

significant impact on the quality of the human environment.

#### 5. Executive Order 12778 (Civil Justice Reform)

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, tires.

In consideration of the foregoing, 49 CFR part 571 is amended as set forth below:

#### PART 571—[AMENDED]

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

#### § 571.211 [Removed]

2. Section 571.211 is removed and reserved.

Issued on: April 30, 1996.

Ricardo Martinez,  
Administrator.

[FR Doc. 96-11114 Filed 5-03-96; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 620

[Docket No. 960126016-6121-04; I.D. 042996F]

#### General Provisions for Domestic Fisheries; Extension of Emergency Fishing Closure in Block Island Sound

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

**ACTION:** Emergency interim rule; extension.

**SUMMARY:** In response to a request from the State of Rhode Island, NMFS is extending the emergency interim rule that closed a portion of Federal waters off the coast of the State of Rhode Island, in Block Island Sound subsequent to an oil spill. Fishing for and possession of lobsters in a small area east and north of Block Island will remain prohibited.

**EFFECTIVE DATE:** May 1, 1996, through July 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Daniel Morris, (508) 281-9388.

**SUPPLEMENTARY INFORMATION:** On January 19, 1996, an oil barge grounded and spilled more than 800,000 gallons (3.0 million liters) of heating oil into the waters of Block Island Sound, RI. On January 26, 1996, NMFS, at the request of and in conjunction with the State of Rhode Island, prohibited the harvest of seafood from an area of approximately 250 square miles (647 square km) in Block Island Sound. The original area of closure was announced and defined in an emergency interim rule published in the Federal Register on February 1, 1996 (61 FR 3602).

The Federal closure has been twice amended, effective on March 13, 1996 (61 FR 11164, March 19, 1996), and April 9, 1996 (61 FR 16401, April 15, 1996). The latter citation describes the current closure.

Following the oil spill, State officials, in consultation with Federal agencies and the responsible party, developed a protocol for reopening fisheries in the affected area. The protocol sets sampling, inspection, and analysis standards, which, if met, would ensure that seafood is wholesome and would provide a basis for reopening fisheries. In the most recent round of inspection, evidence of oil adulteration was found in lobster samples taken from the closed Federal waters. Therefore, the closure to fishing for and possessing lobsters in a small area east and north of Block Island is extended by 90 days or until the testing protocol is satisfied.

The New England Fishery Management Council (Council) has concurred in the extension of this emergency closure, so long as the extension complements the State's regulations and is implemented at the State's request.

#### Classification

Extension of the emergency interim rule is intended to prevent oil-adulterated lobsters from reaching consumers. Also, the extension does not

change existing regulations. On these grounds, NMFS finds good cause to extend the emergency interim rule in accordance with section 305(c)(3)(B) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). It would be contrary to public interest to provide notice and opportunity for comment or to delay for 30 days the effective date of this action under authority at 5 U.S.C. 553(b)(B) and (d)(3).

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

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

This emergency rule extension is exempt from the procedures of the Regulatory Flexibility Act because this rule is not required to be issued with prior notice and opportunity for public comment.

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

Dated: April 30, 1996.

Gary Matlock,  
Program Management Officer, National Marine Fisheries Service.

[FR Doc. 96-11163 Filed 5-1-96; 10:02 am]

BILLING CODE 3510-22-F

#### 50 CFR Part 661

[Docket No. 960429120-6120-01; I.D. 042496C]

RIN 0648-A135

#### Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; 1996 Management Measures and Technical Amendment

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

**ACTION:** Annual management measures for the ocean salmon fishery and technical amendment; request for comments.

**SUMMARY:** NMFS establishes fishery management measures for the ocean salmon fisheries off Washington, Oregon, and California for 1996 and for those salmon seasons opening earlier than May 1, 1997. Specific fishery management measures vary by fishery and area. The measures establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and minimum lengths for salmon taken in the exclusive economic

zone (3–200 nautical miles) off Washington, Oregon, and California. These management measures are intended to prevent overfishing and to apportion the ocean harvest equitably among treaty Indian and non-treaty commercial and recreational fisheries. The measures are intended to allow a portion of the salmon runs to escape the ocean fisheries to provide for spawning escapement and inside fisheries. This action also announces a technical amendment to modify the spawning escapement goal for Klamath River fall chinook salmon.

**DATES:** Effective from 0001 hours Pacific Daylight Time (P.d.t.), May 1, 1996, until the effective date of the 1997 management measures, as published in the Federal Register, except the amendment to the appendix to part 661 remains in effect indefinitely. Comments must be received by June 5, 1996.

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

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

**SUPPLEMENTARY INFORMATION:**

**Background**

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

These management measures for the 1996 and pre-May 1997 ocean salmon fisheries were recommended by the Pacific Fishery Management Council (Council) at its April 9–12, 1996 meeting.

**Schedule Used to Establish 1996 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 1995 Ocean Salmon Fisheries," summarizes the 1995 ocean salmon fisheries and assesses how well the Council's management objectives were met in 1995. The second report, "Preseason Report I Stock Abundance Analysis for 1996 Ocean Salmon Fisheries," provides the 1996 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 1995 regulations or regulatory procedures were applied to the 1996 stock abundances.

The Council met on March 12–15, 1996, in Portland, OR, to develop proposed management options for 1996. Four commercial and four recreational fishery management options were proposed for analysis and public comment. These options presented various combinations of management measures designed to protect numerous weak stocks of coho and chinook salmon and provide for ocean harvests of more abundant stocks. All options provided for no directed harvest of chinook salmon in non-treaty fisheries north of Cape Falcon, OR, and no directed harvest of coho salmon south of Cape Falcon. After the March Council meeting, the STT and staff economist prepared a third report, "Preseason Report II Analysis of Proposed Regulatory Options for 1996 Ocean Salmon Fisheries," which analyzes the effects of the proposed 1996 management options. This report also was made available to the Council, its advisors, and the public.

Public hearings on the proposed options were held April 1–2, 1996, in Westport, WA; Astoria and North Bend, OR; and Eureka, CA.

The Council met on April 9–12, 1996, in South San Francisco, CA, to adopt its final 1996 recommendations. Following the April Council meeting, the STT and staff economist prepared a fourth report, "Preseason Report III Analysis of Council-Adopted Management Measures for 1996 Ocean Salmon Fisheries," 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**

Some salmon runs returning to Washington, Oregon, and California streams in 1996 are expected to be larger than in 1995. Abundance of Klamath River fall chinook is estimated to be significantly higher than was projected

in recent years, but lower than the actual abundance in 1995.

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

**Chinook Salmon Stocks**

California Central Valley stocks are relatively abundant compared to other chinook stocks of the Pacific coast. The Central Valley Index of abundance of combined Central Valley chinook stocks is estimated to be 533,000 fish for 1996, 58 percent below the postseason estimate of the index for 1995 and 27 percent below the average of the index from 1986–1995. The spawning escapement of Sacramento River adult fall chinook was 267,800 adults in 1995, nearly twice the 1994 escapement and well above the spawning 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 1995 spawning run size was estimated to be approximately 1,300 adults. Neither preseason nor postseason estimates of ocean abundance are available for winter chinook, but the run is expected to remain extremely depressed in 1996 with a return comparable to the primary parent year of 1993 of about 300 adults.

Klamath River fall chinook ocean abundance is projected to be 454,700 age-3 and age-4 fish at the beginning of the fishing season. Although the abundance forecast is 25 percent below the 1995 postseason abundance estimate, it is 52 percent above the average postseason estimates for 1985–95. The spawning escapement goal for the stock is 33–34 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 1995 was 150,600 adults, well above the 1994 escapement of 32,300 and the highest on record since 1978 when basinwide escapement estimates began.

