

border and Cape Alava, WA. The Director, Northwest Region, NMFS (Regional Director), has determined that the recreational quotas should be revised to 1,400 coho salmon and 6,700 coho salmon for the respective subareas. This action is intended to help meet the recreational season duration objectives for each subarea.

**DATES:** Effective September 16, 1996, through 2400 hours local time, September 26, 1996. Comments will be accepted through October 1, 1996.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Director, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070. Information relevant to this action has been compiled in aggregate form and is available for public review during business hours at the Northwest Regional Office.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** In the annual management measures for ocean salmon fisheries (61 FR 20175, May 6, 1996), NMFS announced that coho salmon may be transferred among recreational subareas north of Cape Falcon, OR, 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.

By inseason management action (61 FR 40157, August 1, 1996), NMFS announced that the contingency seasons north of Cape Falcon, OR, would open as stated in the annual management measures. The 1996 recreational fishery in the subareas between the U.S.-Canadian border and Cape Alava, WA, and between Cape Alava and the Queets River, WA, opened on August 5. Each fishery was scheduled to continue through September 26 or attainment of their respective quotas of 6,400 and 1,700 coho salmon (revised at 61 FR 43472, August 23, 1996), whichever occurred first.

The fishery between the U.S.-Canadian border and Cape Alava closed on August 31 upon the projected attainment of its quota, published elsewhere in this issue. The best available information on September 3 indicated that 6,692 coho salmon were caught in this fishery, so the quota was exceeded by 292 coho salmon. After conferring with representatives of the affected ports, NMFS agreed to transfer 300 coho salmon to this fishery from the recreational fishery between Cape Alava and the Queets River to cover the quota overage. Therefore, the quota for the subarea between the U.S.-Canadian border and Cape Alava is increased to

6,700 coho salmon, and the quota for the subarea between Cape Alava and the Queets River is decreased to 1,400 coho salmon. Even with the smaller quota, the fishery between Cape Alava and the Queets River is expected to continue for the duration of its scheduled season.

Modification of quotas is authorized by regulations at 50 CFR 660.409(b)(1)(i). All other restrictions that apply to these fisheries remain in effect as announced in the annual management measures.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fish and Wildlife, and the Oregon Department of Fish and Wildlife regarding this adjustment. The State of Washington will manage the recreational fisheries in state waters adjacent to these areas of the exclusive economic zone in accordance with this Federal action. Because of the need for immediate action to manage the fisheries under the revised quotas, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. This action does not apply to other fisheries that may be operating in other areas.

#### Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

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

Dated: September 11, 1996.

Richard W. Surdi,

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

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#### 50 CFR Part 662

[Docket No. 960903241-6241-01; I.D. 081996B]

#### Northern Anchovy Fishery; Quotas for the 1996-97 Fishing Year

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

**ACTION:** Final quotas.

**SUMMARY:** NMFS announces the estimated spawning biomass and final harvest quotas for the northern anchovy fishery in the exclusive economic zone south of Point Reyes, CA, for the 1996-97 fishing season. These quotas may only be adjusted if inaccurate data were used or if errors were made in the calculations. Comments on these two

points are invited. The intended effect of this action is to establish allowable harvest levels of Pacific anchovy.

**DATES:** Effective on August 1, 1996. Comments will be accepted until October 15, 1996.

**ADDRESSES:** Submit comments on the final quotas to Ms. Hilda Diaz-Soltero, Regional Director, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Administrative Report LJ-95-11 is available from this same address.

**FOR FURTHER INFORMATION CONTACT:** Mr. James J. Morgan, Southwest Region, NMFS, (310) 980-4036.

**SUPPLEMENTARY INFORMATION:** In consultation with the California Department of Fish and Game and the NMFS Southwest Fisheries Science Center, the Director of the Southwest Region, NMFS, has decided to use the 1995 estimate of 388,000 mt spawning biomass of the central subpopulation of northern anchovy, *Engraulis mordax*, to set harvest limits for the 1996-97 fishing season. This is the same biomass estimate that was used for the 1995-96 fishing season because no new estimate has been made.

On March 26, 1996, a proposed rule was published in the Federal Register (61 FR 13148), recommending that Federal regulations implementing the Northern Anchovy Fishery Management Plan (FMP) be removed. This proposal was based on the fact that harvests of anchovy have declined greatly since 1982, and that this situation is unlikely to change in the foreseeable future. Interjurisdictional and allocation issues that might require Federal intervention no longer exist. Removing Federal regulations would mean that the anchovy fishery would continue to be regulated by the State of California. Since no final action has yet been taken on this proposed rule, Federal regulation of the fishery is still effective, and a quota must be set for the 1996 fishing season, which begins on August 1 under the regulations.

