

prohibited during the months of June, July, and August.

4. In § 660.48, new paragraphs (a)(7) and (a)(8) are added to read as follows:

**§ 660.48 Gear restrictions.**

(a) \* \* \*

(7) A vessel whose owner has a limited access permit issued under this subpart and has an operating VMS unit that has been certified by the National Marine Fisheries Service may enter Crustaceans Permit Area 1 with lobster traps on board during the closed season, but must remain outside the Crustaceans Permit Area 1 VMS Subarea as defined in § 660.12.

(8) The operator of a permitted vessel must notify the Regional Administrator or an authorized officer no later than June 15 of each year if the vessel will use a VMS unit in the fishery and allow for inspection and certification of the unit.

\* \* \* \* \*

5. In § 660.50, paragraph (b)(4) is added as follows:

**§ 660.50 Harvest limitation program.**

\* \* \* \* \*

(b) \* \* \*

(4) Each permit holder and operator of each permitted vessel will be provided the following information, which will also be published in the **Federal Register**:

(i) Determination of when the harvest guideline will be reached;

(ii) Closure date after which the possession of lobster traps in Crustaceans Permit Area 1 VMS Subarea is prohibited by permitted vessels carrying VMS units;

(iii) Closure date after which the possession of lobster traps in Crustaceans Permit Area 1 is prohibited by permitted vessels without VMS units; and

(iv) Specification when further landings of lobster taken by permitted vessels without VMS units will be prohibited.

\* \* \* \* \*

[FR Doc. 97-17153 Filed 6-26-97; 12:26 pm]

BILLING CODE 3510-22-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 970318059-7148-02; I.D. 022197B]

RIN 0648-AI82

**Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 12**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement portions of Amendment 12 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California (Salmon FMP). The rule includes, as management objectives for the Salmon FMP, the NMFS jeopardy standards or the objectives of NMFS recovery plans for salmon species that are listed as threatened or endangered under the Endangered Species Act (ESA), and eliminates from the Code of Federal Regulations a table that summarizes management goals. This final rule implements that change. The intended effect of this rule is to ensure that ESA listed salmon are given proper consideration in formulating fishery management measures under the Salmon FMP.

**DATES:** This rule will become effective July 31, 1997.

**ADDRESSES:** Copies of Amendment 12 (combined with Amendment 10 to the Fishery Management Plan for the Pacific Coast Groundfish Fishery (Groundfish FMP)), and the Environmental Assessment (EA)/Regulatory Impact Review (RIR) are available from Larry Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140, Rodney McInnis at 562-980-4040, or the Pacific Fishery Management Council at 503-326-6352.

**SUPPLEMENTARY INFORMATION:** NMFS issues this final rule to implement a recommendation from the Pacific Fishery Management Council (Council), under the authority of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The background and rationale for the

Council's recommendations were fully described in the notice of proposed rulemaking for this action (62 FR 15874, April 3, 1997). Public comments were requested through May 19, 1997. No comments were received on either Amendment 12 or the proposed implementing rule. Amendment 12 was approved on April 30, 1997.

In summary, Amendment 12 makes the following changes to the Salmon FMP: Allows adoption of rules to permit retention of, but not sale of, salmon bycatch in Pacific Coast groundfish trawl fisheries under a monitoring program that meets certain guidelines; specifies ESA standards as management objectives for salmon species listed under the ESA; and updates the Salmon FMP, without changing the FMP management objectives or procedures.

Amendment 12 brings the Salmon FMP into compliance with the March 1996 Biological Opinion issued under section 7 of the ESA, regarding the impacts of the Pacific Coast salmon fishery on salmon stocks listed under the ESA. The Biological Opinion's first reasonable and prudent alternative (RPA) required NMFS to implement by May 1997, an amendment that includes ESA management objectives in the FMP.

Amendment 12 also updates the FMP to provide a comprehensive Salmon FMP that incorporates into a single document all of the amendments that have been made to the Salmon FMP since 1984. The updated Salmon FMP will be the operative salmon FMP, rather than an amendment to any existing document. This updated, comprehensive Salmon FMP will be much easier for the public to review and understand for any future amendment considerations.

The salmon bycatch retention provisions of Amendment 12 will not be implemented in this rule. These provisions would authorize regulations to permit groundfish trawl vessels to retain, but not sell, their bycatch of Pacific salmon under a monitoring program that meets certain guidelines. The Council is expected to develop such a program for the 1998 groundfish fishery.

There were no comments received during the public comment period ending May 19, 1997.

**Classification**

The Administrator, Northwest Region, NMFS, determined that Amendment 12 to the Salmon FMP is necessary for the conservation and management of the recreational and commercial Pacific Coast salmon fisheries and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

A formal section 7 consultation under the ESA was initiated for the Pacific Coast Salmon FMP. In a biological opinion dated March 8, 1996, the Assistant Administrator determined that fishing activities conducted under Amendment 12 and its implementing regulations are not likely to jeopardize the continued existence of Snake River sockeye, Snake River spring/summer chinook, Snake River fall chinook, or Sacramento River winter run chinook, or result in the destruction or adverse modification of critical habitat.

On April 30, 1997, NMFS completed a Biological Opinion on the effects of the fishery on coho salmon south of Cape Blanco, OR, which have recently

been listed as threatened (northern California/southern Oregon), and endangered (central California) under the ESA. This rule to specify ESA standards as salmon management objectives will bring the Salmon FMP into compliance with the March 8, 1996, Biological Opinion on the impacts of ocean fisheries for Pacific salmon on stocks listed under the ESA. It formalizes in the FMP what was already required by the ESA.

#### List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Marianas Islands, Reporting and recordkeeping requirements.

Dated: June 25, 1997.

**David L. Evans,**

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

For the reasons set forth in the preamble, 50 CFR 660 is amended as follows:

#### PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.410, the section heading and paragraph (a) are revised, the table "Summary of Specific Management Goals for Stocks in the Salmon Management Unit" is removed, and a new paragraph (c) is added to read as follows:

##### § 660.410 Escapement and management goals.

(a) The escapement and management goals are summarized in Table 6-1 of the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California.

\* \* \* \* \*

(c) The annual management measures will be consistent with NMFS jeopardy standards or NMFS recovery plans for species listed under the Endangered Species Act.

[FR Doc. 97-17154 Filed 6-30-97; 8:45 am]

BILLING CODE 3510-22-F