

allow participants additional time to research the anatomy of eligible species since many species are located in many diverse geographical regions and may require more investigation and perfection of the artwork. The Service clarifies that other living creatures, scenes and designs may be part of the design as long as the *identified species* are the *dominant* feature.

Analysis of Public Comment

The Service received 12 comments via Internet Website and 2 written comments from artists requesting reconsideration for submission of computer-generated art to the contest. Many disagreed with the Service's proposed change that the participant's original design should be "hand drawn." The respondents were in agreement that the computer is a form of medium and the artist should be able to choose any medium to paint the art. They further stated that the computer is an art tool, the same concept of using airbrush and pencil, and is a new and creative way of painting. The respondents feel that digital paintings are original and as dependent on the talents and skills of the artists as any traditionally rendered painting. If computer technology can be used to save a duck through migration studies, surgical procedures, oil spill clean ups, the respondents questioned why can't it be used as a tool to draw a duck. Many artists today are using computers for drawing and painting; and it is possible to create "art drawn by hand" by using a pressure-sensitive digital tablet, but the computer paintings must be sent to a mechanical device to be printed. By using this method, artists have to make each stroke by hand on the digital tablet. It was suggested that if we want to consider making changes, we should say "no to manipulated photographs" or request proof of originality of the art required of all entries.

Service Response

The Service considered all of the comments, but the Federal Duck Stamp Program's intent is to keep the art competition the traditional American art form that it is and has been for over 48 years. The Service feels the history, tradition, and beauty of this unique art form should be maintained by requiring art entries to be "original" hand created in the traditional "hand painted" manner that artist have been submitting for 48 years.

The Federal Duck Stamp Office acknowledges that the computer is a creative tool. However, computer art has the potential for fraud and plagiarism and also puts an undue burden on the artists and judges for assuring the

originality of the work. It almost would be impossible to prove that "printed" entries are original art, since through the Internet, computer users can download prints from almost any source.

It is, therefore, the Government's decision to disallow any work or creation that is generated by computer or other mechanical means that are not "hand drawn."

This regulation was not subject to Office of Management and Budget review under Executive Order 12866. These final regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements. The Department of the Interior has determined that this regulation will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) as the changes/revisions to the Contest will affect individuals, not businesses or other small entities as defined in the Act.

List of Subjects in 50 CFR 91

Hunting, Wildlife.

Accordingly, Title 50, Part 91 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 91 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 718j; 31 U.S.C. 9701.

PART 91—[AMENDED]

2. Section 91.11 is amended by revising paragraph (b) to read as follows:

§ 91.11 Contest deadlines.

* * * * *

(b) Entries must be postmarked no later than midnight, September 15.

3. Section 91.13 is revised to read as follows:

§ 91.13 Technical requirements for design and submission of entry.

The design must be a horizontal drawing or painting seven (7) inches high and ten (10) inches wide. The entry may be drawn in any medium desired by the contestant and may be in either multicolor or black and white. No scrollwork, lettering, bird band numbers, signatures or initials may appear on the design. Each entry must be matted (*over only*) with a nine (9) inch by twelve (12) inch white mat, one (1) inch wide, and the entire entry cannot exceed one quarter (1/4) inch in total thickness. Entries must not be framed, under glass, or have a protective covering that is attached to the entry.

4. Section 91.14 is revised to read as follows:

§ 91.14 Restrictions on subject matter to entry.

A live portrayal of any bird(s) of the five or fewer identified eligible species must be the *DOMINANT* feature of the design. The design may depict more than one of the eligible species. Designs may include, but are not limited to, hunting dogs, hunting scenes, use of waterfowl decoys, National Wildlife Refuges as the background of habitat scenes, and other designs that depict the sporting, conservation, stamp collecting and other uses of the stamp. The overall mandate will be to select the best design that will make an interesting, useful and attractive duck stamp that will be accepted and prized by hunters, stamp collectors, conservationists, and others. The design must be the contestant's original "*hand drawn*" creation. The entry design may not be copied or duplicated from previously published art, including photographs.

Photographs, computer-generated art, art produced from a computer printer or other computer/mechanical output device (airbrush method excepted) are not eligible to be entered into the contest and will be disqualified. An entry submitted in a prior contest that was not selected for the Federal or a state stamp design may be submitted in the current contest if it meets the above criteria.

