

north of 36° N. lat. is 300 lb (136 kg), which counts toward a cumulative trip limit of 1,800 lb (816 kg) per 2 month period. (Landings from the regular or mop-up seasons do not count toward this cumulative limit, and the 60-percent monthly limits described at paragraph IV.A.(1)(c)(i) do not apply.)

(B) The daily trip limit for sablefish taken and retained with nontrawl gear south of 36° N. lat. is (1) 350 lb (159 kg) with no cumulative limit on the amount of sablefish that may be retained in a month; or (2) one landing of sablefish per week above 350 lb (159 kg) but not to exceed 1,050 lb (476 kg). A week is 7 consecutive days, from 0001 hours l.t. Sunday through 2400 hours l.t. Saturday.

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2. In section IV, under C. *Trip limits in the Open Access Fishery*, the following paragraphs: C.(1)(a)(i), (ii), and (iv)(A); the first two sentences of (1)(b)(i); paragraphs (2)(a)(i) and (2)(b); and paragraphs (4) and (5) introductory text and (5) (a) are revised to read as follows.

C. Trip Limits in the Open Access Fishery

* * * * *

(1) * * *
(a) * * *

(i) *Thornyheads*. Thornyheads (shortspine and longspine) may not be taken and retained, possessed, or landed north of Pt. Conception, the daily trip limit for thornyheads is 100 lb (45 kg) for vessels engaged in fishing for pink shrimp. South of Pt. Conception, the daily trip limit for thornyheads is 50 lb (23 kg). (The 50-percent monthly limit is not relevant for thornyheads taken in the open access fishery because it is much larger than the amount that could be taken under daily trip limits.)

(ii) *Widow rockfish*. The 50-percent monthly limit for widow rockfish is 15,000 lb (6,804 kg).

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(iv) * * *

(A) *Yellowtail rockfish*. The 50-percent monthly limit for yellowtail rockfish is 6,500 lb (2,948 kg).

* * * * *

(b) * * *

(i) *Hook-and-line or pot gear*: 10,000 lb (4,536 kg) of rockfish per vessel per fishing trip, of which no more than 500 lb (227 kg) may be bocaccio taken and retained south of Cape Mendocino. As stated in paragraph IV.C (1) (iv)(B) above, no more than 1,000 lb (454 kg) cumulative per month may be bocaccio taken and retained south of Cape Mendocino. * * *

* * * * *

(2) * * *

(a) * * *

(i) *North of 36°00' N. lat.* North of 36°00' N. lat., the daily trip limit for sablefish is 300 lb (136 kg), which counts toward a cumulative trip limit of 700 lb (318 kg) per 2-month period. The 2-month cumulative trip limit may be taken at any time during the 2-month period; there is no 60-percent monthly limit for the open access fishery.

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(b) *Exempted trawl gear*. The 50-percent monthly limit of 3,000 lb (1,361 kg) applies to sablefish taken and retained with exempted trawl gear.

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(4) *Dover sole*. The 50-percent monthly trip limit for Dover sole is 11,000 lb (4,990 kg), and applies to all open access gear.

(5) *Groundfish taken by shrimp or prawn trawl*. The daily trip limits, which count toward the trip limit for groundfish, are: For sablefish coastwide, 300 lb (136 kg); and for thornyheads south of Pt. Conception, 50 lb (23 kg). The limits in paragraphs IV.C(1)(a), (2)(b), (3), and (4) also apply.

(a) *Pink shrimp*. The trip limit for a vessel engaged in fishing for pink shrimp is 500 lb (227 kg) of groundfish, multiplied by the number of days of the fishing trip. The daily trip limits for sablefish and thornyheads may not be multiplied by the number of days of the fishing trip. North of 36° N. lat., a trip limit of 100 lb (45 kg) of thornyheads also applies, which may not be multiplied by the number of days of the fishing trip, and is counted toward the groundfish trip limit.

* * * * *

Classification

These actions are authorized by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Administrator, Northwest Region, NMFS (see ADDRESSES) during business hours. Because of the need for immediate action to implement these changes at the beginning of the May through June 2-month cumulative limit period and because the public had an opportunity to comment on the action at the April 1998 Council meeting, NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. These actions are taken under the authority of 50 CFR

660.323 (b)(1), and are exempt from review under E.O. 12866.

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

Dated: April 30, 1998.

Gary C. Matlock,

Director, Office of Sustainable Fisheries.

[FR Doc. 98-11964 Filed 5-1-98; 3:28 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980429110-8110-01; I.D. 042398B]

RIN 0648-AK25

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 1998 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 1998 and 1999 salmon seasons opening earlier than May 1, 1999. Specific fishery management measures vary by fishery and by 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 also intended to allow a portion of the salmon runs to escape the ocean fisheries in order to provide for spawning escapement and inside fisheries.

DATES: Effective from 0001 hours Pacific Daylight Time (P.d.t.), May 1, 1998, until the effective date of the 1999 management measures, as published in the **Federal Register**. Comments must be received by May 15, 1998.

ADDRESSES: Comments on the management measures and the related

environmental assessment (EA) may be sent to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way N.E., Seattle, WA 98115-0070; or William Hogarth, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213. Copies of the EA and other documents cited in this document are available from Larry Six, Executive Director, Pacific Fishery Management Council, 2130 S.W. Fifth Ave., Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William Robinson at 206-526-6140, or Svein Fougner at 562-980-4040.

SUPPLEMENTARY INFORMATION:

Background

The ocean salmon fisheries off Washington, Oregon, and California are managed under a "framework" fishery management plan entitled the Pacific Coast Salmon Plan (FMP). Regulations at 50 CFR part 660, subpart H, provide the mechanism for making pre-season and in-season adjustments to the management measures, within limits set by the FMP, by notification in the **Federal Register**.

These management measures for the 1998 and pre-May 1999 ocean salmon fisheries were recommended by the Pacific Fishery Management Council (Council) at its April 6 to 10, 1998, meeting.

Schedule Used To Establish 1998 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 1997 Ocean Salmon Fisheries," summarizes the 1997 ocean salmon fisheries and assesses how well the Council's management objectives were met in 1997. The second report, "Preseason Report I Stock Abundance Analysis for 1998 Ocean Salmon Fisheries" (PRE I), provides the 1998 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 1997 regulations or regulatory procedures were applied to the 1998 stock abundances.

The Council met from March 9 to 13, 1998, in Millbrae, CA, to develop proposed management options for 1998. 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 to provide for ocean harvests of more abundant stocks. After the March Council meeting, the STT and Council staff economist prepared a third report, "Preseason Report II Analysis of Proposed Regulatory Options for 1998 Ocean Salmon Fisheries" (PRE II), which analyzes the effects of the proposed 1998 management options. This report also was made available to the Council, its advisors, and the public.

Public hearings on the proposed options were held on March 30, 1998 in Westport, WA, North Bend, OR, and Moss Landing, CA; on March 31, 1998 in Tillamook, OR and Eureka, CA; and on April 1, 1998 in Sacramento, CA.

The Council met on April 6 to 10, 1998, in Portland, OR, to adopt its final 1998 recommendations. Following the April Council meeting, the STT and Council staff economist prepared a fourth report, "Preseason Report III Analysis of Council-Adopted Management Measures for 1998 Ocean Salmon Fisheries" (PRE III), which analyzes the environmental and socio-economic effects of the Council's final recommendations. This report also was made available to the Council, its advisors, and the public.