Oregon coastal chinook stocks include south-migrating and localized stocks primarily from southern Oregon streams, and north-migrating chinook stocks which generally originate in central and northern Oregon streams. Abundance of south-migrating and localized stocks is expected to be low and similar to the levels observed in 1995. These stocks are important contributors to ocean fisheries off Oregon and northern California. The generalized expectation for north-migrating stocks is for a continuation of average to above-average abundance as observed in recent years. These stocks contribute primarily to ocean fisheries off British Columbia and Alaska. It is expected that the aggregate Oregon coastal chinook spawning escapement goal of 150,000 to 200,000 naturally spawning adults will be met in 1996.

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 1996 are 37,200 fish, 265 percent above the 1995 record low return of 10,200 adult fish, and 34 percent below the 1979–84 average of 56,600 fish. The 1996 stock status indicates some improvement from returns in 1994 and 1995 but suggests continuation of the depressed status of this stock. Recent improvements in 1985–90 and 1992–93 from the poor returns in the early 1980s are primarily the result of increases of hatchery stocks. The natural stock component remains severely depressed. Ocean escapement is expected to be significantly below the goal of 115,000 adults counted at Bonneville Dam. Upriver spring chinook are affected only slightly by ocean harvests in Council area fisheries, with the contribution of these stocks being generally 1 percent or less of the total chinook catch north of Cape Falcon, OR. Expected ocean escapement of adult upriver summer chinook is 16,800 fish, the third lowest on record. The 1996 stock status remains extremely depressed, with ocean escapement being only 21 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 38,700 fish, 5 percent below the observed 1995 run of 40,900

fish, and 40 percent below the 1980–84 average return of 65,000 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 88,900 adults, 21 percent below the 1995 actual return of 112,600 adults. The escapement goal for upriver bright fall chinook is 40,000 adults above McNary Dam, although in recent years the management goal has been set higher. This stock has a northern ocean migratory pattern and constitutes less than 10 percent of Council area fisheries north of Cape Falcon.

b. Lower river natural fall chinook ocean escapement is forecast at 8,800 adults, 44 percent below the 1995 run size of 15,800 adults.

c. Lower river hatchery fall chinook ocean escapement is forecast at a new record low of 37,700 adults, slightly above the 1995 preseason estimate of 35,800 adults but 18 percent below the 1995 observed return of 46,100 adults. This stock has declined sharply since the record high return in 1987 to a record low return in 1995. Lower Columbia River fall chinook stocks normally account for more than half the total catch in Council area fisheries north of Cape Falcon, with lower river hatchery fall chinook being the single largest contributing stock.

d. Spring Creek hatchery fall chinook ocean escapement is projected to be 26,700 adults, 19 percent below the 1995 return of 33,000 adults; the 1986–90 average ocean escapement was 16,700 adults. The Spring Creek hatchery fall chinook stock has been rebuilding slowly since the record low return in 1987.

e. Mid-Columbia bright fall chinook ocean escapement is projected to be 40,800 adults, 35 percent above the 1995 return of 30,300 adults. These fall chinook are returns primarily from hatchery releases of bright fall chinook stock in the area below McNary Dam, although some natural spawning in tributaries between Bonneville and McNary dams is also occurring.

4. *SNAKE RIVER WILD FALL CHINOOK.* Also of concern are Snake River wild fall chinook, which are listed as threatened under the ESA (57 FR 14653, April 22, 1992). Information on the stock's ocean distribution and fishery impacts is 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

Coho populations in California have not been monitored closely nor have they been a controlling factor in establishing ocean salmon management measures in the past. Although no forecasts of the ocean abundance of coho originating from California are available, these runs have been generally at low abundance levels for several years. California and Oregon coastal coho are proposed for listing as threatened under the ESA (60 FR 38011, July 25, 1995).

Oregon coastal and Columbia River coho stocks are the primary components of the OPI. Beginning in 1988, the Council adopted revised estimation procedures which were expected to more accurately predict abundance of the following individual OPI area stock components: Public hatchery, private hatchery, Oregon coastal natural (OCN) for rivers and lakes, and Salmon Trout Enhancement Program. Prediction methodologies are described in the Council's "Preseason Report I Stock Abundance Analysis for 1988 Ocean Salmon Fisheries." In response to the extremely low abundances in 1994, some changes to the abundance predictors were implemented as described in the Council's "Preseason Report I Stock Abundance Analysis for 1994 Ocean Salmon Fisheries." The 1996 OPI is forecast to be 372,800 coho, nearly the same as the 1995 preseason forecast of 369,800 coho, and 76 percent above the 1995 observed level of 212,300 coho. The 1996 estimate for OCN is 63,200 coho, 5 percent above the 1995 preseason forecast of 60,000 coho, and 4 percent below the 1995 observed level of 65,800 coho. The 1995 spawning escapement of the OCN stock was 131,300 fish.

Most Washington coastal natural coho stocks and Puget Sound combined natural coho stocks are expected to be less abundant in 1996 than forecast in 1995. Abundances for Washington coastal stocks of Hoh, Queets, and Grays Harbor natural coho are projected to be 38 percent below, 31 percent below, and 17 percent above the 1995 preseason predictions, respectively. Abundances

for Puget Sound stocks of Skagit, Stillaguamish, Hood Canal, and Strait of Juan de Fuca natural coho are projected to be below the 1995 preseason predictions by 31 percent, 27 percent, 31 percent, and 6 percent, respectively. Many natural coho run sizes are forecast to be well below maximum sustainable yield (MSY) spawning escapement goals. Abundance forecasts for coho hatchery production are well above 1995 expectations for most Washington coastal stocks and 18 percent above the 1995 forecast for Puget Sound combined stocks.

#### Pink Salmon Stocks

Major pink salmon runs return to the Fraser River and Puget Sound only in odd-numbered years. Consequently, pink salmon runs are not of management concern in 1996.

#### Management Measures for 1996

The Council adopted allowable ocean harvest levels and management measures for 1996 that are designed to apportion the burden of protecting the weak stocks discussed above equitably among ocean fisheries and to allow maximum harvest of natural and hatchery runs surplus to inside fishery and spawning needs. The management measures below reflect the Council's recommendations. NMFS concurs with these recommendations and finds them responsive to the goals of the FMP, the requirements of the resource, and the socio-economic factors affecting resource users. The management measures are consistent with requirements of the Magnuson Fishery Conservation and Management Act (Magnuson Act) and other applicable law, including U.S. obligations to Indian tribes with Federally recognized fishing rights and the ESA.

##### A. South of Cape Falcon

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

In a March 8, 1996, biological opinion, NMFS evaluated the potential effects of the FMP on all salmonids that are listed under the ESA and that occur within the management area of the FMP. NMFS determined that the fisheries conducted under the FMP are likely to jeopardize the continued existence of listed salmon, particularly Sacramento River winter chinook (discussed in this section) and Snake River fall chinook (discussed in section B, North of Cape Falcon). The conclusion of jeopardy resulted, in part, because the FMP does not contain specific management

objectives designed to protect and recover listed stocks.