Dated: April 20, 1997.

Dan Barry,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 961227373-6373-01; I.D. 042397A]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces further restrictions to the Pacific Coast groundfish fisheries for widow rockfish,

bocaccio, Dover sole, thornyheads, and sablefish, and clarifies the cross-over provisions for operating in areas with different trip limits. These actions are authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. These restrictions are intended to keep landings as close as possible to the 1997 harvest guidelines for these species.

DATES: Effective from 0001 hours (local time) May 1, 1997, until the effective date of the 1998 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. For vessels operating in the B platoon, effective from 0001 hours (local time) May 16, 1997, until the effective date of the 1998 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted through May 22, 1997.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), National Marine Fisheries Service, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or William Hogarth, Acting Administrator, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140 or Rodney McInnis at 310-980-4040.

SUPPLEMENTARY INFORMATION: The following changes to routine management measures were recommended by the Pacific Fishery Management Council (Council), in consultation with the states of Washington, Oregon, and California, at its April 8-11, 1997, meeting in San Francisco, CA.

Widow Rockfish

The limited entry fishery for widow rockfish currently is managed under a 2-month cumulative trip limit of 70,000 lb (31,752 kg). The best available information at the April 1997 Council meeting indicated that 1,458 mt of widow rockfish had been taken through March 31, 1997, and that the 6,500-mt harvest guideline would be reached by mid-October 1997 if the rate of landings is not slowed. The Council therefore recommended that the 2-month cumulative trip limit for widow rockfish be reduced May 1, 1997, from 70,000 lb (31,752 kg) to 60,000 lb (27,216 kg)

coastwide to keep landings within the harvest guideline in 1997.

Bocaccio

Bocaccio, which are found predominantly off California south of Cape Mendocino (40°30' N. lat.), comprise one component of the *Sebastes* complex of rockfish. The acceptable biological catch (ABC) and harvest guideline for bocaccio were severely reduced in 1997 as a result of a new stock assessment. The harvest guideline for bocaccio was set at its overfishing threshold in 1997, as a 1-year step down to fishing at the level of ABC. Bocaccio is particularly difficult to manage because many gear types are involved. It is caught with commercial trawl, longline, hook-and-line, set net, and pot gear, and substantial amounts also are taken in the recreational fishery.

The best available information at the April 1997 Council meeting indicated that 80 mt of bocaccio had been taken through March 31, 1997, and that the 387-mt harvest guideline would be reached by the end of the year. However, uncertainty in recreational catch levels, and projections based on achievement of the 332-mt commercial harvest guideline (the harvest guideline minus the recreational catch) indicate that the commercial harvest guideline would be reached by late October. To assure that the harvest guideline and overfishing threshold for bocaccio are not exceeded, the Council recommended two changes to trip limits south of Cape Mendocino, effective May 1, 1997: A reduction from 12,000 lb (5,443 kg) to 10,000 lb (4,536 kg) in the 2-month cumulative trip limit for the limited entry fishery; and, for the open access fishery, a reduction from 300 lb (136 kg) to 250 lb (113 kg) per trip for hook-and-line and trap gear, with no change to the monthly cumulative limit of 2,000 lb (907 kg). No changes were recommended to the trip limits for the open access set net fishery south of Cape Mendocino, the open access fishery targeting on non-groundfish species, or to the bag limit for the recreational fishery, but such changes could be made in the future.

Dover Sole, Thornyheads, and Trawl-Caught Sablefish (the DTS Complex)

The Council recommended that changes be made May 1, 1997, to the 2-month cumulative trip limits for Dover sole north of Cape Mendocino and thornyheads coastwide, which also result in a reduction to the trip limit for the DTS complex north of Cape Mendocino.

Dover Sole

The limited entry fishery for Dover sole is managed with a coastwide harvest guideline which includes a separate harvest guideline for the Columbia area. Coastwide landings of Dover sole are projected to reach the 11,050-mt harvest guideline on November 26, 1997, but this is due predominantly to exceeding the 2,850-mt Columbia area harvest guideline by 827-1,288 mt. If landing rates are not slowed, the harvest guideline in the Columbia area is projected to be reached in early to late September. The Council therefore recommended lowering the 2-month cumulative trip limit from 38,000 lb (17,237 kg) to 30,000 lb (13,608 kg) for the limited entry fishery north of Cape Mendocino, with the intent that both the Columbia and coastwide harvest guidelines would not be exceeded.