Resource Status

Aside from salmon species listed and proposed for listing under the Endangered Species Act (ESA) discussed below, the primary resource concerns are for Klamath River fall chinook, lower Columbia River fall chinook stocks, Oregon coastal natural coho, and Washington coastal and Puget Sound natural coho. 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 fall chinook stocks are abundant compared to other chinook stocks of the Pacific coast. The Central Valley Index of abundance of combined Central Valley chinook stocks is projected to be 1,051,000 for 1998, the highest ever predicted and about the same as the post-season estimate of the index for 1997 (PRE I, February 1998). The spawning escapement of Sacramento River adult fall chinook was 323,900 adults in 1997 (PRE III, May 1998), well above the escapement goal range of 122,000 to 180,000 adult spawners.

Winter chinook from the Sacramento River are listed under the ESA as an endangered species (59 FR 440, January 4, 1994). The 1997 spawning run size

was estimated to be approximately 480 adults, 3.1 times the estimated 1994 adult escapement. Neither pre-season nor post-season estimates of ocean abundance are available for winter chinook; however, the run is expected to remain depressed in 1998 (PRE I).

Klamath River fall chinook ocean abundance is projected to be 126,600, age-3 and age-4, fish at the beginning of the fishing season. The abundance forecast is 19 percent below the 1997 pre-season abundance estimate and 49 percent below the average of post-season estimates for 1988-1997 (PRE I). The spawning escapement goal for the stock is 33 to 34 percent of the potential natural adults, but no fewer than 35,000 natural spawners (fish that spawn outside of hatcheries). The natural spawning escapement in 1997 was 46,000 adults (PRE III).

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 similar to the levels observed in 1997 (PRE I). These stocks are important contributors to ocean fisheries off Oregon and northern California. The generalized expectation for north-migrating stocks is for an above-average abundance of age-5 fish and a below-average abundance of age-3 and age-4 fish (PRE I). 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 1998 (PRE I).

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 1998 are 36,200 fish, less than one-third of the 1997 return of 114,100 adult fish (PRE I). The 1998 forecast indicates a return to recent year escapement levels and the continued depressed status of this stock. In recent years, the natural component of this stock generally has comprised less than one-third of the upriver spring chinook run, compared to approximately 70 percent of the run when the original escapement goal was developed. The 1997 return of 114,100 fish was at least two-thirds of hatchery origin. The natural stock component remains severely depressed, with Snake River spring/summer chinook listed as threatened under the ESA. The 1997 return of 28,000 adult summer chinook

was 68 percent above the preseason expectation and the largest return since 1990 (PRE III). Expected ocean escapement of adult upriver summer chinook is 11,200 adult fish (PRE III). The 1998 stock status remains extremely depressed, with a forecast return of 11,200 fish being only 14 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 32,800 fish, close to the 1997 return of 34,300 fish (PRE I), and the fifth consecutive year that the adult return is less than 50,000 fish. Lower Columbia River spring chinook stocks are important contributors to Council area fishery catches north of Cape Falcon; Willamette River spring chinook stocks generally contribute to Canadian and Alaskan ocean fisheries.

(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 141,800 adults, 15 percent below the 1997 observed return of 167,900 adults (PRE III). This stock has a northern ocean migratory pattern and constitutes less than 10 percent of Council area fisheries north of Cape Falcon.

(b) Lewis River wild chinook ocean escapement is forecast at 7,000 adults, 49 percent below the 1997 run size of 13,800 adults (PRE III).

(c) Lower river hatchery (Tules) fall chinook ocean escapement is forecast at 22,500 adults, 60 percent below the 1997 observed return of 56,700 adults (PRE III). 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 (Tules) fall chinook ocean escapement is projected to be 14,200 adults, 44 percent below the 1997 observed return of 25,200 adults (PRE III). The Spring Creek hatchery fall chinook stock generally has been rebuilding slowly since the record low return in 1987, but this year's projection of 14,200 adults is very low.

(e) Mid-Columbia bright fall chinook ocean escapement is projected to be

44,900 adults, 21 percent below the 1997 return of 57,000 adults (PRE III).

(4) *Snake River wild fall chinook*. Snake River wild fall chinook are listed under the ESA as a threatened species (57 FR 14653, April 22, 1992). 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.

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

There are indications that the 1997 preseason abundance predictors for coho were optimistic, because they did not anticipate abnormally low marine survival associated with the current El Niño event. Postseason estimates of abundance for Columbia River, Washington Coastal, and Puget Sound stocks were substantially below expectations after allowances for lower than anticipated impacts by ocean fisheries were considered.

Impacts on growth and survival prior to the fall of 1997 returns were automatically incorporated into sibling-based predictors currently employed for several stocks. For instance, jack returns for most Columbia River chinook and coho stocks were at, or near, record low levels, and fish condition was noticeably poor. During the 1982-1983 El Niño, the STT incorporated an adjustment factor in anticipation of abnormally high over-winter mortality with widely varying success. The STT considered and rejected incorporating a 1998 adjustment factor to compensate for abnormally high over-winter mortality that may result from the current El Niño event. The current El Niño developed more rapidly and at different times than previous events so there is a general lack of information that can be usefully employed to quantify the degree to which adjustments should be made to the estimates of survival of salmon stocks. The STT, however, was of the opinion that the abundance forecasts presented for this season's report for coho and Columbia River chinook stocks could likely prove to be optimistic.

Central California coast coho and southern Oregon/northern California coast coho are listed as threatened species under the ESA (61 FR 56138,

October 31, 1996, and 62 FR 24588, May 6, 1997). Coho populations in California have not been monitored closely in the past, and no forecasts of the ocean abundance of listed coho originating from California are available; these runs have been generally at low abundance levels for many years.

Oregon coastal and Columbia River coho stocks are the primary components of the Oregon Production Index (OPI), an annual index of coho abundance from Leadbetter Point, WA, to the U.S.-Mexico border. The 1998 OPI is forecast to be 136,500 coho, 71 percent below the 1997 preseason forecast of 463,800 coho, and 44 percent below the 1997 observed level of 243,400 coho (PRE I). The 1998 estimate for OCN is 47,200 coho, 45 percent below the 1997 preseason forecast of 86,400 coho, and 70 percent above the 1997 observed level of 27,800 coho (PRE I). The 1997 spawning escapement of the OCN stock was 27,800 fish, the smallest for at least the last 5 years.

Most Washington coastal natural coho stocks and Puget Sound combined natural coho stocks are expected to be less abundant in 1998 than forecast in 1997. The 1998 Willapa Bay hatchery total ocean stock abundance forecast is 20,800 adults, approximately 71 percent less than 1997 (PRE I). The prediction is based upon an average terminal area return per release (1992-1997) adjusted by a mean jack return rate for the same brood years. Willapa Bay coho production is predominately hatchery origin, and until 1998, only hatchery abundance was predicted. This year, the estimate of natural coho is 3,300. The estimate of Grays Harbor natural stock ocean abundance for 1998 is 30,100 adults, an increase of 15 percent from the 1997 preseason expected abundance (PRE I). The estimate of hatchery stock ocean abundance is 25,600 adults, a decrease of 75 percent from the preseason 1997 estimate (PRE I). The Quinalt natural coho ocean run size is 6,500 fish, an increase of 225 percent from the 1997 projected level (PRE I). The Quinalt hatchery coho ocean run size is forecast at 3,900 fish, a decrease of 24 percent compared to the 1997 level (PRE I). The Queets natural coho ocean run size is 4,200 fish, a decrease of 2 percent from the 1997 projected level (PRE I). The Queets hatchery coho ocean run size is forecast at 4,600 fish, a decrease of 71 percent compared to the 1997 level (PRE I). The Hoh River natural coho ocean run size is 3,400 fish, an increase of 21 percent from the 1997 projected level (PRE I). There is no hatchery production projected for the Hoh system for 1998. The 1998 forecast abundance of Quillayute River natural

and hatchery components are 10 percent and 52 percent, respectively, below the 1997 forecast levels (PRE I).

