Recreational fishing gear for the FMA is defined as angling tackle consisting of a line with not more than one artificial lure or natural bait attached.

In that portion of the FMA off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington.

In that portion of the FMA off California, the line must be attached to a rod and reel held by hand or closely attended. Weights directly attached to a line may not exceed 4 pounds (1.8 kg). There is no limit to the number of lines that a person may use while recreationally fishing for salmon off California.

Fishing includes any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

Geographical Landmarks

Geographical landmarks referenced in this notice are at the following locations:

- Skagway Rock 48°21'58" N. lat.
- Cape Alava 48°10'00" N. lat.
- Carroll Island 48°00'18" N. lat.
- Queets River 47°31'42" N. lat.
- Leadbetter Point 46°38'10" N. lat.
- Cape Falcon 45°46'00" N. lat.
- Cape Lookout 45°20'15" N. lat.
- Florence South Jetty 44°01'00" N. lat.
- Cape Arago 43°18'20" N. lat.
- Humbog Mountain .. 42°40'30" N. lat.
- Sisters Rocks 42°35'45" N. lat.
- Mack Arch 42°13'40" N. lat.
- House Rock 42°06'32" N. lat.
- Horse Mountain 40°05'00" N. lat.
- Point Arena 38°57'30" N. lat.
- Point Reyes 37°59'44" N. lat.
- Point San Pedro 37°35'40" N. lat.
- Point Conception 34°27'00" N. lat.

Inseason Notice Procedures

Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, 206-526-

6667 or 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 Khz at frequent intervals. The announcements designate the channel or frequency over which the Notice to Mariners will be immediately broadcast. Inseason actions will also be filed with the Office of the **Federal Register** as soon as practicable. Since provisions of these management measures may be altered by inseason actions, fishermen should monitor either the telephone hotline or Coast Guard broadcasts for current information for the area in which they are fishing.

Classification

This notification of annual management measures is exempt from review under E.O. 12866.

Section 661.23 of title 50, Code of Federal Regulations, requires NMFS to publish a notice establishing management measures for ocean salmon fisheries each year and, if time allows, invite public comments prior to the effective date. Section 661.23 further states that if, for good cause, a notice must be filed without affording a prior opportunity for public comment, the measures will become effective; however, comments on the notice must be invited and received for a period of 15 days after filing the notice with the Office of the Federal Register.

Because many ocean salmon seasons are scheduled to start May 1, the management measures must be in effect by this date. Each year the schedule for establishing the annual management measures begins in February with the compilation and analysis of biological and socio-economic data for the previous year's fishery and salmon stock abundance estimates for the current year. These documents are made available and distributed to the public for review and comment. Two meetings of the Council follow in March and April. These meetings are open to the public and public comment on the

salmon management measures is encouraged. In 1995, the Council recommended management measures near the conclusion of its meeting on April 7, which resulted in a short timeframe for implementation.

In addition, delay in the start of the fishing season would deny ocean fishermen access to harvestable salmon stocks that, if taken later in the year, would produce unacceptable impacts on other salmon stocks, such as those listed under the ESA. Due to the migratory patterns of the various salmon stocks, harvest regimes account for the timing and location of harvestable stocks in concert with the stocks of concern. Therefore, in light of the limited available time and the adverse effect of delay, NMFS has determined that good cause exists to waive the requirements of 50 CFR 661.23 and 5 U.S.C. 553(b) for prior notice and opportunity for prior public comments on that notice to be published in the **Federal Register**. For the same reasons, NMFS has determined that good cause exists to waive the 30-

day delay in effectiveness under 5 U.S.C. 553(d). For this notice, NMFS is receiving public comments for 30 days from publication of the notice.

The public had opportunity to comment on these management measures during their development. The public participated in the March and April Council, STT, and Salmon Advisory Subpanel meetings, and in public hearings held in Washington, Oregon, and California in late March that generated the management actions recommended by the Council and approved by the Secretary. Written public comments were invited by the Council between the March and April Council meetings.

On March 31, 1991, NMFS issued a biological opinion that considered the effects on Sacramento River winter-run chinook salmon of fishing under the FMP. The opinion concluded that implementation of the plan is not likely to jeopardize the continued existence of the species. The 1995 season falls within the scope of the 1991 opinion, and the seasons and management

measures comply with the recommendations and incidental take conditions contained in the biological opinion. Therefore, it was not necessary to reinitiate consultation on Sacramento River winter-run chinook salmon.

NMFS has issued a biological opinion that considered the effects of fishing under the 1995 salmon management measures on wild sockeye salmon, wild spring/summer chinook salmon, and wild fall chinook salmon from the Snake River, which concluded the fishery in 1995, and the recreational fisheries early in 1996, under the FMP are not likely to jeopardize the continued existence of the listed stocks or adversely modify critical habitat.

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*

Dated: April 27, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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