Thornyheads (Shortspine and Longspine)

The limited entry fishery for the two species of thornyheads is managed with a coastwide, 2-month cumulative trip limit for both species combined, which includes a separate limit for shortspine thornyheads. The harvest guideline for longspine thornyheads will not be reached in order to protect shortspine thornyheads. Shortspine thornyheads are managed so as not to exceed total catch of 1,500 mt in 1997 (1,380 mt for the landed catch harvest guideline and 120 mt for trip-limit induced discards), and therefore is above the 1,000-mt ABC but below the 1,757-mt overfishing threshold (total catch). Approximately 400 mt of shortspine thornyheads had been landed through March 31 and the harvest guideline is projected to be reached on October 26, 1997, if landing rates are not slowed. The Council therefore recommended a reduction in the 2-month cumulative trip limit for thornyheads from 4,000 lb (1,814 kg) to 3,000 lb (1,361 kg). Because both species often are caught together, a reduction also was recommended to the overall limit for thornyheads, from 20,000 lb (9,072 kg) to 15,000 lb (6,804 kg), to maintain the same proportion between longspine and shortspine thornyheads. Otherwise, additional discards of shortspine thornyheads could occur, with no real reduction in the level of catch.

DTS-North of Cape Mendocino

The limited entry, 2-month cumulative trip limit for the DTS complex north of Cape Mendocino is the sum of the trip limits for Dover sole, thornyheads, and trawl-caught sablefish.

The 2-month cumulative limit for the DTS complex therefore is reduced by 13,000 lb (5,897 kg), from 70,000 lb (31,752 kg) to 57,000 lb (25,855 kg), reflecting the reductions in the trip limits for Dover sole north of Cape Mendocino and for thornyheads coastwide. However, the 2-month cumulative trip limit of 100,000 lb (45,359 kg) south of Cape Mendocino is not changed to reflect the reduction in the trip limits for thornyheads. This has the effect of increasing the maximum amount of Dover sole that may be taken south of Cape Mendocino, because the limit for Dover sole in that area is the DTS limit minus the landings of thornyheads and trawl-caught sablefish.

Fixed-Gear Sablefish Fishery North of 36° N. lat.

Sablefish are managed to achieve the limited entry allocation for nontrawl gear of 2,754 mt in 1997. Projected landings to the end of the year are not available because the regular (or "primary") season which accounts for the majority of landings has not yet occurred. However, the Council has declared its intent to keep landings in the daily trip limit fishery, that occurs outside the regular and any mop-up seasons, to about the same level (385 mt) as in 1996. Testimony at the April Council meeting indicated that landings by the limited entry fixed gear fleet were accelerating, possibly by vessels expecting not to qualify for the proposed sablefish endorsement that would be required to participate in the regular and mop-up seasons for the limited entry sablefish fishery in 1997 and beyond. Therefore the Council recommended that landings under the current daily trip limit of 300 lb (136 kg) be further restricted with a cumulative limit of 5,100 lb (2,313 kg) of sablefish per month in the limited entry fishery north of 36° N. lat.

Fixed-Gear Sablefish Fishery South of 36° N. lat.

The Council also considered a proposal from limited entry, fixed gear sablefish fishers who operate in the Conception area south of 36° N. lat. The Council recommended that if at the end of July, cumulative landings of sablefish in the Conception area are 210 mt or less, then, effective September 1, 1997, limited entry fixed gear fishers operating in that area will have the option of continuing under the current daily trip limit or making one landing a week above 350 lb (159 kg) but less than 1,050 lb (476 kg). If sablefish landings reach, or are projected to reach, 400 mt before the end of the year, the option to make one landing a week

above 350 lb (159 kg) will be rescinded. Landings of sablefish by all gears (including open access and limited entry trawl and nontrawl fisheries) will be included when monitoring or projecting the 210-mt and 400-mt levels. If this proposal is implemented, it will be announced in the **Federal Register** before September 1, 1997.