Pink Salmon Stocks

Major pink salmon runs return to the Fraser River and Puget Sound only in odd-numbered years. In 1997, abundance was 8.2 million Fraser River pink salmon, Puget Sound pink salmon abundance is not yet available.

Management Measures for 1998

The Council recommended allowable ocean harvest levels and management measures for 1998 designed to apportion the burden of protecting the weak stocks previously discussed equitably among ocean fisheries and to allow maximum harvest of natural and hatchery runs surplus to inside fishery and spawning needs. NMFS finds the Council's recommendations responsive to the goals of the FMP, the requirements of the resource, and the socio-economic factors affecting resource users. The recommendations are consistent with the requirements of the Magnuson-Stevens Act and other applicable law, including the ESA and U.S. obligations to Indian tribes with Federally recognized fishing rights. Accordingly, NMFS hereby adopts them.

North of Cape Falcon, Oregon, the management measures implement the smallest chinook and coho quotas since 1994 to protect depressed Washington coastal, Puget Sound, and Oregon Coastal Natural (OCN) coho stocks. South of Cape Falcon, the retention of coho is prohibited for the fourth consecutive year, and chinook fisheries are constrained primarily to meet the Klamath River fall chinook natural spawner escapement floor and ESA standards for Sacramento River winter chinook. These constraints also limit impacts on threatened Snake River fall chinook, Southern Oregon/Northern California Coast coho, and Central California coho. Size limit, gear, and seasonal restrictions are intended to reduce harvest impacts on endangered Sacramento River winter chinook. The management measures include a small selective recreational fishery for marked hatchery coho in the ocean off the mouth of the Columbia River.

A. South of Cape Falcon

In the area south of Cape Falcon, the management measures in this rule reflect primarily the need to achieve the minimum spawning escapement goal floor for Klamath River fall chinook and the ESA requirements for Sacramento River winter chinook, southern Oregon/northern California coast coho and central California coast coho.

Since completion of the April 30, 1997, supplement to the March 8, 1996, opinion, NMFS has listed four populations of steelhead as threatened under the ESA (62 FR 43937, August 18, 1997, and 63 FR 13347, March 19, 1998) and proposed seven populations of chinook for listing (63 FR 11482, March 9, 1998). In a March 4, 1998, letter to the Council, NMFS provided guidance on protective measures for listed species for the 1998 season. NMFS required that Council fisheries be managed so that the total ocean exploitation rate on listed coho from the California component of the southern Oregon/northern California coast coho environmentally significant unit be constrained to 13 percent or less, the lowest exploitation rate specified under the rebuilding provisions of the Council's recommended Amendment 13 to the FMP. In addition, the retention of coho in recreational and commercial fisheries off California is prohibited. In accordance with the NMFS guidance, the Council's recommendations result in a 12-percent exploitation rate impact for Rogue/Klamath coho, and retention of coho south of Cape Falcon is prohibited for the fourth consecutive year.

Sacramento River winter chinook are listed as an endangered species under the ESA. A March 8, 1996, biological opinion and a February 18, 1997, addendum require that NMFS reduce all harvest-related impacts to the Sacramento River winter chinook salmon population by a level that would achieve at least a 31-percent increase in the spawner-to-spawner replacement rate over a base period of 1989 through 1993. The increase in the spawner-to-spawner replacement rate projected for 1998 is 31.1 percent, which achieves the minimum 31 percent rate over the base period.

NMFS concluded that incidental fishery impacts that occur in the ocean salmon fishery proposed for the period from May 1, 1998, through April 30, 1999 (or until the effective date of the 1999 management measures), will not jeopardize the continued existence of populations of chinook proposed for listing.

The Council recommended the continued use of an increase in the minimum size limit in the recreational fishery to 24 inches (61.0 cm) south of Horse Mountain in conjunction with restricted seasons to reduce incidental ocean harvest of Sacramento River winter chinook. The Council reviewed a recent California Department of Fish and Game study on the mortality rate of salmon released in the California recreational fishery and revised the hooking mortality rates associated with mooching using circle and J hooks

consistent with the study results. The Council recommended the continuation of gear restrictions for recreational fisheries off California, with certain modifications, to minimize hooking mortality.

The Council recommended a July 1 through September 7 recreational fishery between Point Arena and Pigeon Point in which the bag limit will be the first two fish caught (excluding coho) with no minimum size limit. Any coho salmon caught must be released.

The Council also recommended a commercial troll test fishery operating inside six nautical miles from July 5 through July 31 between Fort Ross and Point Reyes under a 3,000 fish quota. The test fishery is designed to assess the relative contribution of Klamath River fall chinook to the catch of a near-shore commercial fishery in the test area.

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. Off California, no more than six lines are allowed per vessel. Off Oregon, no more than four spreads are allowed per line.

From Point Sur, CA, to the U.S.-Mexico border, the commercial fishery will open May 1 through September 30.

From Point San Pedro, CA, to Point Sur, CA, the commercial fishery will open May 1 through May 31, then reopen June 16 through September 30.

From Point Reyes to Point San Pedro, CA, the commercial fishery will open July 1 through September 30.

From Fort Ross (38°31'00" N. lat.) to Point Reyes, CA, a test troll commercial fishery inside 6 nautical miles will open July 5 through the earlier of July 31 or an overall 3,000 chinook quota. For all salmon except coho, the season is to be opened as follows: July 5 through the earlier of July 11 or 1,000 chinook quota; July 12 through the earlier of July 18 or 1,000 chinook quota; and July 19 through the earlier of July 25 or the lesser of a 1,000 chinook quota or the remainder of the overall 3,000 chinook quota. If sufficient overall quota remains, the fishery will reopen on July 26 through the earlier of July 31 or achievement of the overall 3,000 chinook quota. There is a landing limit of no more than 30 fish per day. All fish caught in this area must be landed in Bodega Bay within 24 hours of each closure. Fish taken outside this test fishery may not be landed at Bodega Bay during the time authorized for the test fishery landings. These restrictions are necessary to assure the data collected from the test fishery are valid.

From Point Arena to Point Reyes, CA, the commercial fishery will open August 1 through September 30.

From Horse Mountain to Point Arena, CA, the commercial fishery will open September 1 through September 30.

From the Oregon-California border to Humboldt South Jetty, CA, the commercial fishery will open September 1 and continue through the earlier of September 30 or attainment of the 6,000 chinook quota. Restrictions include a landing limit of no more than 30 fish per day; all fish caught in this subarea must be landed within the subarea; and closure of the Klamath Control Zone. Under the State of Oregon regulations, vessels with fish on board from this area that are temporarily moored in Brookings, Oregon, prior to landing in California must first notify the Chetco River Coast Guard Station via VHF channel 22A between the hours of 0500 and 2200 and provide the name of the vessel, number of fish on board, and estimated time of arrival.