The biological opinion identified a Reasonable and Prudent Alternative (RPA) to the proposed action to avoid jeopardy to the stocks. The RPA has three parts. First, the Council must adopt an amendment to the FMP by October of 1996, and NMFS must implement the amendment by May of 1997, to include management objectives for species that are currently listed under the ESA, consistent with immediate conservation needs and the long-term recovery of listed species. Second, pending completion of the FMP amendment, NMFS must reduce all harvest-related impacts to the Sacramento River winter chinook salmon population by a level that would achieve a 35 percent increase in spawner escapement from current levels. A reduction in incidental harvest impacts of approximately 50 percent is estimated to be necessary to achieve the needed increase in escapement. The third action pertains to Snake River fall chinook, which is discussed in section B, North of Cape Falcon.

In considering how best to reduce the ocean harvest of winter chinook, the STT recommended the use of increased minimum size limits in conjunction with restricted seasons. Because winter chinook are significantly smaller than Central Valley fall chinook, an increase in the minimum size is expected to result in relatively larger reductions in harvest impacts on winter chinook compared to fall chinook. The increases in minimum size limits (total length) off California range from 4 to 6 inches (10.2–15.2 cm) in the recreational fishery and 1 inch (2.5 cm) in the commercial fishery.

In addition to increased minimum size limits, new gear restrictions for recreational fisheries off California are being implemented that are intended to reduce hook-and-release mortality for fish less than the minimum size limit. Recreational anglers may use no more than one rod while fishing north of Point Conception, which is the same as the regulations off Oregon and Washington. Between Horse Mountain and Point Conception, special restrictions on the size, number, and placement of hooks are imposed when anglers are using the mooching instead of the trolling technique.

The reductions in fishery impacts to Sacramento River winter chinook, including non-landed mortality, necessary to achieve the 35 percent increase in spawning escapement required by the biological opinion are estimated using a Winter Chinook Ocean Harvest Model. The model was

developed by the California Department of Fish and Game in consultation with NMFS and the U.S. Fish and Wildlife Service.

The 1996 preseason abundance estimate for OCN coho is 63,200 fish, a level that allows up to a 20 percent incidental exploitation rate under the FMP for combined ocean and inside fisheries. A 20 percent exploitation rate would be expected to result in a spawner escapement of 29 adults per mile on standard index surveys. The 1996 management measures result in a total OCN coho exploitation rate of 11–13 percent. The projected spawner escapement for 1996 is 32 adults per mile on standard index surveys. The Council's recommendations include time and area closures, and gear restrictions intended to minimize incidental fishing contact with OCN coho and subsequent hook-and-release mortality while allowing access to harvestable stocks of chinook salmon.

Klamath River fall chinook are significantly more abundant, allowing for more liberal seasons in the area between Humbug Mountain, OR, and Horse Mountain, CA, termed the Klamath management zone (KMZ), than in recent years. The Council's recommended measures provide for equal sharing of the harvest of Klamath River fall chinook between the Klamath River Indian Tribes and non-Indian fishermen.

The California Fish and Game Commission (Commission) regulates sport fishing in California waters. In a March 11, 1996 letter, the Commission notified the Council that it is considering a higher catch level for the 1996 in-river sport fishery than has existed in recent years and requested the Council consider an increase in the allocation for the in-river sport fishery from the current 12 percent to 18 percent of the non-tribal allocation. The Commission will set harvest levels for in-river sport fisheries at its June 1996 meeting. The Klamath River Fishery Management Council considered in-river sport allocations of 12, 15, and 18 percent and recommended to the Council and the Commission an in-river sport allocation of 15 percent. When the Council adopted management measures, it was not clear whether in-river sport fishery impacts were being modeled at 15 or 18 percent of the non-tribal allocation. Modeling by the STT subsequent to the issuance of the Council's recommendations indicates that the Council's recommended ocean seasons, in conjunction with an in-river sport harvest share of 18 percent and equal sharing between tribal and non-tribal fisheries, would not achieve the

spawning escapement goal for Klamath River fall chinook. An in-river sport harvest allocation of 15 percent is predicted to achieve the spawning escapement goal and provide equal sharing of the harvest between tribal and non-tribal fisheries. NMFS approval of the Council's recommendations is based on the assumption that the Commission will set an in-river sport harvest at 15 percent of the non-tribal allocation. Should the Commission approve an allocation higher than 15 percent, NMFS will implement adjustments to ocean fisheries designed to achieve the Klamath River fall chinook spawning escapement goal and provide for equal sharing between tribal and non-tribal fisheries.

Depending on the management structure for ocean salmon fisheries north of Cape Falcon, the Council recommended that inseason adjustments be considered for fisheries south of Cape Falcon consistent with management intent for stocks of concern.

#### 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. Minimum size limits (total length) for chinook salmon are as follows: Off Oregon, 26 inches (66.0 cm); and off California, 26 inches (66.0 cm) through June 30 and 27 inches (68.6 cm) thereafter.

From Point Reyes, CA, to the U.S.-Mexican border, the commercial fishery will open May 1 and continue through June 30, then reopen July 3 and continue through September 15. Gear is restricted to no more than six lines per vessel. From Bodega Head to Point San Pedro, CA, the commercial fishery will be open September 16 through September 30. Gear is restricted to no more than six lines per vessel.

From Point Arena to Point Reyes, CA, the commercial fishery will open June 1 and continue through June 30, then reopen August 1 and continue through September 15. Gear is restricted to no more than six lines per vessel.

From Horse Mountain to Point Arena, CA, the commercial fishery will open August 1 and continue through September 30. Gear is restricted to no more than six lines per vessel.

From the Oregon-California border to Humboldt South Jetty, CA, the commercial fishery will open August 15 and continue through the earlier of August 31 or attainment of the 2,500 chinook quota, then reopen September 1 and continue through the earlier of September 15 or attainment of the 6,000

chinook quota. Gear is restricted to no more than six lines per vessel. Other restrictions include a landing limit of 30 fish per day and closure of the Klamath Control Zone.

From Cape Arago, OR, to the Oregon-California border, the commercial fishery will open May 1 and continue through the earlier of June 30 or attainment of the 5,300 chinook quota. The fishery will follow a cycle of 4 days open and 3 days closed. The days open may be adjusted and landing limits may be instituted inseason if necessary to manage the fishery. Gear is restricted to no more than four spreads per line.

From Sisters Rocks to Mack Arch, OR, the commercial fishery will open August 3 and continue through the earlier of August 31 or attainment of the 3,000 chinook quota. The fishery will follow a cycle of 2 days open and 2 days closed. The days open may be adjusted and landing limits may be instituted inseason if necessary to manage the fishery. Gear is restricted to no more than four spreads per line, with the open area restricted to only 0-4 nautical miles (7.4 km) of shore. Participants must register by August 1 with the Oregon Department of Fish and Wildlife.

From Cape Arago to Humbug Mountain, OR, the commercial fishery will open August 7 and continue through the earlier of August 31 or attainment of the 8,800 chinook quota, then reopen September 1 and continue through the earlier of October 31 or attainment of the 10,000 chinook quota. Gear is restricted to no more than four spreads per line.

From Cape Falcon to Cape Arago, OR, the commercial fishery will open May 1 and continue through June 30, then reopen August 7 and continue through October 31. Gear is restricted to no more than four spreads per line.