Future Inseason Changes to Management Measures

The Council meetings in September and November 1997 occur just after the beginning of 2-month cumulative periods, making it impossible to implement changes at the beginning of those periods. To resolve this problem, the Council will consider several courses of action at its June meeting. Possible solutions include: Resuming 1-month cumulative trip limits on September 1 (which means the 60 percent monthly limits would become obsolete); or providing general guidance to NMFS to make inseason adjustments after consultation through a conference call rather than at a Council meeting. The Council also may consider imposing, for some period of time, very restrictive trip limits or even fishery closures as early as July 1, 1997, to ensure that harvest guidelines or other allocations are not exceeded, or to make sure that some commercially important species are available at the end of the year. These issues will be discussed further, and may be acted on, at the June 23-25, 1997, Council meeting in Seattle, WA. At its June 1997 meeting, the Council also will review the progress of the groundfish fishery and may recommend rapid changes to the limits announced herein, as early as July 1, 1997. Any changes approved by NMFS will be announced in the **Federal Register**.

Cross-Over Provisions

After publication of the annual management measures for 1997, NMFS received a comment that the cross-over provisions were confusing. NMFS is taking this opportunity to clarify that in paragraph A.(12)(b) of section IV., which discusses fishing in a more liberal area before fishing in a more restrictive area. That paragraph states:

"If a vessel takes and retains a species (or species complex) in an area where a higher trip limit (or no trip limit) applies, and possesses or lands that species (or species complex) in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit for that trip limit period."

This paragraph is revised to clarify that "that species" refers to the same species but not necessarily the identical

fish that were caught in the more liberal area.

NMFS Action

For the reasons stated above, NMFS concurs with the Council's recommendations and makes the following changes to the 1997 annual management measures (62 FR 700, January 6, 1997). The trip limit changes for the limited entry fishery may also affect the open access fishery, including exempt trawl gear used to harvest pink shrimp and prawns, California halibut, and sea cucumbers. As stated in paragraph I. of the annual management measures: "A vessel operating in the open access fishery must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery; or for the same gear and/or subarea in the limited entry fishery; or, in any calendar month, 50 percent of any 2-month cumulative trip limit for the same gear and/or subarea in the limited entry fishery, called the '50-percent monthly limit.'" The annual management measures are modified as follows:

1. For crossovers, paragraph A.(12)(b) of section IV. is revised to read as follows:

A. General Definitions and Provisions.

* * * * *

(12) * * *

(b) If a vessel takes and retains a species (or species complex) in an area where a higher trip limit (or no trip limit) applies, and takes and retains, possesses, or lands the same species (or species complex) in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit for that trip limit period.

* * * * *

2. For widow rockfish, paragraph B. of section IV. is amended as follows:

*B. Widow Rockfish * * **

(1) *Limited entry fishery.* The cumulative trip limit for widow rockfish is 60,000 lb (27,216 kg) per vessel per 2-month period. The 60-percent monthly limit is 36,000 lb (16,329 kg).

(2) *Open access fishery.* Within the limits at paragraph IV.I. for the open access fishery, the 50-percent monthly limit for widow rockfish is 30,000 lb (13,608 kg).

3. For bocaccio, paragraph C. of section IV. is amended as follows:

C. Sebastes Complex (including Bocaccio, Yellowtail, and Canary Rockfish)

* * * * *

(2) * * *

(a) * * *

(ii) *South of Cape Mendocino.* The cumulative trip limit for the *Sebastes*

complex taken and retained south of Cape Mendocino is 150,000 lb (68,039 kg) per vessel per 2-month period. Within this cumulative trip limit for the *Sebastes* complex, no more than 10,000 lb (4,534 kg) may be bocaccio taken and retained south of Cape Mendocino, and no more than 14,000 lb (6,350 kg) may be canary rockfish.

(iii) The 60-percent monthly limits are: For the *Sebastes* complex, 18,000 lb (8,165 kg) north of Cape Mendocino, and 90,000 lb (40,823 kg) south of Cape Mendocino; for yellowtail rockfish, 3,600 lb (1,633 kg) north of Cape Mendocino; for bocaccio south of Cape Mendocino, 6,000 lb (2,722 kg); and for canary rockfish coastwide, 8,400 lb (3,810 kg).