From Sisters Rocks to Mack Arch, OR, the commercial fishery will open August 1 and continue through the earlier of August 31 or attainment of the 1,400 chinook quota. The fishery will follow a cycle of 2 days open and 2 days closed. The days open may be adjusted inseason, if necessary, to manage the fishery. The open area is restricted to only 0 to 4 nautical miles (7.4 km) off shore. All salmon must be landed and delivered to Gold Beach, Port Orford, or to Brookings within 24 hours of each closure.

From Humbug Mountain, OR, to the Oregon-California border, the commercial fishery opened April 15 and will continue through the earlier of May 31 or attainment of the 3,600 chinook quota.

From Heceta Banks (43°58'00" N. lat.) to Humbug Mountain, OR, the commercial fishery opened April 15 and will continue through June 30, then reopen August 1 through August 26, and then reopen September 1 through October 31.

From Cape Falcon to Heceta Banks (43°58'00" N. lat.), the commercial fishery opened on April 15 and will continue through June 30, then reopen August 1 through August 28, and then reopen September 1 through October 31. See Oregon State regulations for a description of the time and area closures at the mouth of Tillamook Bay.

Recreational 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. North of Point

Conception, persons fishing for salmon and persons fishing from a boat with salmon on board are restricted to no more than one rod per angler. From Horse Mountain to Point Conception, CA, the following restrictions apply:

If angling by any other means than trolling, then no more than two single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed 5 in (12.7 cm) when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Trolling is defined as: Angling from a boat or floating device that is moving forward by means of a source of power (other than drifting by means of the prevailing water current or weather conditions) except when landing a fish.

Exception: Circle hooks are not required when artificial lures are used without bait.

From Pigeon Point, CA, to the U.S.-Mexico border, the recreational fishery which opened on March 14 will continue through September 7 with a 2-fish daily bag limit and a 24 in (61.0 cm) minimum size limit.

From Point Arena to Pigeon Point, CA, the recreational fishery which opened on March 28 will continue through November 1 with a 2-fish daily bag limit and a 24 in (61.0 cm) minimum size limit. Except from July 1 through September 7, the bag limit will be the first two fish other than coho and no size limit. Sacramento Control Zone will be closed from the season opening through March 31.

From Horse Mountain to Point Arena, CA, the recreational fishery which opened on February 14 will continue through July 5, then reopen August 1 through November 15 (the nearest Sunday to November 15) with a 2-fish daily bag limit and a 24 in (61.0 cm) minimum size limit for both seasons.

From Humbug Mountain, OR, to Horse Mountain, CA, the recreational fishery will open May 23 through June 10, then reopen June 21 through July 5 and August 11 through September 13. All seasons include a one-fish daily bag limit, but no more than four fish in seven consecutive days; the Klamath Control Zone closed in August.

From Cape Falcon to Humbug Mountain, OR, the recreational fishery, which opened April 15, will continue through July 5, then reopen August 1 through October 31. Both seasons include a 2-fish daily bag limit, but no

more than six fish in 7 consecutive days. Legal gear is limited to artificial lures and plugs of any size, or bait no less than 6 inches (15.2 cm) long (excluding hooks and swivels). All gear must have no more than two single point, single shank barbless hooks; divers are prohibited; and flashers may be used only with downriggers.

B. North of Cape Falcon

From the U.S.-Canada border to Cape Falcon, ocean fisheries are managed to protect depressed lower Columbia River fall chinook salmon and Washington coastal and Puget Sound natural coho salmon stocks and to meet ESA requirements for Snake River fall chinook salmon. Ocean treaty and non-treaty harvests and management measures were based in part on negotiations between Washington State fishery managers, commercial and recreational fishing 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 v. Baldrige*.

All non-treaty commercial troll and recreational ocean fisheries will be limited by either an overall 10,000 chinook quota, or impacts on critical Washington coastal and Puget Sound natural stocks equivalent to the preseason coho quota of 16,000. A preseason trade was made of 4,000 coho from the commercial troll fishery to the recreational fishery for 1,500 chinook. Between Leadbetter Point and Cape Falcon, the recreational coho fishery will be a selective fishery for marked hatchery coho.

Commercial Troll Fisheries

The commercial troll fishery for all salmon except coho will open between the U.S.-Canada border and Cape Falcon, OR, on May 1 and continue through June 15 or attainment of the 6,500 chinook quota. The Columbia Control Zone is closed.

Recreational Fisheries

Recreational fisheries are divided into four subareas: Opening dates, subarea quotas, bag limits, and area and gear restrictions are described below. The fisheries in open subareas will begin on August 3 and continue through the earlier of September 24 or attainment of the respective subarea coho quota. The recreational fisheries will be limited by overall catch quotas of 3,500 chinook and 16,000 coho. Chinook guidelines for the three subareas between Cape Alava, WA, and Cape Falcon, OR, will provide a basis for inseason management

measures to restrain chinook harvest but will not serve as quotas.

From Leadbetter Point, WA, to Cape Falcon, OR, the fishery will be for all salmon with a 8,000 coho subarea quota (1,000 coho of this quota are allocated to hook-and-release mortality due to the selective fishery regulation), open Sunday through Thursday only, with a 2-fish daily bag limit, but no more than 1 chinook a day. All retained coho must have a healed adipose fin clip, no more than four fish may be retained in a calendar week (Sunday through Saturday), and the area is closed in the Columbia Control Zone. Inseason management may be used to sustain season length and keep harvest within a guideline of 1,050 chinook.

From the Queets River to Leadbetter Point, WA, the fishery will be for all salmon with a 7,400 coho subarea quota, open Sunday through Thursday only, with a two-fish daily bag limit, but no more than 1 chinook and no more than four fish in a calendar week (Sunday through Saturday), and closed 0 to 3 miles (4.8 km) off shore. Inseason management may be used to sustain season length and keep harvest within a guideline of 2,350 chinook.

From Cape Alava to the Queets River, WA, the fishery will be for all salmon with a 600 coho subarea quota, open 7 days per week with a 2-fish daily bag limit. Inseason management may be used to sustain season length and keep harvest within a guideline of 100 chinook.

From the U.S.-Canada border to Cape Alava, WA, the fishery will be closed.

Treaty Indian Fisheries

Ocean salmon management measures proposed by the treaty Indian tribes are part of a comprehensive package of treaty Indian and non-treaty 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 15,000 chinook (10,000 for the May-June chinook-directed fishery and 5,000 for the August-September all-salmon fishery) and 10,000 coho. The all-salmon-except-coho seasons open May 1 and extend through June 30 or until the overall harvest guideline of 10,000 chinook is reached, whichever is earlier. The all-salmon seasons open August 1 and extend through the earliest of September 15 or attainment of the chinook or coho quotas. If the chinook quota from the May-June fishery is not fully utilized, the excess fish may not be rolled into the later all-salmon season. The minimum length restrictions for all treaty ocean fisheries, excluding ceremonial and subsistence harvest, is 24 in (61.0 cm) for chinook and 16 in (40.6 cm) for coho.

