

full agenda for COP9 and summaries of all U.S. negotiating positions on those agenda items and resolutions were published in the November 8, 1994 Federal Register (59 FR 55617).

Observers

Article XI, paragraph 7 of CITES provides: Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) international agencies or bodies, either governmental or nongovernmental, and national governmental agencies and bodies; and
(b) national nongovernmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote. The Service will publish information on how to request approved observer status in a future Federal Register notice.

Future Actions

The next regular meeting of the Conference of the Parties (COP10) is scheduled for June 9–20, 1997, in Zimbabwe. Any proposals to amend Appendix I or II, or any draft resolutions or other documents for discussion at COP10, must be submitted by the United States to the CITES Secretariat by January 10, 1997 (150 days prior to COP10). In order to accommodate this deadline, the Service plans to publish a Federal Register notice in August 1996 to announce tentative species proposals and draft resolutions to be submitted by the United States and to solicit further information and comments on them. In September, a public meeting will be held to allow for additional public input. All CITES Parties within the geographic ranges of species proposed for amendments to the appendices will be consulted by mid-October 1996 so that final proposals will have the benefit of their input. Another Federal Register notice in February 1997 will announce the Service's final decisions and those species proposals and resolutions submitted by the United States to the CITES Secretariat.

Through a series of additional notices in advance of COP10, the Service will inform the public about preliminary and final negotiating positions on resolutions and amendments to the appendices proposed by other Parties

for consideration at COP10, and about how to obtain observer status from the Service. The Service will also publish announcements of public meetings to be held in September 1996 and April 1997 to receive public input on its positions regarding COP10 issues.

Authors: This notice was prepared by Dr. Marshall A. Howe, Office of Scientific Authority, and Dr. Susan S. Lieberman, Office of Management Authority, under the authority of U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, Treaties.

Dated: February 13, 1996.
Bruce Blanchard,
Director.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 960221041-6041-01; I.D. 013196A]

RIN 0648-AI34

Pacific Coast Groundfish Fishery; Delay in Start of Regular Fishing Seasons for Nontrawl Sablefish and Pacific Whiting

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing regulations that would delay the start of the "regular" fishing seasons by 1 month or less for the nontrawl sablefish and the Pacific whiting (whiting) limited entry fisheries 3–200 nautical miles off Washington, Oregon, and California (WOC). This proposed rule considers requests from the industry for delayed fishing seasons, which are intended primarily to enable nontrawl sablefish fishers to participate in other fisheries and to enhance the quality of whiting. These actions would be taken under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP) and the Magnuson Fishery Conservation and Management Act (Magnuson Act).

DATES: Comments must be submitted in writing by March 22, 1996.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070; or Hilda Diaz-Soltero, Director, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to this proposed rule is available for public review during business hours at the Office of the Director, Northwest Region, NMFS, and at the Office of the Director, Southwest Region, NMFS. Copies of the Environmental Assessment/Regulatory Impact Reviews (EA/RIRs) can be obtained from the Pacific Fishery Management Council (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:

NMFS is proposing to delay the start of the regular fishing seasons for the limited entry fisheries for nontrawl sablefish and for whiting, as recommended by the Council at its October 1995 meeting in Portland, OR. The background and rationale for this proposed rule are summarized below. More details appear in the EA/RIRs for these actions.

Background

I. Nontrawl Sablefish Season

The commercial sablefish harvest guideline (the annual harvest guideline reduced by the amount set aside for coastal treaty Indian tribes) is allocated between the limited entry and open access fisheries. The limited entry allocation has been further divided into allocations for trawl-gear and nontrawl-gear fisheries. Historically, the trawl-gear fishery has been managed with trip limits, the amount of fish that may be harvested during a fishing trip or set time period, primarily to extend the fishery throughout most of the year. The nontrawl-gear fishery, in contrast, has taken most of its allocation in what has become an intense, open competition called the regular or derby season, during which the only trip limit in effect applies to small sablefish (smaller than 22 inches (56 cm) total length in 1995 and in 1996). Before 1995, the start of the WOC regular season was linked to the first nontrawl sablefish season opening in the Gulf of Alaska under 50 CFR part 672. In 1995, the start of the WOC regular season was changed to August 6, primarily for safety reasons (because winds generally are calmer along the coast at this time of year) and to avoid overlapping with other fisheries and fishing opportunities (60

FR 34472, July 3, 1995). The regular season is followed 3–4 weeks later by a mop-up fishery to take the remainder of the nontrawl allocation, except for small amounts to be taken in the daily trip limits before and after the mop-up season.