#### Recreational Fisheries

Retention of coho salmon is prohibited in all areas south of Cape Falcon. Minimum size limits (total length) for chinook salmon are as follows: Between Cape Falcon, OR, and Horse Mountain, CA, 20 inches (50.8 cm); between Horse Mountain and Point Arena, CA, 24 inches (61.0 cm); between Point Arena and the U.S.-Mexican border, 24 inches (61.0 cm) through July 1 and 26 inches (66.0 cm) thereafter. Off California 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, beginning July 1 the following restrictions apply when fishing with bait and any combination

of weights measuring 1 pound or less: No more than 2 hooks may be used; when using 2 hooks, the terminal (lower) hook must be no less than 5/0 and the upper hook no less than 4/0, the distance between the 2 hooks must not exceed 5 inches (12.7 cm) and both hooks must be permanently tied in place (hard tied); if using a single hook, the hook size cannot be less than 5/0. Hook size restrictions do not apply when artificial lures are used or when bait is attached to an artificial lure. (An artificial lure is a man-made lure designed to attract fish, not including scented or flavored artificial baits.)

From Point Arena, CA, to the U.S.-Mexican border, the recreational fishery opened on March 2 (the nearest Saturday to March 1) for all salmon except coho (61 FR 8497, March 5, 1996). Continuation of this fishery is provided as follows: From Point San Pedro, CA, to the U.S.-Mexican border, the recreational fishery will continue through August 25 with a two-fish daily bag limit. From Point Arena to Point San Pedro, CA, the recreational fishery will continue through October 14 with a two-fish daily bag limit.

From Horse Mountain to Point Arena, CA, the recreational fishery for all salmon except coho which opened on February 17 (the nearest Saturday to February 15) will continue through July 7 then reopen August 1 and continue through November 17 (the nearest Sunday to November 15) with a two-fish daily bag limit for both seasons.

From Humbug Mountain, OR, to Horse Mountain, CA, the recreational fishery will open May 12 and continue through July 7, then reopen August 18 and continue through September 21. Both seasons include a one-fish daily bag limit, but no more than four fish in 7 consecutive days, and closure of the Klamath Control Zone.

From Cape Falcon to Humbug Mountain, OR, the recreational fishery will open May 1 through July 7, then reopen August 16 through September 30. Both seasons include a two-fish daily bag limit, but no more than six fish in 7 consecutive days. Legal gear is limited to artificial lures, plugs, or bait no less than 6 inches (15.2 cm) long (excluding hooks and swivels) with no more than two single point, single shank barbless hooks; flashers and divers are prohibited.

#### *B. North of Cape Falcon*

From the U.S.-Canadian border to Cape Falcon, ocean fisheries are managed to protect depressed lower Columbia River fall chinook salmon, Snake River fall chinook salmon, and Washington coastal and Puget Sound

natural coho salmon stocks. Ocean treaty and non-treaty harvests and management measures were based in part on negotiations between Washington State fishery managers, 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*.

The Council recommended that all non-treaty commercial and recreational fisheries be closed north of Cape Falcon, absent an agreement between the United States and Canada on coho salmon harvest levels. For the purposes of modeling impacts and escapements for this regime, the west coast of Vancouver Island (WCVI) coho harvest was assumed to be 1.46 million coho, a harvest level which represents recent year average harvest rates with this year's abundance estimates. Total allowable harvest levels for treaty Indian troll fisheries would be 11,000 chinook and 12,500 coho. The treaty Indian coho quota could be modified under inseason management provisions, not to exceed 20,000 coho, upon agreement of relevant state and tribal fishery managers. Because there currently is no assurance that the WCVI harvest will be below 1.46 million coho, this regime is the one implemented in these annual management measures.

The Council also recommended two alternate management regimes for non-treaty and treaty Indian fisheries north of Cape Falcon based on lower catch expectations in the Canadian troll fishery off the WCVI. If either of these regimes is to be implemented inseason, NMFS will follow the inseason notice procedures described below. Due to low abundance of lower Columbia River fall chinook stocks, all three regimes prohibit the retention of chinook in non-treaty commercial and recreational fisheries.

1. The first contingency regime is if the Canadian harvest is anticipated to be in the range of 1.1 million to 1.3 million coho off WCVI, the total allowable harvest for non-treaty fisheries would be zero chinook and 75,000 coho (18,800 coho to the commercial fishery and 56,200 coho to the recreational fishery). For the purposes of modeling impacts and escapements for this contingency, the WCVI coho harvest was assumed to be 1.2 million coho, the midpoint of the range. The Regional Director would use the inseason management authority and process to implement the season structure recommended by the Council. Total allowable harvest levels for treaty

Indian troll fisheries would be 11,000 chinook and 25,000 coho.

2. The second contingency regime is if the Canadian harvest is anticipated to be less than 1.1 million coho off WCVI, the Director, Northwest Region, NMFS is authorized to make inseason adjustments to modify the ocean quotas in the first contingency upon the recommendation of the States of Washington and Oregon and the treaty Indian tribes.

The Council recommended additional provisions to protect stocks of management concern should the second contingency regime cause coho quotas to be increased above the levels in the first contingency regime. Estimated impacts on OCN coho cannot be higher than those modeled for the season structure to be implemented for the first contingency, and at least 50 percent of any savings from reductions in harvest below 1.2 million coho are to be allocated to spawning escapement of critical coho stocks.

Since it is not known when understandings with Canada will be reached on the level of Canadian harvest, it is possible that little time could be available to implement either contingency. Therefore, these two contingencies are included in this action in order to simplify the implementation process for any inseason action and inform the public of the range of possible seasons.

The Council analyzed the impacts of the proposed seasons and contingencies on Snake River spring/summer and fall chinook stocks, which are listed as threatened species under ESA. For Snake River wild spring and summer chinook, the available information indicates that it is highly unlikely these fish are impacted by Council area fisheries. Pending implementation of an amendment to the FMP, NMFS and the Council must manage the ocean salmon fisheries within the Council's jurisdiction to ensure the impacts of the annual management measures on Snake River fall chinook meet the requirements of the March 8, 1996 biological opinion and RPA. Impacts of Council area fisheries are limited to no more than 50 percent of the 1988-93 average exploitation rate, or 70 percent for all United States and Canadian ocean fisheries combined. The STT estimated that under the Council's recommended management measures, impacts on Snake River fall chinook would be 63 percent of the base period average for all ocean fisheries, thus meeting the standard of no more than 70 percent.

#### Commercial Troll Fisheries

Non-treaty commercial troll fisheries north of Cape Falcon are closed in 1996. Should a contingency management regime be implemented inseason, the commercial fishery for all salmon except chinook between the U.S.-Canadian border and Leadbetter Point, WA, will open July 26 and continue through the earlier of September 30 or attainment of the 18,800 coho quota. The fishery will follow a cycle of 3 days open and 4 days closed, with a possession and landing limit of 75 coho per opening. The days open and the landing limit may be adjusted inseason if necessary to manage the fishery. The minimum size limit (total length) for coho salmon is 16.0 inches (40.6 cm). The commercial troll ocean quota for coho may be adjusted by inseason action if the Canadian harvest is anticipated to be less than 1.1 million coho off WCVI.

#### Recreational Fisheries

Recreational fisheries north of Cape Falcon are closed in 1996. Should a contingency management regime be implemented inseason, the recreational fisheries for all salmon except chinook will be divided into four subareas. Opening dates, subarea quotas, bag limits, and area restrictions are described below. The fisheries in all subareas will close the earlier of September 26 or on attainment of the subarea coho salmon quota. The minimum size limit (total length) for coho salmon is 16.0 inches (40.6 cm). The recreational ocean quotas (overall and subarea) for coho may be adjusted by inseason action if the Canadian harvest is anticipated to be less than 1.1 million coho off WCVI.