1999 Fisheries

The timing of the March and April Council meetings makes it impracticable for the Council to recommend fishing seasons that begin before May 1, of the same year. Therefore, 1999 fishing season openings earlier than May 1 are also established in this notification. The

Council recommended and NMFS concurs that the following seasons will open off California in 1999. The following recreational seasons have two-fish daily bag limits and a minimum size limit of 24 in (61.0 cm) for chinook salmon (see special gear restrictions B.5). From Pigeon Point to the U.S.-Mexico border, a recreational fishery for all salmon except coho will open on March 13. From Point Arena to Pigeon Point, a recreational fishery for all salmon, except coho, will open on March 27. From Horse Mountain to Point Arena, a recreational fishery for all salmon, except coho, will open on February 13. An experimental fishery will open between Point Sur and the U.S.-Mexico Border for all salmon, except coho, from April 2 through the earlier of April 29 or achievement of a chinook quota. The experimental fishery is intended to evaluate the contribution of Sacramento River winter chinook to the commercial catch south of Point Sur during the month of April. Details regarding the season, the chinook quota, and participating vessels will be determined through an inseason recommendation of the Council at the November 1998 meeting. At the March 1999 meeting, the Council will consider in season recommendations to establish or modify management measures for an all-salmon-except-coho fishery prior to May 1, in areas off Oregon.

The following tables and text are the management measures recommended by the Council and approved by NMFS for 1998 and, as specified, for 1999.

TABLE 1.—COMMERCIAL MANAGEMENT MEASURES FOR 1998 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.]

A. SEASON DESCRIPTION

North of Cape Falcon

U.S.-Canada Border to Cape Falcon

May 1 through earlier of June 15 or 6,500 chinook quota. All salmon except coho. Following any closure of this fishery, vessels must land and deliver the fish within 48 hours of the closure. Columbia Control Zone is closed (C.7.).

South of Cape Falcon

Cape Falcon to Heceta Banks (43°58'00" N. lat.)

April 15 through June 30; August 1 through August 28; and September 1 through October 31. All salmon except coho. See Oregon State regulations for a description of the time and area closures at the mouth of Tillamook Bay. See gear restriction (C.3.a.).

Heceta Banks (43°58'00" N. lat.) to Humbug Mountain

April 15 through June 30; August 1 through August 26; and September 1 through October 31. All salmon except coho. See gear restriction (C.3.a.).

Humbug Mountain to the Oregon-California Border

April 15 through earlier of May 31 or 3,600 chinook quota. All salmon except coho. See gear restriction (C.3.a.).

Sisters Rocks to Mack Arch

August 1 through earlier of August 31 or 1,400 chinook quota. All salmon except coho. Season to follow a cycle of 2 days open/2 days closed (August 1–2; 5–6; 9–10; 13–14; 17–18; etc.) and may be modified inseason. Open only 0–4 nautical miles (7.4 km) off shore. All salmon must be landed and delivered to Gold Beach, Port Orford or Brookings within 24 hours of each closure. See gear restriction (C.3.a.).

Oregon-California Border to Humboldt South Jetty

TABLE 1.—COMMERCIAL MANAGEMENT MEASURES FOR 1998 OCEAN SALMON FISHERIES—Continued

[Note: This table contains important restrictions in parts A, B, C, and D which must be followed for lawful participation in the fishery.]

September 1 through earlier of September 30 or 6,000 chinook quota. All salmon except coho. Landing limit of no more than 30 fish per day. Klamath Control Zone closed (C.7.). All fish caught in this area must be landed within this area. Under the State of Oregon regulations, vessels with fish on board from this area that are temporarily moored in Brookings, Oregon prior to landing in California must first notify the Chetco River Coast Guard Station via VHF channel 22A between the hours of 0500 and 2200 and provide the name of the vessel, number of fish on board, and estimated time of arrival. See gear restriction (C.3.b.).

Horse Mountain to Point Arena

September 1 through September 30. All salmon except coho. See gear restriction (C.3.b.).

Point Arena to Point Reyes

August 1 through September 30. All salmon except coho. See gear restriction (C.3.b.).

Fort Ross (38°31'00" N. lat.) to Point Reyes (test fishery inside 6 nautical miles (11.1 km))

July 5 through earlier of July 31 or an overall 3,000 chinook quota. All salmon except coho. Season to be opened as follows: July 5 through earlier of July 11 or 1,000 chinook quota; July 12 through earlier of July 18 or 1,000 chinook quota; and July 19 through earlier of July 25 or the lesser of a 1,000 chinook quota or the remainder of the overall 3,000 chinook quota. If sufficient overall quota remains, the fishery will reopen on July 26 through the earlier of July 31 or achievement of the overall quota. Open only inside 6 nautical miles (11.1 km) off shore. Landing limit of no more than 30 fish per day. All fish caught in this area must be landed in Bodega Bay within 24 hours of each closure. Fish taken outside the test fishery may not be landed at Bodega Bay during the time authorized for test fishery landings. See gear restriction (C.3.b.).

Point Reyes to Point San Pedro

July 1 through September 30. All salmon except coho. See gear restriction (C.3.b.).

Point San Pedro to Point Sur (36°18'00" N. lat.)

May 1 through May 31; June 16 through September 30. All salmon except coho. See gear restriction (C.3.b.).

Point Sur (36°18'00" N. lat.) to U.S.-Mexico Border

May 1 through September 30. All salmon except coho. See gear restriction (C.3.b.).

Point Sur (36°18'00" N. lat.) to U.S.-Mexico Border in 1999

April 2 through the earlier of April 29 or achievement of a chinook quota. All salmon except coho. The details of the season and the chinook quota will be determined through an inseason recommendation of the Council at its November 1998 meeting. See gear restriction (C.3.b.).

B. MINIMUM SIZE LIMITS (INCHES)

Area (when open)	Chinook		Coho		Pink
	Total length	Head-off	Total length	Head-off	
North of Cape Falcon	28.0	21.5	.....	.....	None.
Cape Falcon to Oregon-California Border *	*26.0	*19.5	.....	.....	None.
South of Oregon-California Border *	*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: 28.0 inches=71.1 cm, 26.0 inches=66.0 cm, 21.5 inches=54.6 cm, 19.5 inches=49.5 cm.

C. SPECIAL REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

- C.1. *Hooks*—Single point, single shank barbless hooks are required.
- C.2. *Spread*—A single leader connected to an individual lure or bait.
- C.3. *Line, Spread and Gear Restrictions:*
 - a. Off Oregon south of Cape Falcon, no more than 4 spreads are allowed per line.
 - b. Off California, no more than 6 lines are allowed per vessel.
- C.4. *Compliance with Minimum Size or Other Special Restrictions*—All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.
- C.5. *Transit Through Closed Areas with Salmon on Board*—It is unlawful for a vessel to have troll gear in the water while transiting any area closed to salmon fishing while possessing salmon.
- C.6. *Notification When Unsafe Conditions Prevent Compliance with Regulations*—A vessel is exempt from meeting special management area landing restrictions if prevented by unsafe weather conditions or mechanical problems from meeting those restrictions, and it complies with the State of Washington's, Oregon's, or California's requirement to notify the U.S. Coast Guard and receive acknowledgement of such notification prior to leaving the area. 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.
- C.7. *Control Zone Definitions:*
 - Columbia Control Zone—The ocean area at the Columbia River mouth bounded by a line extending for 6 nautical miles (11.1km) due west from North Head along 46°18'00" N. lat. to 124°13'18" W. long., then southerly to 46°13'24" N. lat. and 124°11'00" W. long. (green, Columbia River Entrance Lighted Bell Buoy #1), then southerly to 46°13'06" N. lat. and 124°11'00" W. long. (red, Columbia River Approach Lighted Whistle Buoy), then northeast along red buoy line to the tip of the south jetty.
 - Klamath Control Zone—The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nautical miles (11.1 km) north of the Klamath River mouth), on the west by 124°23'00" W. long. (approximately 12 nautical miles (22.2 km) off shore), and on the south by 41°26'48" N. lat. (approximately 6 nautical miles (11.1 km) south of the Klamath River mouth).
- C.8. *Incidental Halibut Harvest*—The operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A, during authorized periods, while trolling for salmon. Incidental harvest is authorized only during May and June troll seasons and after July 31 if quota remains and if announced on the NMFS hotline (phone 800-662-9825).