At its October 1995 meeting, the Council heard testimony that September 1 would be a preferable date for the start of the 1996 regular season, because it would not conflict as much as August 6 with albacore tuna and expected salmon seasons. The weather, on average, coastwide appears to be as stable in September as in August, in keeping with the Council's goal of minimizing weather-related risk during the regular season. However, a later mop-up season may fall at a time when weather is less stable. Because the mop-up season provides a single, cumulative limit for each vessel, and a longer time in which to take the limit compared to the regular season, fishers are more likely to wait out the storms and fish when conditions are safer. Also, in 1996, tides would be slack on September 1 and therefore would provide a smoother, and possibly safer, transit to the grounds for those vessels crossing the bar at the mouth of the Columbia River. Even though the sablefish would be slightly larger if the fishery were delayed 3 weeks, this would have a negligible impact on recruitment. For the most part, this change in the regular season would be made to accommodate participation in alternate fisheries, while conducting the derby when weather is relatively stable.

The closed period that applies before the regular season (to open access and limited entry vessels using fixed gear to take and retain sablefish) would remain in effect, but would be shifted from early August to late August.

The Federal provisions for ending the regular season also remain the same. However, the State of Washington may establish special procedures for vessels that deliver in Puget Sound, because the transit time is longer than for most vessels operating on the coast. Under both the current and proposed regulations, a small trip limit comes into effect at the end of the regular season. Therefore, a vessel must be in port and offloading its sablefish at the time the regular season ends (that is, before the new lower trip limit is effective), which the Council supports for closing the season. Transit time has become a bigger concern as the regular season becomes shorter, only 7 days in 1995. The transit time from the fishing grounds to ports in Puget Sound is substantially longer than the transit time for most vessels operating on the coast. As a result,

vessels that normally would have delivered to processors in Puget Sound have had to choose between reducing their fishing time (by leaving the grounds early enough to get to their normal processors in Puget Sound), or delivering to a different processor closer to the fishing grounds. Therefore, the State of Washington is considering establishing special procedures for vessels landing in Puget Sound that would ensure that they were off the sablefish fishing grounds at the end of the regular season but may not require that they be in port offloading. These proposed Federal regulations would acknowledge the State regulation, and allow for vessels landing in Puget Sound to be governed by the Washington regulation.

The Council is considering a number of other management strategies for this fishery in 1997 and beyond, but has not yet made its recommendation to NMFS. The Council may select yet another opening date, or a framework for determining an opening date, if the regular season fishing structure remains in effect in 1997.

II. Pacific Whiting Season

Since 1991, harvest of the whiting resource has been allocated between user groups. Whiting has been allocated between vessels that deliver their catch shoreside and vessels that deliver their catch at sea (which includes catcher processors that both harvest and process their catch, and catcher vessels that deliver to motherships at sea). The shore-based sector has conducted a longer, slower season (extending through the summer and into the fall), whereas the at-sea sector has conducted a more intense, shorter fishery (less than a month in recent years). To satisfy both strategies, both sectors compete for the first 60 percent of the commercial harvest guideline (the annual harvest guideline reduced by the amount set aside for harvest, if any, by coastal treaty Indian tribes). When 60 percent of the commercial harvest guideline is reached, at-sea processing of whiting is prohibited, and the remainder of the commercial harvest guideline is reserved for the shore-based sector. If not projected to be fully used, the surplus reserve may be released on or after August 15. The regular season currently begins on April 15 north of 42° N. lat. (the Oregon/California border) and south of 40° 30' N. lat. (the southern border of the Eureka statistical subarea), and on March 1 between 42° and 40° 30' N. lat. At-sea processing is prohibited south of 42° N. lat. Before and after the regular season, a small

“per trip” limit for whiting (currently 10,000 lb (4,536 kg)) is in effect.

At its October 1995 meeting, the Council recommended that the start of the regular season for whiting north of 42° N. lat. be delayed from April 15 to May 15. This delay was supported by most members of the industry testifying for both the at-sea and shore-based sectors. Some suggested an even later opening, but few preferred the current April 15 date. The 1-month delay was recommended for the following reasons: (1) Whiting spawn in the winter, primarily in January-February. They are emaciated afterwards, taking several months to recover and to produce optimal flesh for processing. Although whiting generally are well on their way to recovery by April 15 north of 42° N. lat., the spawning stock as a whole is in better condition by mid-May. If the amount of whiting available for harvest is relatively low, the quality of the product and the product recovery rate are even more important to maintain the economic viability of the fishery. (2) With a month's delay in harvest, whiting will be slightly larger with an additional month's growth, increasing (in small measure) the yield per fish. (3) At the October Council meeting, some Council members and industry representatives speculated that bycatch rates of salmon and other groundfish species could be reduced with a 1-month delay in the start of the regular season, but the data are not conclusive. The at-sea sector has not operated in late May since 1991, so there is little information for these operations at this time of year. The EA/RIR indicates that the shore-based fleet has consistently shown a trend in decreasing salmon bycatch as the season progresses, at least through June. This could be due to a seasonal effect or to start-up problems that sometimes occur at the beginning of a fishing season. Bycatch of salmon by either sector may be more highly correlated with abundance and availability of salmon, the ability of the skipper, and the incentive to avoid bycatch. The influence of these factors is not readily measurable. The EA/RIR states that delaying the season opening date to May 15 is unlikely to affect rockfish bycatch rates. For the most part, the delay in the season would be made to provide better quality fish for processing.