From the Queets River to Leadbetter Point, WA, and from Leadbetter Point, WA, to Cape Falcon, OR, the fishery will open July 22 with coho subarea quotas of 20,800 and 28,100, respectively. Both subareas will be open Sunday through Thursday only, with a two-fish daily bag limit, but no more than four fish in 7 consecutive days, and closed 0-3 miles (4.8 km) of shore north of the Columbia Control Zone and in the Columbia Control Zone.

From Cape Alava to the Queets River, WA, the fishery will open August 5 with a 1,500 coho subarea quota. The fishery will be open 7 days per week with a two-fish daily bag limit, and closed 0-3 miles (4.8 km) of shore.

From the U.S.-Canadian border to Cape Alava, WA, the fishery will open August 5 with a 5,800 coho subarea quota. The fishery will be open 7 days per week with a two-fish daily bag limit,

and closed 0–3 miles (4.8 km) of shore south of Skagway Rock.

#### Treaty Indian Fisheries

Ocean salmon management measures proposed by the treaty Indian tribes are part of a comprehensive package of treaty Indian and non-treaty salmon fisheries in the ocean and inside waters that was 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 a chinook quota of 11,000 fish and a coho quota which is dependent on the level of Canadian coho harvest off WCVI. If the Canadian harvest is more than 1.3 million coho off WCVI, then the coho quota is set at 12,500 fish; upon agreement of state and tribal managers, the Regional Director will implement an inseason adjustment to the coho quota not to exceed 20,000 fish. At a Canadian harvest level between 1.1 and 1.3 million coho off WCVI, the Regional Director will adjust the coho quota to 25,000. The all-salmon-except-coho seasons will open May 1 and extend through June 30, if the overall harvest guideline of 7,000 chinook is not reached. The all-salmon seasons will open August 1 and extend through the earliest of September 15 or attainment of the chinook or coho quotas. The minimum length restrictions for all treaty ocean fisheries, excluding ceremonial and subsistence harvest, is 24 inches (61.0 cm) for chinook and 16 inches (40.6 cm) for coho.

#### The 1997 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, 1997 fishing season openings earlier than May 1 also are established in this notification. The Council recommended, and NMFS concurs, that the following seasons will open off California in 1997. From Point Lopez to Point Mugu, a commercial fishery for all salmon except coho will open April 15 and continue through the earlier of April 28 or attainment of the 10,000 chinook quota. This fishery is intended to evaluate the relative contribution rates of Central Valley, Klamath, and southern Oregon chinook stocks to catches off southern California. The following recreational seasons have two-fish daily bag limits and a minimum size limit of 24 inches (61.0 cm) for chinook salmon: From Pigeon Point to the U.S.-Mexican border, a recreational fishery for all salmon will

open on March 15. From Point Arena to Pigeon Point, a recreational fishery for all salmon will open on March 29. From Horse Mountain to Point Arena, a recreational fishery for all salmon except coho will open on February 15 (the nearest Saturday to February 15). If an evaluation indicates low coho abundance is anticipated in 1997, inseason action may be taken to prohibit retention of coho in the recreational fisheries south of Point Arena.

At its March 1997 meeting, the Council will consider an inseason recommendation to open commercial and recreational seasons for all salmon except coho on April 15, 1997, in areas off Oregon.

The following tables and text are the management measures recommended by the Council for 1996 and, as specified, for 1997.

#### Table 1. Commercial Management Measures for 1996 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

###### *North of Cape Falcon*

**Attention:** All non-treaty troll and recreational ocean fisheries north of Cape Falcon are closed in 1996, and will remain closed all season unless the conditions allowing the contingency season to be implemented are met. If Canadian harvest of coho off the west coast of Vancouver Island (WCVI) is determined to be at 1.3 million coho or less, a contingency season described below will be implemented through an inseason adjustment to the regulations. At a harvest level of 1.1 million to 1.3 million coho off the WCVI, the non-treaty ocean total allowable catch (TAC) will be set at 75,000 coho; the troll fishery will be limited by overall catch quotas of zero chinook and 18,800 coho. At a harvest level of less than 1.1 million coho off the WCVI, the non-treaty coho TAC may be increased contingent on: Allocating at least 50 percent of the savings from harvest reductions below 1.2 million coho to spawner escapement of the critical coho stocks; no increase in estimated Oregon coastal natural coho impacts above those modeled under the assumptions of the season structure presented in the contingency season for an assumed WCVI harvest of 1.2 million coho; and agreement among all relevant state and tribal fishery managers. The contingency season, if it is implemented, and any adjustments to

the non-treaty coho TAC will be implemented by inseason management.

###### *Season Effective May 1, 1996*

*U.S.-Canadian Border to Cape Falcon*  
Closed.

###### *Contingency Season*

*U.S.-Canadian Border to Leadbetter Point*

July 26 through earlier of September 30 or 18,800 coho quota. All salmon except chinook. Season to follow a cycle of 3 days open/4 days closed. The open/closure cycle may be modified inseason as necessary to manage the fishery. Each vessel may possess, land and deliver no more than 75 coho per open period. The landing limit may be modified inseason as necessary to utilize the available quota. Following any closure, vessels must land and deliver fish in the area or adjacent closed area within 24 hours.

###### *South of Cape Falcon*

###### *Cape Falcon to Cape Arago*

May 1 through June 30, and August 7 through October 31. All salmon except coho. No more than 4 spreads per line.

###### *Cape Arago to Oregon-California Border*

May 1 through earlier of June 30 or 5,300 chinook quota. All salmon except coho. Season to follow a cycle of 4 days open/3 days closed. The open/closure cycle may be modified inseason as necessary to manage the fishery. No more than 4 spreads per line. Landing limits may be instituted inseason as necessary to keep the fishery within the quota.

###### *Cape Arago to Humbug Mountain*

August 7 through earlier of August 31 or 8,800 chinook quota, and September 1 through earlier of October 31 or 10,000 chinook quota. All salmon except coho. No more than 4 spreads per line.

###### *Sisters Rocks to Mack Arch*

August 3 through earlier of August 31 or 3,000 chinook quota. All salmon except coho. Season to follow a cycle of 2 days open/2 days closed. The open/closure cycle may be modified inseason as necessary to manage the fishery. No more than 4 spreads per line. Open only 0 to 4 nautical miles (7.4 km) of shore. All salmon caught in the area must be landed and delivered in Port Orford, Gold Beach, or Brookings within 24 hours of each closure. Landings limits may be instituted inseason as necessary to keep the fishery within the quota. Vessel registration with the Oregon Department of Fish and Wildlife is required by the State prior to August 1 for participants in this fishery in order

to accurately sample the catch to determine the river of origin of salmon landed in this fishery.

*Oregon-California Border to Humboldt South Jetty*

August 15 thru earlier of August 31 or 2,500 chinook quota, and September 1 thru earlier of September 15 or 6,000 chinook quota. All salmon except coho. Landing limit of 30 fish per day. Chinook minimum size limit (total length) of 27 inches. Klamath Control Zone closed (see C.7.). See line restriction (C.3.).

*Horse Mountain to Point Arena*

August 1 through September 30. All salmon except coho. Chinook minimum size limit (total length) of 27 inches. See line restriction (C.3.).

*Point Arena to Point Reyes*

June 1 through June 30, and August 1 through September 15. All salmon except coho. Chinook minimum size limits (total length) of 26 inches through June 30 and 27 inches thereafter. See line restriction (C.3.).

*Bodega Head to Point San Pedro*

September 16 through September 30. All salmon except coho. Chinook

minimum size limit (total length) of 27 inches. See line restriction (C.3.).