Incidental harvest: license holders may land no more than 1 halibut per each 8 chinook, except 1 halibut may be landed without meeting the ratio requirement, and no more than 25 halibut may be landed per trip. Halibut retained must meet the minimum size limit of 32 inches (81.3 cm). The Oregon Department of Fish and Wildlife and the Washington Department of Fish and Wildlife will monitor landings and if they are projected to exceed the 25,344 pound (11.5 mt) preseason allocation or the Area 2A non-Indian commercial total allowable catch of halibut, NMFS will take inseason action to close the incidental halibut fishery.

License applications for incidental harvest must be obtained from the International Pacific Halibut Commission (phone 206-634-1838). Applicants must apply prior to April 1 of each year.

- C.9. *Inseason Management*—In addition to standard inseason actions or inseason modifications already noted under the season description, the Council will consider inseason recommendations to: (1) establish the chinook quota season opening April 2 and modify other season restrictions for the fishery off California between Point Sur and the U.S.-Mexico border, and (2) open the commercial season for all salmon except coho prior to May 1 in areas off Oregon.
- C.10. Consistent with Council management objectives, the State of Oregon may establish additional late-season, chinook-only fisheries in state waters. Check state regulations for details.
- C.11. For the purposes of California Department of 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.

D. QUOTAS

- D.1. *North of Cape Falcon*—All non-treaty troll and recreational ocean fisheries will be limited by overall quotas of either 10,000 chinook or 16,000 coho. Preseason species trade of 4,000 coho to the recreational fishery for 1,500 chinook to the commercial fishery. Therefore, the troll fishery will be limited by overall catch quotas of 6,500 chinook and 0 coho.
- D.2. *Humbug Mountain to Oregon-California Border*—The troll fishery will be limited by a catch quota of 3,600 chinook.
- D.3. *Sisters Rocks to Mack Arch*—The troll fishery will be limited by a catch quota of 1,400 chinook.
- D.5. *Oregon-California Border to Humboldt South Jetty*—The troll fishery will be limited by a catch quota of 6,000 chinook.
- D.6. *Fort Ross to Point Reyes*—The troll fishery will be limited by an overall catch quota of 3,000 chinook.
- D.7. *Point Sur to U.S.-Mexico Border*—The troll fishery in April 1999 will be limited by a chinook catch quota to be determined by the Council at its November 1998 meeting.

TABLE 2.—RECREATIONAL MANAGEMENT MEASURES FOR 1998 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.]

A. SEASON DESCRIPTION

North of Cape Falcon

U.S.-Canada Border to Cape Alava
Closed.

Cape Alava to Queets River

August 3 through earlier of September 24 or 600 coho subarea quota. All salmon. Open 7 days per week. 2 fish per day. 1 rod per angler. Inseason management (C.6.) may be used to sustain season length and keep harvest within a guideline of 100 chinook.

Queets River to Leadbetter Point

August 3 through earlier of September 24 or 7,400 coho subarea quota. All salmon. Open Sunday through Thursday 2 fish per day, but no more than 1 chinook per day and no more than 4 fish per calendar week (Sunday through Saturday). Closed 0–3 miles (4.8 km) off shore. 1 rod per angler. Inseason management (C.6.) may be used to sustain season length and keep harvest within a guideline of 2,350 chinook.

Leadbetter Point to Cape Falcon

August 3 through earlier of September 24 or 7,000 coho subarea quota (D.2.). All salmon. Open Sunday through Thursday 2 fish per day, but no more than 1 chinook per day and all retained coho must have a healed adipose fin clip. No more than 4 fish per calendar week (Sunday through Saturday). 1 rod per angler. Columbia Control Zone is closed (C.5.). Inseason management (C.6.) may be used to sustain season length and keep harvest within a guideline of 1,050 chinook.

South of Cape Falcon

Cape Falcon to Humbug Mountain

April 15 through July 5 and August 1 through October 31. All salmon except coho. Two fish per day. No more than 6 fish in 7 consecutive days. 1 rod per angler. Legal gear limited to: artificial lures and plugs of any size or bait no less than 6 inches (15.2 cm) long (excluding hooks and swivels). All gear must have no more than 2 single point, single shank barbless hooks. Divers are prohibited and flashers may only be used with downriggers. See Oregon State regulations for a description of a closure at the mouth of Tillamook Bay.

In 1999, the season does not open until May 1, or another date specified in the 1999 management measures, unless it is opened by inseason management (C.6.).

Humbug Mountain to Horse Mountain

May 23 through June 10; June 21 through July 5; August 11 through September 13. All salmon except coho. One fish per day. No more than 4 fish in 7 consecutive days. Klamath Control Zone (C.5.) closed in August. One rod per angler (C.2.).

Horse Mountain to Point Arena

February 14 through July 5 and August 1 through November 15 (nearest Sunday to November 15). All salmon except coho. 2 fish per day. Chinook minimum size limit 24 inches. Special gear restriction C.3. (number and type of hooks when angling by means other than trolling). One rod per angler (C.2.).

In 1999, the season will open February 13 (nearest Saturday to February 15) through April 30 for all salmon except coho, 2 fish per day, same gear and minimum size restrictions as in 1998.

Point Arena to Pigeon Point

March 28 through November 1 (nearest Sunday to November 1). All salmon except coho. 2 fish per day, chinook minimum size limit 24 inches, except—from July 1 through September 7, the bag limit will be the first 2 fish (excluding coho)(no size limit). One rod per angler (C.2.). Sacramento Control Zone (C.5.) closed from season opening through March 31. Special gear restriction C.3. (number and type of hooks when angling by means other than trolling).

In 1999, the season will open March 27 (last Saturday in March) through April 30 with the same regulations that were in effect at the end of 1998.

TABLE 2.—RECREATIONAL MANAGEMENT MEASURES FOR 1998 OCEAN SALMON FISHERIES—Continued

[Note: This table contains important restrictions in parts A, B, C, and D which must be followed for lawful participation in the fishery.]

Pigeon Point to U.S.-Mexico Border

March 14 through September 7. All salmon except coho. Two fish per day. Chinook minimum size limit 24 inches. One rod per angler north of Point Conception (C.2). Special gear restriction north of Point Conception C.3. (number and type of hooks when angling by means other than trolling).

In 1999, the season will open March 13 (nearest Saturday to March 15) through April 30 with the same regulations that were in effect at the end of 1998.