(3) *Open access fishery.* If smaller than the limits at paragraph IV.I., the following cumulative monthly trip limits apply (within the limits at paragraph IV.I.): For the *Sebastes* complex, 15,000 lb (6,804 kg) north of Cape Mendocino, and 75,000 lb (34,019 kg) south of Cape Mendocino; for yellowtail rockfish, 3,000 lb (1,361 kg) north of Cape Mendocino; for bocaccio, 5,000 lb (2,268 kg) south of Cape Mendocino; and, for canary rockfish, 7,000 lb (3,175 kg) coastwide.

4. For Dover sole, thornyheads, and the DTS complex, paragraph E. of section IV. is amended as follows:

E. *Sablefish and the DTS Complex (Dover Sole, Thornyheads, and Trawl-Caught Sablefish)*

* * * * *

(2) * * *

(b) * * *

(i) *North of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained north of Cape Mendocino is 57,000 lb (25,855 kg) per vessel per 2-month period. Within this cumulative trip limit, no more than 12,000 lb (5,443 kg) may be sablefish, no more than 30,000 lb (13,608 kg) may be Dover sole, and no more than 15,000 lb (6,804 kg) may be thornyheads. No more than 3,000 lb (1,361 kg) of the thornyheads may be shortspine thornyheads.

(ii) *South of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained south of Cape Mendocino is 100,000 lb (45,359 kg) per vessel per 2-month period. Within this cumulative trip limit, no more than 12,000 lb (5,443 kg) may be sablefish, and no more than 15,000 lb (6,804 kg) may be thornyheads. No more than 3,000 lb (1,361 kg) of the thornyheads may be shortspine thornyheads.

(iii) The 60-percent monthly limits are: For the DTS complex, 34,200 lb (15,513 kg) north of Cape Mendocino, and 60,000 lb (27,216 kg) south of Cape Mendocino; for trawl-caught sablefish coastwide, 7,200 lb (3,266 kg); for Dover sole north of Cape Mendocino, 18,000 lb (8,165 kg); for both species of thornyheads combined coastwide, 9,000 lb (4,082 kg); and for shortspine thornyheads coastwide, 1,800 lb (816 kg).

* * * * *

(c) * * *

(i) *Daily trip limit.* The daily trip limit for sablefish taken and retained with nontrawl gear north of 36° N. lat. is 300 lb (136 kg), not to exceed 5,100 lb (2,313 kg) per calendar month, and south of 36° N. lat. is 350 lb (159 kg) with no additional limit on the amount of sablefish that may be retained in a month. The daily trip limit, which applies to sablefish of any size, is in effect until the closed periods before or after the regular season (as specified at 50 CFR 660.323(a)(2)(i) (formerly 50 CFR 663.23(b)(2)), between the end of the regular season and the beginning of the mop-up season, and after the mop-up season.

* * * * *

(3) *Open access fishery.* Within the limits in paragraph IV.I. below, a vessel in the open access fishery is subject to the 50-percent monthly limits, which are as follows: For the DTS complex, 28,500 lb (12,927 kg) north of Cape Mendocino, and 50,000 lb (22,680 kg) south of Cape Mendocino; for Dover sole north of Cape Mendocino, 15,000 lb (6,804 kg); south of Pt. Conception, for both species of thornyheads combined,

7,500 lb (3,402 kg) of which no more than 1,500 lb (680 kg) may be shortspine thornyheads. (The open access fishery for thornyheads is closed north of Pt. Conception.) * * *

5. For bocaccio taken in the open access fishery, paragraph I. of section IV. is amended as follows:

I. *Trip Limits in the Open Access Fishery* * * *

(1) * * *

(b) * * *

(i) *Hook-and-line or pot gear:* 10,000 lb (4,536 kg) of rockfish per vessel per fishing trip, of which no more than 250 lb (113 kg) per trip, not to exceed 2,000 lb (907 kg) cumulative per month, may be bocaccio taken and retained south of Cape Mendocino.

* * * * *

Classification

These actions are authorized by the regulations implementing the FMP. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Administrator, Northwest Region, NMFS (see ADDRESSES) during business hours. Because of the need for immediate action to slow the rate of harvest of the species discussed above, and because the public had an opportunity to comment on the action at the April 1997 Council meeting, NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. These actions are taken under the authority of 50 CFR 660.323(b)(1), and are exempt from review under E.O. 12866.

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

Dated: May 1, 1997.

Gary C. Matlock,

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

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