*Point Reyes to U.S.-Mexican Border*

May 1 through June 30, and July 3 through September 15. All salmon except coho. Chinook minimum size limit (total length) of 26 inches through June 30 and 27 inches thereafter. See line restriction (C.3.).

*Point Lopez to Point Mugu in 1997*

April 15 through earlier of April 28 or 10,000 chinook quota. All salmon except coho. Chinook minimum size limit (total length) of 26 inches. All fish must be landed within the area. See line restriction (C.3.).

**B. MINIMUM SIZE LIMITS**  
[Inches\*]

Area (when open)	Chinook		Coho		Pink
	Total length	Head-off	Total length	Head-off	
North of Cape Falcon .....	.....	.....	16.0	12.0	None.
Cape Falcon to Oregon-California Border .....	26.0	19.5	.....	.....	None.
South of Oregon-California Border (see part A for applicable chinook size limit).	26.0 or 27.0	19.5 20.25	.....	.....	None.

\* Metric equivalents for chinook: 27.0 inches=68.6 cm, 26.0 inches=66.0 cm, 20.25 inches=51.4 cm, 19.5 inches=49.5 cm.  
Metric equivalents for coho: 16.0 inches=40.6 cm, 12.0 inches=30.5 cm.

**C. Special Requirements, Restrictions, and 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 Restriction*—No more than 6 lines per vessel off California.

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 the landing requirements for the contingency season north of Leadbetter Point if it is prevented by unsafe weather conditions or mechanical problems from meeting landing restrictions, and it complies with the State of Washington

requirement to notify the U.S. Coast Guard and receives acknowledgement of such notification prior to leaving the area where landing is required. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board and the estimated time of arrival.

C.7. *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 north of the Klamath River mouth), on the west by 124°23'00" W. long. (approximately 12 nautical miles of shore), and on the south by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth).

C.8. *Inseason Management*—In addition to standard inseason actions or inseason modifications already noted under the season description, the following inseason guidance is provided to NMFS:

Transfers of 5,000 fish or less between subarea quotas north of Cape Falcon shall be done on a fish-for-fish basis;

NMFS may make inseason adjustments to fisheries north and south of Cape Falcon, consistent with and complementary to Council spawner escapement objectives, if management agreements or understandings with Canada warrant such action;

At the March 1997 meeting, the Council will consider an inseason recommendation to open commercial seasons for all salmon except coho on April 15 in areas off Oregon.

C.9. *Incidental Halibut Harvest*—To land Pacific halibut caught incidentally in Area 2A (all waters off the States of Washington, Oregon, and California) while trolling for salmon during troll seasons, a vessel must be issued an incidental halibut harvest license by the International Pacific Halibut Commission (phone 206-634-1838). License applications must be postmarked no later than April 1, 1996. A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not in both. In troll fisheries (except in July), incidentally caught halibut may be landed under the following restrictions: No more than 1 halibut for each 15 chinook landed, except 1 halibut may be landed without meeting the ratio requirement, and no more than 20 halibut may be landed per trip. Halibut retained must be in compliance with the minimum size limit of 32 inches (81.3 cm). The Oregon Department of Fish and Wildlife will monitor landings. If landings are projected to exceed the 16,068-lb (7.3-mt) preseason allocation or the entire Area 2A total allowable catch of halibut, NMFS will take

inseason action to close the incidental halibut fishery through a document published in the Federal Register.

C.10. Consistent with Council management objectives, the State of Oregon may establish additional late-season, all-salmon-except-coho fisheries in state waters.

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, OR, to Horse Mountain, CA.

#### Table 2. Recreational Management Measures for 1996 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

##### *North of Cape Falcon*

**Attention:** All non-treaty troll and recreational ocean fisheries north of Cape Falcon are closed in 1996, and will remain closed all season unless the conditions allowing the contingency season to be implemented are met. If Canadian harvest of coho off the west coast of Vancouver Island (WCVI) is determined to be at 1.3 million coho or less, a contingency season described below will be implemented through an inseason adjustment to the regulations. At a harvest level of 1.1 million to 1.3 million coho off the WCVI, the non-treaty ocean total allowable catch (TAC) will be set at 75,000 coho; the recreational fishery will be limited by overall catch quotas of zero chinook and 56,200 coho. At a harvest level of less than 1.1 million coho off the WCVI, the non-treaty coho TAC may be increased contingent on: allocating at least 50 percent of the savings from harvest reductions below 1.2 million coho to spawner escapement of the critical coho stocks; no increase in estimated Oregon coastal natural coho impacts above those modeled under the assumptions of the season structure presented in the contingency season for an assumed WCVI harvest of 1.2 million coho; and agreement among all relevant state and tribal fishery managers. The contingency season, if it is implemented, and any adjustments to the non-treaty coho TAC will be implemented by inseason management.

*Season Effective May 1, 1996*

##### *U.S.-Canadian Border to Cape Falcon*

Closed.

##### *Contingency Season*

##### *U.S.-Canadian Border to Cape Alava*

August 5 through earlier of September 26 or 5,800 coho subarea quota. Open 7 days per week. All salmon except chinook. Two fish per day. Closed 0 to 3 miles (4.8 km) of shore south of Skagway Rock (48°21'58" N. lat.). Inseason management may be used to maintain season length.

##### *Cape Alava to Queets River*

August 5 through earlier of September 26 or 1,500 coho subarea quota. Open 7 days per week. All salmon except chinook. Two fish per day. Closed 0 to 3 miles (4.8 km) of shore. Inseason management may be used to maintain season length.

##### *Queets River to Leadbetter Point*

July 22 through earlier of September 26 or 20,800 coho subarea quota. Open Sunday through Thursday only. All salmon except chinook. Two fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore. Inseason management may be used to maintain season length.

##### *Leadbetter Point to Cape Falcon*

July 22 through earlier of September 26 or 28,100 coho subarea quota. Open Sunday through Thursday only. All salmon except chinook. Two fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore north of the Columbia Control Zone and in the Columbia Control Zone (see C.5. for revised definition). Inseason management may be used to maintain season length.

##### *South of Cape Falcon*

##### *Cape Falcon to Humbug Mountain*

May 1 through July 7, and August 16 through September 30. All salmon except coho. Two fish per day. No more than 6 fish in 7 consecutive days. Legal gear limited to: Artificial lures, plugs or bait no less than 6 inches (15.2 cm) long (excluding hooks and swivels) with no more than 2 single point, single shank barbless hooks; flashers and divers prohibited.

##### *Humbug Mountain to Horse Mountain*

May 12 through July 7, and August 18 through September 21. All salmon except coho. 1 fish per day. No more than 4 fish in 7 consecutive days. Klamath Control Zone closed (see C.6.). See rod restriction (C.2.).

##### *Horse Mountain to Point Arena*

February 17 (nearest Saturday to February 15) through July 7, and August 1 through November 17 (nearest Sunday to November 15). All salmon except coho. Two fish per day. Chinook minimum size limit of 24 inches. See rod and gear restrictions (C.2. and C.3.).

In 1997, the season will open February 15 (nearest Saturday to February 15) through April 30 for all salmon except coho; two fish per day; chinook minimum size limit of 24 inches.

##### *Point Arena to Point San Pedro*

March 2 through October 14. All salmon except coho. Two fish per day. Chinook minimum size limit of 24 inches through July 1 and 26 inches thereafter. See rod and gear restrictions (C.2. and C.3.).

In 1997, the season will open March 29 through April 30 for all salmon; two fish per day; chinook minimum size limit of 24 inches. If evaluation indicates low coho abundance in 1997, inseason action may prohibit retention of coho. At the April 1997 meeting, the Council will consider measures for the remainder of the season.