The biomass estimate was derived from a stock assessment model using spawning biomass estimated by five indices of abundance. Documentation of the spawning biomass is contained in Administrative Report LJ-95-11, published by the Southwest Fisheries Science Center, NMFS (see **ADDRESSES**). This report and the determination of harvest quotas were provided to the Pacific Fishery Management Council (Council) last year, and a meeting of the Council's Coastal Pelagics Planning Team and Advisory Subpanel was held in Long Beach, CA, on June 21, 1995. At that time, NMFS requested estimates of

domestic processing needs from the fishing industry so that a basis could be established for setting annual quotas. Additional information was received at the June 26–29, 1995, meeting of the Council. The result of these meetings was the thorough review of the 1995 estimate of the spawning biomass, which is the purpose of the meetings as stated in 50 CFR 662.20(a)(1). There is no new information to support a change from the assessment made in 1995. No stock assessment was conducted in 1996. With the information available, a modest harvest based on last year's estimate of the spawning biomass and on the needs of the U.S. fishery as expressed by the industry is reasonable.

According to the formula in the FMP, the optimum yield (OY) is 61,600 mt (70 percent of the biomass above 300,000), which is allocated to reduction fisheries, plus 4,900 mt for non-reduction fisheries. There is no agreement with Mexico on the management of northern anchovy; a portion of the biomass (30 percent) above 300,000 mt is designated as the amount to account for this unregulated harvest. Any portion of the OY not used by U.S. fishermen is identified as total allowable level of foreign fishing (TALFF) and is available to foreign fishing.

The estimates of the amount of anchovy that will be used by the U.S. fishing industry is based, usually, on the largest amount of reduction and non-reduction processing in the previous 3 years; however, the spawning biomass has been below 300,000 mt for 3 of the

last 4 years and no fishery was allowed. There was no reduction harvest in 1995.

The TALFF depends on that portion of the OY that will not be used by U.S. fishermen, minus the amount of harvest by Mexican vessels that is in excess of the average Mexican harvest (calculated according to the formula in the FMP). The estimate of Mexican excess harvest is based, generally, on the largest harvest in the last 3 years; however, the biomass has been so low during this time that there has been no significant fishery off Mexico until last year, and there was no excess Mexican harvest last year as defined in the FMP. Historically, the Mexican fishery has been based on availability and not on abundance. Recent harvests are not a reliable predictor of Mexican harvest under conditions of sudden increased abundance.

After considering the above, the Regional Director has made the following determinations for the 1996–97 fishing season by applying the formulas in the FMP and in 50 CFR 662.20.

1. The total OY for northern anchovy is 66,500 mt, plus an unspecified amount for use as live bait.

2. The total U.S. harvest quota for reduction purposes is 13,000 mt.

a. Of the total reduction harvest quota, 1,300 mt is reserved for the reduction fishery in Subarea A (north of Pt. Buchon). The FMP requires that 10 percent of the U.S. reduction quota or 9,072 mt, whichever is less, be reserved for the northern fishery. This is not a special quota, but only a reduction in the amount allocated to the southern

fishery south of Pt. Buchon (Subarea B). After the northern fishery has harvested 1,300 mt, any unused portion of the Subarea B allocation may also be harvested north of Pt. Buchon.

b. The reduction quota for Subarea B (south of Pt. Buchon) is 11,700 mt.

3. The U.S. harvest quota for non-reduction fishing (i.e., fishing for anchovy for use as dead bait or human consumption) is 4,900 mt (as set by § 662.20).

4. There is no U.S. harvest limit for the live bait fishery.

5. The domestic annual processing capacity (DAP) is 13,000 mt.

6. The amount allocated to joint venture processing (JVP) is zero, because there is no history of, nor are there applications for, joint ventures.

7. Domestic annual harvest capacity (DAH) is 13,000 mt. DAH is the sum of DAP and JVP.

8. The TALFF is 48,600 mt.

The fishery will be monitored during the year and evaluated with respect to the OY and the estimated needs of the fishing industry. Adjustments may be made to comply with the requirements of the FMP and its implementing regulations.

This action is authorized by 50 CFR part 662 and is exempt from review under E.O. 12866.

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

Dated: September 11, 1996.

Rolland A. Schmitten,

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

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