B. MINIMUM SIZE LIMITS

Area (when open)	Chinook	Coho	Pink
North of Cape Falcon	24.0	16.0	None.
Cape Falcon to Horse Mountain	20.0	.....	None, except 20.0 off California.
South of Horse Mountain*	*24.0	.....	20.0.

*Except July 1 through September 7 during the "first 2 fish bag limit" south of Point Arena to Pigeon Point.

Metric equivalents for chinook: 24.0 inches=61.0 cm, 20.0 inches=50.8 cm.

Metric equivalents for coho: 16.0 inches=40.6 cm.

Metric equivalents for pink: 20.0 inches=50.8 cm.

C. SPECIAL REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

- C.1. *Hooks*—Single point, single shank barbless hooks are required for all fishing gear north of Point Conception, California. Oregon Department of Fish and Wildlife regulations in the state-water fishery off Tillamook Bay may allow the use of barbed hooks to be consistent with inside regulations.
- C.2. *Restriction on Number of Fishing Rods North of Point Conception, California*—All persons fishing for salmon, and all persons fishing from a boat with salmon on board, may use no more than one rod per angler.
- C.3. *Special Gear Restrictions Between Horse Mountain and Point Conception, California:*
If angling by any other means than trolling, then no more than 2 single point, single shank, barbless circle hooks shall be used. The distance between the 2 hooks must not exceed 5 inches (12.7 cm) when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape and a point which turns inwards, pointing directly to the shank at a 90° angle. *Trolling defined:* Angling from a boat or floating device that is moving forward by means of a source of power (other than drifting by means of the prevailing water current or weather conditions) except when landing a fish.
Exception: Circle hooks are not required when artificial lures are used *without* bait.
- C.4. *Compliance with Minimum Size or Other Special Restrictions*—All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.
- C.5. *Control Zone Definitions:*
Columbia Control Zone—The ocean area at 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. lat. to 124°13'18" W. long., then southerly to 46°13'24" N. lat. and 124°11'00" W. long. (green, Columbia River Entrance Lighted Bell Buoy #1), then southerly to 46°11'06" N. lat. and 124°11'00" W. long. (red, Columbia River Approach Lighted Whistle Buoy), then northeast along red buoy line to the tip of the south jetty.

D. QUOTAS

- Klamath Control Zone*—The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nautical miles (11.1 km) north of the Klamath River mouth), on the west by 124°23'00" W. long. (approximately 12 nautical miles (22.2 km) off shore), and on the south by 41°26'48" N. lat. (approximately 6 nautical miles (11.1 km) south of the Klamath River mouth).
- Sacramento Control Zone*—The ocean area bounded by a line commencing at Bolinas Point (Marin County, 37°54'17" N. lat., 122°43'35" W. long.) southerly to Duxbury Buoy (37°51'37" N. lat., 122°41'43" W. long.) to Channel Buoy 1 (37°46'10" N. lat., 122°37'56" W. long.) to Channel Buoy 2 (37°45'48" N. lat., 122°37'44" W. long.) to Point San Pedro (San Mateo County, 37°35'40" N. lat., 122°31'10" W. long.).
- C.6. *Inseason Management*—Regulatory modifications may become necessary inseason to meet pre-season management objectives such as quotas, harvest guidelines and season duration. Actions could include modifications to bag limits or days open to fishing, and extensions or reductions in areas open to fishing. At the March 1999 meeting, the Council will consider an inseason recommendation to open seasons for all salmon except coho prior to May 1 in areas off Oregon.
The procedure for inseason coho transfer among recreational subareas north of Cape Falcon will be:
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.7. *Additional Seasons in State Territorial Waters*—Consistent with Council management objectives, the states of Washington and Oregon may establish limited seasons in state waters. Oregon state-water fisheries are limited to chinook salmon. Check state regulations for details.
- D.1. *North of Cape Falcon*—All non-treaty troll and recreational ocean fisheries will be limited by overall quotas of either 10,000 chinook or 16,000 coho. Pre-season species trade: 1,500 chinook to the commercial fishery are exchanged for 4,000 coho to the recreational fishery. Therefore, the recreational fishery will be limited by overall catch quotas of 3,500 chinook and 16,000 coho.
Note: A coho allocation for the subarea from the U.S.-Canada border to Cape Alava would be too small to allow a one-day fishery. Representatives from this subarea agreed to allocate all of the ocean quota of coho for the subarea north of the Queets River to the subarea from Cape Alava to the Queets River in view that the area north of Cape Alava has access to the fishery in Washington State Statistical Area 4B.
- D.2. *Leadbetter Point to Cape Falcon*—The coho allocation for this subarea is 8,000 coho. However, 1,000 coho of this quota are allocated to hook-and-release mortality due to the selective fishery regulation. Therefore, the recreational fishery will be limited by a subarea catch quota of 7,000 coho.

TABLE 3.—TREATY INDIAN MANAGEMENT MEASURES FOR 1998 OCEAN SALMON FISHERIES

[Note: This table contains important restrictions in parts A, B, and C which must be followed for lawful participation in the fishery.]

A. SEASON DESCRIPTIONS					
Tribe and area boundaries	Open seasons	Salmon species	Minimum size limit (inches *)		Special restrictions by area
			Chinook	Coho	
<i>MAKAH</i> —That portion of the Fishery Management Area north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.	May 1 through earlier of June 30 or chinook quota.	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 through earliest of September 15 or chinook or coho quota.	All	24	16	
<i>QUILEUTE</i> —That portion of the FMA between 48°07'36" N. lat. (Sand Pt.) and 47°31'42" N. lat. (Queets River) and east of 125°44'00" W. long.	May 1 through earlier of June 30 or chinook quota.	All except coho	24	.....	Barbless hooks. No more than 8 fixed lines per boat.
	August 1 through earliest of September 15 or chinook or coho quota.	All	24	16	
<i>HOH</i> —That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) and east of 125°44'00" W. long.	May 1 through earlier of June 30 or chinook quota.	All except coho	24	.....	Barbless hooks. No more than 8 fixed lines per boat.
	August 1 through earliest of September 15 or chinook or coho quota.	All	24	16	
<i>QUINAULT</i> —That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis) and east of 125°44'00" W. long.	May 1 through earlier of June 30 or chinook quota.	All except coho	24	.....	Barbless hooks. No more than 8 fixed lines per boat.
	August 1 through earliest of September 15 or chinook or coho quota.	All	24	16	

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

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, in inches, 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 area within a 6-mile (9.7 km) radius of the mouths of the Queets River (47°31'42" N. lat.) and the Hoh River (47°45'12" N. lat.) 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. lat.) 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 15,000 chinook and 10,000 coho. The overall chinook quota is divided into 10,000 chinook for the May-June all-salmon-except-coho fishery and 5,000 chinook for the August-September all-salmon season. If the chinook quota from the May-June fishery is not fully utilized, the excess fish may not be rolled into the later all-salmon season. These quotas include troll catches by the S'Klallam and Makah tribes in Washington State Statistical Area 4B.

Halibut Retention

Under the authority of the Northern Pacific Halibut Act, regulations governing the Pacific halibut fishery were published in the **Federal Register** on March 18, 1997 (62 FR 12759). These regulations appear at 50 CFR part 300. The regulations state that vessels participating in the salmon troll fishery in Area 2A (all waters off the States of Washington, Oregon, and California), which have obtained the appropriate International Pacific Halibut Commission (IPHC) license, may retain halibut caught incidentally during authorized periods in conformance with provisions published with the annual

salmon management measures. A salmon troller may participate in the halibut incidental catch fishery during the salmon troll season or in the directed commercial fishery targeting halibut, but not both.