##### *Point San Pedro to Pigeon Point*

March 2 through August 25. All salmon except coho. Two fish per day. Chinook minimum size limit of 24 inches through July 1 and 26 inches thereafter. See rod and gear restrictions (C.2. and C.3.).

In 1997, the season will open March 29 through April 30 for all salmon; two fish per day; chinook minimum size limit of 24 inches. If evaluation indicates low coho abundance in 1997, inseason action may prohibit retention of coho. At the April 1997 meeting, the Council will consider measures for the remainder of the season.

##### *Pigeon Point to U.S.-Mexican Border*

March 2 through August 25. All salmon except coho. Two fish per day. Chinook minimum size limit of 24 inches through July 1 and 26 inches thereafter. See rod and gear restrictions (C.2. and C.3.).

In 1997, the season will open March 15 through April 30 for all salmon; two fish per day; chinook minimum size limit of 24 inches. If evaluation indicates low coho abundance in 1997, inseason action may prohibit retention of coho. At the April 1997 meeting, the Council will consider measures for the remainder of the season.

**B. MINIMUM SIZE LIMITS**  
 [Total length in inches\*]

Area (when open)	Chinook	Coho	Pink
North of Cape Falcon .....	.....	16.0	None.
Cape Falcon to Horse Mountain .....	20.0	.....	None, except 20.0 off California.
South of Horse Mountain (see part A for applicable chinook size limit) .....	24.0 or 26.0	.....	20.0.

\*Metric equivalents for chinook: 26.0 inches=66.0 cm, 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, Restrictions, and Exceptions**

**C.1. Hooks**—Single point, single shank barbless hooks are required for all fishing gear north of Point Conception, CA (34°27'00" N. lat.).

**C.2. Restriction on Number of Fishing Rods 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.

**C.3. Gear Restrictions Between Horse Mountain and Point Conception, California, Beginning July 1, 1996**—When fishing with bait and any combination of weights measuring 1 lb or less, the following restrictions apply: no more than 2 hooks may be used; when using 2 hooks, the terminal (lower) hook must be no less than 5/0 and the upper hook no less than 4/0, the distance between the 2 hooks must not exceed 5 inches (12.7 cm) and both hooks must be permanently tied in place (hard tied); if using a single hook, the hook size cannot be less than 5/0. Hook size restrictions do not apply when artificial lures are used or when bait is attached to an artificial lure. (An artificial lure is a man-made lure designed to attract fish, not including scented or flavored artificial baits.)

**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. 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.

**C.6. 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] of 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.7. Inseason Management**—To meet preseason management objectives such as quotas, harvest guidelines and season duration, certain regulatory modifications may become necessary inseason. Actions could include

modifications to bag limits or days open to fishing, and extensions or reductions in areas open to fishing.

For 1996, the Council has requested NMFS to make inseason adjustments to fisheries north and south of Cape Falcon, consistent with and complementary to Council spawner escapement objectives, in the event that management agreements or understandings with Canada warrant such action.

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

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

At the March 1997 meeting, the Council will consider an inseason recommendation to open seasons for all salmon except coho on April 15 in areas off Oregon.

**C.8. Consistent with Council management objectives, the States of Washington and Oregon may establish limited seasons in State waters; fisheries in Oregon State waters are limited to all salmon except coho.**

Table 3. Treaty Indian Management Measures for 1996 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	
Makah—That portion of the Fishery Management Area (FMA) 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 overall 7,000 chinook guideline. No more than 3,500 chinook may be taken prior to June 1.	All except coho.	24	.....	Barbless hooks. No more than 8 fixed lines per boat or no more than 4 hand-held lines per person.

A. SEASON DESCRIPTIONS—Continued

Tribe and area boundaries	Open seasons	Salmon species	Minimum size limit (inches*)		Special restrictions by area
			Chinook	Coho	
Quileute—That portion of the FMA between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River) east of 125°44'00" W. long.	August 1 through earliest of September 15 or chinook or coho quota.	All .....	24	16	Barbless hooks. No more than 8 fixed lines per boat.
	May 1 through earlier of June 30 or overall 7,000 chinook guideline. No more than 3,500 chinook may be taken prior to June 1.	All except coho.	24	.....	
	August 1 through earliest of September 15 or chinook or coho quota.	All .....	24	16	
Hoh—That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) east of 125°44'00" W. long.	May 1 through earlier of June 30 or overall 7,000 chinook guideline. No more than 3,500 chinook may be taken prior to June 1.	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	
	May 1 through earlier of June 30 or overall 7,000 chinook guideline. No more than 3,500 chinook may be taken prior to June 1.	All except coho.	24	.....	
Quinault—That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis) east of 125°44'00" W. long.	August 1 through earliest of September 15 or chinook or coho quota.	All .....	24	16	Barbless hooks. No more than 8 fixed lines per boat.
	May 1 through earlier of June 30 or overall 7,000 chinook guideline. No more than 3,500 chinook may be taken prior to June 1.	All except coho.	24	.....	
	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 areas 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 would be as follows under assumed coho harvest levels in the

Canadian fishery off the west coast of Vancouver Island (WCVI): At 1.46 million coho, 11,000 chinook and from 12,500 to 20,000 coho, depending on the actual WCVI coho harvest target; and at 1.2 million coho, 11,000 chinook and 25,000 coho. These quotas include troll catches by the Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 30. The all-salmon-except-coho fishery will be limited by an overall harvest guideline of 7,000 chinook (3,500 chinook in May and 3,500 chinook in June). The remainder of the quota will be available for the all-salmon fishery beginning in August. The chinook guidelines for May and June are based on a quota of 20,000 to 25,000 coho and may be modified if the final coho quota is less than 20,000. The coho quota is set in these management measures at 12,500. Upon agreement of state and tribal managers, the Regional Director will implement an inseason adjustment to the coho quota not to exceed 20,000. At a Canadian harvest level between 1.1 and 1.3 million, the Regional Director will adjust the coho quota to 25,000.

Halibut Retention

In accordance with the Northern Pacific Halibut Act, regulations governing the Pacific halibut fishery

were published in the Federal Register on March 20, 1996 (61 FR 11337). The regulations, which appear under 50 CFR part 301, state that operators of vessels participating in the salmon troll fishery in Area 2A (all waters off the States of Washington, Oregon, and California), who have obtained the appropriate International Pacific Halibut Commission (IPHC) license, may retain halibut caught incidentally during authorized periods, in conformance with provisions announced with the annual salmon management measures.

As provided by 50 CFR 301.7(c) and 301.24(e), the following measures have been approved. The operator of a vessel that has been issued an incidental halibut harvest license by the IPHC (trollers must have sent license applications to IPHC postmarked no later than April 1) may retain Pacific halibut caught incidentally while trolling for salmon during troll seasons, except in July, in Area 2A. A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not both. In troll fisheries, incidentally caught halibut may be landed only under the following restrictions: No more than 1 halibut for each 15 chinook landed, except 1 halibut may be landed without meeting the ratio requirement, and no more than

20 halibut may be landed per trip. Any halibut retained must be in compliance with the minimum size limit of 32 inches (81.3 cm). The Oregon Department of Fish and Wildlife will monitor landings. If landings are projected to exceed the 16,068-lb (7.3-mt) preseason commercial troll fishery allocation or the entire Area 2A total allowable catch of halibut, NMFS will take inseason action to close the incidental halibut fishery through a document published in the Federal Register.