The allocation of whiting between the shore-based and at-sea sectors will be reconsidered in 1996 for fisheries in 1997 and beyond. The start of the regular season may be reconsidered at the same time, and potentially could differ for each sector.

Classification

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

This proposed rule has been determined to be not significant for the 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. This rule, if adopted, would not change the amount of fish caught or retained or the number of vessels participating, and would not confer a competitive advantage to any user group. 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: February 26, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 663 is proposed to be amended as follows:

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 (b)(2)(i)(A), (b)(2)(i)(B), (b)(2)(ii), (b)(2)(iv), and (b)(3)(i) are revised to read as follows:

§ 663.23 Catch restrictions.

* * * * *

(b) * * *

(2) * * *

(i) * * * (A) Sablefish taken with fixed gear in the limited entry or open access fishery in the EEZ may not be retained or landed from 12 noon August 29 through 12 noon September 1.

(B) All fixed gear used to take and retain groundfish must be out of EEZ waters from 12 noon August 29 through 12 noon September 1, except that pot gear used to take and retain groundfish may be deployed and baited in the EEZ after 12 noon on August 31.

(ii) *Regular season—Limited entry fishery.* The regular season for the limited entry nontrawl sablefish fishery begins at 12:01 on September 1. During the regular season, the limited entry

nontrawl sablefish fishery may be subject to trip limits to protect juvenile sablefish. The regular season will end when 70 percent of the limited entry nontrawl allocation has been or is projected to be taken. The end of the regular season may be announced in the Federal Register either before or during the regular season.

* * * * *

(iv) The dates and times that the regular season ends (and trip limits on sablefish of all sizes are resumed) and the mop-up season begins and ends, and the size of the trip limit for the mop-up fishery, will be announced in the Federal Register, and may be modified. Unless otherwise announced, these seasons will begin and end at 12 noon on the specified date. A vessel landing sablefish in Puget Sound that was taken under a limited entry permit with nontrawl gear during a regular season is not subject to trip limits on that trip (except the regular season trip limits to protect juvenile sablefish), provided the landing complies with Washington State regulations governing sablefish landings in Puget Sound after the regular season.

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(3) Pacific Whiting—(i) *Season.* The regular season for Pacific whiting begins on May 15 north of 42°00' N. lat., on March 1 between 42°00' N. lat. and 40°30' N. lat., and on April 15 south of 40°30' N. lat. Before and after the regular season, trip landing or frequency limits may be imposed under paragraph (c) of this section.

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50 CFR Part 675

[I.D. 022396A]

Groundfish of the Gulf of Alaska; Pollock Seasonal Allowances

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

ACTION: Notice of Availability of an amendment to a fishery management plan; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 45 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands (FMP) for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the Council (See **ADDRESSES**).

DATES: Comments on Amendment 45 should be submitted on or before April 26, 1996.

ADDRESSES: Comments on Amendment 45 should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK, 99802-1668 Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendment 45 and the Environmental Assessment/Regulatory Impact Review prepared for the amendment are available from the North Pacific Fishery Management Council, 605 West Fourth Ave., Anchorage, AK 99501-2252; telephone 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving a fishery management plan or amendment, immediately publish a document that the fishery management plan or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the FMP or amendment.

If approved, Amendment 45 would allow NMFS to establish seasonal allowances of pollock total allowable catch (TAC) by regulation. Included with Amendment 45 is a regulatory amendment that would combine the third and fourth quarterly allowances of pollock TAC in the Western and Central Regulatory Areas of the Gulf of Alaska. Under this proposal, the third and fourth quarterly allowances of pollock would be combined into a single seasonal allowance equal to 50 percent of the TAC available on October 1 in the Western Regulatory Area and September 1 in the Central Regulatory Area.

This action is intended to result in four types of management improvements: (1) Reduced chum salmon bycatch, which has been excessively high during the third quarter (July 1) opening; (2) reduced scheduling conflicts with summer salmon processing activities; (3) reduced operating costs for industry through a reduction in the number of seasonal openings from four to three; and (4) reduced risk of harvest overruns during extremely short openings.