The following measures have been approved. The operator of a vessel who has been issued an incidental halibut harvest license by the IPHC may retain Pacific halibut caught incidentally in Area 2A, during authorized periods, while trolling for salmon. Incidental harvest is authorized only during May and June troll seasons and after July 31 if halibut quota remains and if announced on the NMFS hotline (phone

800-622-9825). License holders may land no more than 1 halibut per each 8 chinook, except 1 halibut may be landed without meeting the ratio requirement, and no more than 25 halibut may be landed per trip. Halibut retained must meet the minimum size limit of 32 inches (81.3 cm). The Oregon Department of Fish and Wildlife and Washington Department of Fish and Wildlife will monitor landings and, if they are projected to exceed the 25,344-pound (11.5-mt) preseason allocation or the Area 2A non-Indian commercial total allowable catch of halibut, NMFS will take inseason action to close the incidental halibut fishery. License

applications for incidental harvest must be obtained from the IPHC. Applicants must apply prior to April 1 of each year.

Gear Definitions and Restrictions

In addition to the gear restrictions shown in Tables 1, 2, and 3, the following gear definitions and restrictions will apply.

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 no 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). While fishing off California north of Point Conception, no person fishing for salmon and no person fishing from a boat with salmon on board may use more than one rod and line.

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

Geographical Landmarks

Wherever the words "nautical miles off shore" are used in this document, the distance is measured from the baseline from which the territorial sea is measured.

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

Cape Alava	48°10'00" N. lat.
Queets River	47°31'42" N. lat.
Leadbetter Point	46°38'10" N. lat.
Cape Falcon	45°46'00" N. lat.
Heceta Banks	43°58'00" N. lat.
Humbog Mountain	42°40'30" N. lat.
Sisters Rocks	42°35'45" N. lat.
Mack Arch	42°13'40" N. lat.
Oregon-California Border	42°00'00" N. lat.
Humboldt South Jetty	40°45'53" N. lat.
Horse Mountain	40°05'00" N. lat.

Point Arena	38°57'30" N. lat.
Fort Ross	38°31'00" N. lat.
Point Reyes	37°59'44" N. lat.
Point San Pedro	37°35'40" N. lat.
Pigeon Point	37°11'00" N. lat.
Point Sur	36°18'00" 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 **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 660.411 of title 50, Code of Federal Regulations, requires NMFS to publish an action implementing management measures for ocean salmon fisheries each year and, if time allows, invite public comment prior to the effective date. Section 660.411 further states that if, for good cause, an action must be filed without affording a prior opportunity for public comment, the measures will become effective; however, public comments on the action will be received for a period of 15 days after filing of the action 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, one in March and one in April. These meetings are open to the public and public comment on the salmon management measures is encouraged. In 1998, the Council recommended management measures near the conclusion of its meeting on

April 10, which resulted in a short time frame for implementation.

In some areas, the season in 1998, compared with 1997, starts later than May 1; the season starts on May 1 in 1998 where no season existed in 1997; or the season started before May 1 in 1998 and continuing regulations are required to prevent disruption of the fishery. A delay in implementation of the management measures would allow inappropriate openings or closures in some areas, thereby disregarding the needs of the various stocks and causing adverse impacts not contemplated in the design of the 1998 management measures. In light of the limited available time and the adverse effect of delay, it is contrary to the public interest to delay implementation of the management measures. Therefore, NMFS has determined that good cause exists to waive the requirements of 50 CFR 660.411 and 5 U.S.C. 553(b) for prior notice and opportunity for prior public comments. For the same reasons, NMFS has determined that good cause exists under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness. For this action, NMFS will receive public comments for 15 days from the date of filing this action with the Office of the Federal Register.

The Council's Salmon Technical Team (STT) analyzed the impact of the ocean commercial and recreational salmon seasons on the Sacramento River winter chinook (listed as endangered in January 1994), Snake River wild fall chinook (listed as threatened in April 1992), and southern Oregon/northern California coast coho (listed as threatened in April 1997).

In a March 8, 1996, biological opinion and in a February 18, 1997, addendum, NMFS considered the impacts to salmon species listed under the ESA resulting from fisheries conducted in conformance with the FMP. A supplemental biological opinion and conference were issued April 30, 1997, which addressed impacts to newly listed species of coho and steelhead for the period May 1, 1997, through April 30, 1998. Since the issuance of the April 30, 1997, opinion, NMFS has listed four additional populations of steelhead as threatened under the ESA and proposed seven populations of chinook for listing. NMFS prepared a supplemental biological opinion dated April 30, 1998, which addresses the potential effects of ocean salmon fisheries to newly listed species under the ESA, which concludes that incidental fishery impacts that occur in the ocean salmon fishery will not jeopardize the continued existence of central California coast coho, southern Oregon/northern

California coast coho, Umpqua River searun cutthroat trout, or any of the listed populations of steelhead. In addition, NMFS sent a March 4, 1998, letter to the Council, summarizing its guidance on protective measures for listed species and species that may be listed during the 1998 fishing season.

The Council's recommended management measures comply with NMFS guidance, reasonable and prudent alternatives of jeopardy decisions, and the incidental take conditions in the biological opinions. For Snake River fall chinook, the STT estimated a 53 percent Snake River fall chinook index for the ocean exploitation rate for all ocean fisheries under the Council's recommended management measures compared to NMFS jeopardy standard of ≤ 70 percent of the 1988-1993 average. For Sacramento River winter chinook, it is expected that the required 31 percent increase in the spawner-to-spawner replacement rate over the 1989-1993 base period will be achieved. The Council's recommended management measures result in a 12 percent exploitation rate for Rogue/Klamath hatchery coho stocks, and no retention of coho in all areas south of Cape Falcon for the fourth consecutive year.

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

Dated: April 30, 1998.

Rolland A. Schmitt,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 050198A]

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the second seasonal bycatch allowance of Pacific halibut apportioned to the shallow-water species fishery in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 2, 1998, until 1200 hrs, A.l.t., July 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7447.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The prohibited species bycatch mortality allowance of Pacific halibut for the GOA trawl shallow-water species fishery, which is defined at § 679.21(d)(3)(iii)(A), was established by the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998) for the second season, which ends June 30, 1998, as 100 mt.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal apportionment of the 1998 Pacific halibut bycatch mortality allowance specified for the trawl shallow-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for the shallow-water species fishery by vessels using trawl gear in the GOA, except for vessels fishing for pollock using pelagic

trawl gear in those portions of the GOA open to directed fishing for pollock. The species and species groups that comprise the shallow-water species fishery are: pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other species".

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent overharvesting the second seasonal bycatch allowance of Pacific halibut apportioned to the shallow-water species fishery in the GOA. A delay in the effective date is impracticable and contrary to the public interest. The fleet has already taken the second seasonal bycatch allowance of Pacific halibut. Further delay would only result in the 1998 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA being exceeded. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under E.O. 12866.

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

Dated: May 1, 1998.

Richard W. Surdi,

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

[FR Doc. 98-12002 Filed 5-1-98; 3:00 pm]

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