#### Gear Definitions and Restrictions

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

##### Troll Fishing Gear

Troll fishing gear for the fishery management area (FMA) is defined as one or more lines that drag hooks behind a moving fishing vessel.

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

##### Recreational Fishing Gear

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

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

In that portion of the FMA off California, the line must be attached to a rod and reel held by hand or closely attended. Weights directly attached to a line may not exceed 4 lb (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 of shore" are used in this rule, 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:

Skagway Rock .....	48°21'58" N. lat.
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.
Cape Arago .....	43°18'20" N. lat.
Humboldt 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.
Bodega Head .....	38°17'58" 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 Lopez .....	36°01'15" N. lat.
Point Conception .....	34°27'00" N. lat.
Point Mugu .....	34°05'12" 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 for publication with the Office of the Federal Register as soon as practicable. Since provisions of these management measures may be altered by inseason actions, fishermen should monitor either the telephone hotline or Coast Guard broadcasts for current information for the area in which they are fishing.

##### Technical Amendment

Amendment 9 to the FMP replaced the long-term spawning escapement goal and interim rebuilding schedule for Klamath River fall chinook contained in the framework FMP with fixed annual spawning escapement and harvest rates. Under this approach, known as harvest rate management, the spawning escapement rate is held constant at 33-34 percent of the potential adults from each brood over a long period of time while the magnitude of harvest and the number of spawners is allowed to vary in proportion to the stock abundance. Variation in spawning escapement is subject to a minimum spawning escapement floor of 35,000 naturally spawning adults. The purpose of shifting to a harvest rate management approach was to allow for natural variation in the spawning escapement and to obtain information on the productivity of the Klamath River Basin to ultimately determine the optimum

escapement in order to achieve maximum sustainable yield over the long term.

On October 4, 1993, Solicitor of the Department of the Interior issued an opinion on the fishing rights of the Hoopa Valley and Yurok Indian Tribes on the Klamath and Trinity Rivers. In that opinion, the Solicitor concluded that the tribes have a federally protected right to the fishery resource sufficient to support a moderate standard of living or 50 percent of the total available annual harvest of Klamath-Trinity basin salmon, whichever is less. NMFS issued a final rule recognizing the federally reserved fishing rights of the Yurok and Hoopa Valley Tribes, as acknowledged and quantified by the Solicitor, as applicable law for the purposes of the Magnuson Act.

The STT was concerned that fixed rate escapement for each brood of fish might not be possible under variable recruitment levels and annual 50/50 sharing of the harvest between tribal and non-tribal sectors. Analysis by the Klamath River Technical Advisory Team indicated that under annual 50/50 sharing, the brood rate escapement rate could vary from the targeted 33-34 percent rate by approximately 2 percent for any given brood, but over the long term the brood escapement rate would average 33-34 percent.

Under the procedures contained in 50 CFR 661.22, NMFS is authorized to modify an escapement goal by publishing a notice in the Federal Register under § 661.23 if: "A comprehensive technical review of the best scientific information available provides conclusive evidence which, in the view of the Salmon Technical Team and the Council, justifies modification of an escapement goal." In addition, Amendment 9 states that the escapement rate may be modified upon approval of the STT and the Council to meet optimum yield (OY).

At the April 1996 Council meeting, the STT advised the Council that revising the escapement goal from a 33-34 percent escapement rate calculated on a brood year basis to a 33-34 percent rate calculated over the long term would not constitute a significant change. The Council then recommended to NMFS that the spawning escapement goal be revised to allow the escapement rate to vary from the 33-34 percent in order to achieve the required tribal/non-tribal annual allocation, as long as it averages 33-34 percent over the long term. NMFS has approved this change because it meets the objectives of Amendment 9's long-term escapement rate goal, and it allows achievement of OY by allowing

achievement of both the escapement goal and the 50/50 sharing requirement.

**Classification**

This notification of annual management measures and technical amendment are exempt from review under E.O. 12866.

Section 661.23 requires NMFS to publish a notice establishing management measures for ocean salmon fisheries each year and, if time allows, invite public comments prior to the effective date. Section 661.23 further states that if, for good cause, a notice must be filed without affording a prior opportunity for public comment, public comments on the notice must be invited and received for a minimum of 15 days after filing the notice with the Office of the Federal Register. Under § 661.23, measures are effective upon filing, unless otherwise specified in the notice.

Because many ocean salmon seasons are scheduled to start May 1, the management measures must be in effect by then. Each year the schedule for establishing the annual management measures begins in February with the compilation and analysis of biological and socio-economic data for the previous year's fishery and salmon stock abundance estimates for the current year. These documents are made available and distributed to the public for review and comment. Two meetings of the Council follow in March and April. These meetings are open to the public and public comment on the salmon management measures is encouraged. In 1996, the Council recommended management measures near the conclusion of its meeting on April 12, which resulted in a short time frame for implementation.

In some areas, the season started on May 1 in 1995, but is not scheduled to start until later in 1996 (or it is

scheduled to start with different management restrictions in place). The different restrictions are put in place to respond to the needs of the various stocks in 1996. A delay in implementation of the management measures would allow inappropriate openings in some areas, which would cause adverse impacts not contemplated in the design of the 1996 management measures. Therefore, in light of the limited available time and the adverse effect of delay, NMFS has determined that good cause exists to waive the requirements of 50 CFR 661.23 and 5 U.S.C. 553(b) for prior notice and opportunity for prior public comments on that notice to be published in the Federal Register. For the same reasons, NMFS has determined that good cause exists to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d). The measures are effective May 1, 1996. For this document, NMFS is receiving public comments for 30 days from publication of the document.

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

On March 8, 1996, NMFS issued a biological opinion that considered the effects of the FMP on all listed salmon species. The biological opinion concluded that fisheries conducted under the FMP are likely to jeopardize the continued existence of Sacramento River winter chinook and Snake River

fall chinook, but provided a RPA to avoid jeopardy. These management measures comply with the RPA as well as the incidental take conditions contained in the biological opinion.

The biological opinion also concluded that fisheries conducted under the FMP are not likely to jeopardize the continued existence of other listed salmon species, specifically Snake River wild sockeye salmon and Snake River wild spring and summer chinook.

**List of Subjects in 50 CFR Part 661**

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

Dated: April 30, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set forth in the preamble, 50 CFR part 661 is amended as follows:

**PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA**

1. The authority citation for part 661 continues to read as follows:

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

Appendix to Part 661 [Amended]

2. The appendix to part 661 is amended in the table in IV.A., "Summary of Specific Management Goals for Stocks in the Salmon Management Unit," by revising the entry for Klamath Fall Chinook to read as follows:

Appendix

\* \* \* \* \*

IV. Escapement Goals

A. \* \* \*

**SUMMARY OF SPECIFIC MANAGEMENT GOALS FOR STOCKS IN THE SALMON MANAGEMENT UNIT**

System	Spawning <sup>1</sup> escapement goal
Klamath Fall Chinook.	Between 33 and 34 percent of the potential adult natural spawners, but no fewer than 35,000 naturally spawning adults in any one year. <sup>3</sup> The brood escapement rate will average 33 to 34 percent over the long term. The escapement rate for each brood may vary from the 33 to 34 percent in order to achieve the required tribal/non-tribal annual allocation.

<sup>1</sup> Represents adult natural spawning escapement goal for viable natural stocks or adult hatchery return goal for stocks managed for artificial production.

<sup>3</sup> The minimum escapement floor of 35,000 naturally spawning adults may be modified only by amendment to the FMP.

\* \* \* \* \*