

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 981231333-8333-01 ; I.D. 121498A]

RIN 0648-AM12

Magnuson Act Provisions; Foreign Fishing; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures

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

ACTION: 1999 groundfish fishery specifications and management measures; partial disapproval of open access *Sebastes* monthly cumulative limit; request for comments.

SUMMARY: NMFS announces the 1999 fishery specifications and management measures for groundfish, with the exception of whiting, taken in the U.S. exclusive economic zone (EEZ) and state waters off the coasts of Washington, Oregon, and California, as authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP). The specifications include the levels of the acceptable biological catch (ABC) and optimum yields (OYs), including the distribution between domestic and foreign fishing operations. The commercial OYs (formerly called "harvest guidelines," "HGs," or quotas) are allocated between the limited entry and open access fisheries. The management measures for 1999 are designed to keep landings within the OYs for those species for which there are OYs, and to achieve the goals and objectives of the FMP and its implementing regulations. The intended effect of these actions is to establish allowable harvest levels of Pacific Coast groundfish and to implement management measures designed to achieve but not exceed those harvest

levels, while extending fishing and processing opportunities as long as possible during the year. NMFS also announces partial disapproval of a particular open access monthly cumulative limit for *Sebastes* complex species.

DATES: Effective 0001 hours (local time) January 1, 1999, until the 2000 annual specifications and management measures are effective, unless modified, superseded, or rescinded. The 2000 annual specifications and management measures will be published in the **Federal Register**. Comments on the 1999 annual specifications and management measures will be accepted until February 8, 1999.

ADDRESSES: Send comments on these specifications and management measures to Mr. William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way N.E., BIN C15700, Bldg. 1, Seattle, WA 98115-0070; or Mr. William Hogarth, Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to these specifications and management measures, which includes an environmental assessment (EA) and the stock assessment and fishery evaluation (SAFE) report, has been compiled in aggregate form and is available for public review during business hours at the offices of the NMFS Northwest Regional Administrator and at the office of the NMFS Southwest Regional Administrator, or may be obtained from the Pacific Fishery Management Council (Council), by writing to the Council at 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201, or by contacting Lawrence Six at 503-326-6352.

FOR FURTHER INFORMATION CONTACT: Katherine King or Yvonne deReynier (Northwest Region, NMFS) 206-526-6140; or James Morgan (Southwest Region, NMFS) 562-980-4000.

SUPPLEMENTARY INFORMATION: The FMP requires that fishery specifications for groundfish be evaluated each calendar year, that OYs be specified for species or species groups in need of additional protection, and that management

measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. This action announces and makes effective the final 1999 fishery specifications and the management measures designed to achieve them for all groundfish managed under the FMP except whiting (see proposed rule section of this **Federal Register** issue for preliminary ABC/OY specifications and proposed allocation of OY to Washington coastal tribal fisheries). These final specifications and measures were considered by the Council at two meetings and were recommended to NMFS by the Council at its November 1998 meeting in Portland, OR.

I. Final Specifications

The fishery specifications include ABCs, the designation of OYs, which may be represented by harvest guidelines (HGs) or quotas for species that need individual management, the apportionment of the OYs between domestic and foreign fisheries, and allocation of the commercial OYs between the open access and limited entry segments of the domestic fishery. As in the past, these specifications include fish caught in state ocean waters (0-3 nautical miles (nm) offshore) as well as fish caught in the EEZ (3-200 nm offshore).

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) was amended in 1996 by Public Law 94-265. The Council has submitted Amendment 11 to the FMP which, if approved, will make the FMP consistent with the 1996 Magnuson-Stevens Act amendments. The decision regarding approval or disapproval of Amendment 11 is expected in spring 1999. The provisions in Amendment 11 for setting OYs are, for the most part, more conservative than in the current FMP. The OYs and ABCs recommended by the Council and announced in this document are intended to be consistent with the Magnuson-Stevens Act, the existing groundfish FMP, and Amendment 11.

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Table 1. 1999 Specifications of Acceptable Biological Catch (ABC), Optimum Yields (OYs) (equivalent to Harvest Guidelines (HG) in 1998), and Limited Entry and Open Access Allocations, by International North Pacific Fisheries Commission (INPFC) areas (in metric tons).

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)										OY (called Harvest Guideline (HG) in 1998)		Commer- cial OY (total catch)	Allocations (total catch HGs)				
	Vancouver a/	Colum- bia	Eur- opa	Monte- rey	Concep- tion	Total Catch ABC	Total Catch	Landed Equiva- lent	Limited Entry		Open Access							
									mt	%	mt	%						
ROUNDFISH:																		
Lingcod a/b/	450 U.S.		139	325	46	960	730	666	419	339	80.9	80	19.1					
Pacific cod	3,200			c/		3,200	--	--	--	--	--	--	--					
Pacific whiting a/d/		178,000-232,000 U.S. only				178,000-232,000	178,000-232,000	--	--	--	--	--	--					
Sablefish e/		9,692			472	9,692 N	7,919 N	7,127	6,414 N	5,991	93.4	423	6.6					
(Jack mackerel f/)		(52,600)			--	472 S	472 S	425	425 S	--	--	--	--					
FLATFISH:																		
Dover sole g/		8,373			1,053	9,426	9,426	8,955	9,426	--	--	--	--					
English sole	2,000			1,100		3,100	--	--	--	--	--	--	--					
Petrale sole	1,200		500	800	200	2,700	--	--	--	--	--	--	--					
Arrowtooth flounder		5,800				5,800	--	--	--	--	--	--	--					
Other flatfish	700	3,000	1,700	1,800	500	7,700	--	--	--	--	--	--	--					
ROCKFISH:																		
Chilipepper h/	c/		3,724			3,724	3,724	3,724	3,651	2,461	67.4	1,190	32.6					
POP l/	695			q/		695	595	500	595	--	--	--	--					
Shortbelly		23,500				23,500	23,500	23,500	23,500	--	--	--	--					
Spitnose j/	q/		868			868	868	729	868	--	--	--	--					
Widow k/		5,750				5,750	5,023	3,962	4,981	4,797	96.3	184	3.7					
Thornyheads: l/																		
Shortspine m/		1,261			175	1,261 N	1,150 N	805 N	1,150	1,147	99.75	3	0.25					
						175 S	175 S	123 S	175	--	--	--	--					
Longspine n/		4,102			429	4,102 N	4,102 N	3,733	4,102	--	--	--	--					

(Table 1. continued)													
ACCEPTABLE BIOLOGICAL CATCH (ABC)							OY (called Harvest Guideline (HG) in 1998)		Commer- cial OY (total catch)		Allocations (total catch HGS)		
Species	Vancouver a/	Column-bia	Rur- etha	Monte- rey	Concep- tion	Total Catch ABC	Total Catch	Landed EQUIVA- lent		Limited Entry	Open Access		
										mt	%	mt	%
Sablefish complex: a/o/	8,647			4,731		8,647 N	6,617	5,421	5,785	5,230	90.4N	555	9.6N
Bocaccio-S p/		q/		230 *		4,731 S	2,705	2,705	1,396	941	67.4S	455	32.6S
Canary-N r/		1,045 *		q/		230	230	230	150	101	67.4	49	32.6
Yellowtail-N a/s/		3,465 U.S. *		q/		1,045	857	689	807	736	91.2	71	8.80
REMAINING ROCKFISH q/:		2,295 *		898 *		3,465	3,435	2,407	3,403	3,076	90.4	327	9.6
bank		c/		81 ✓		81	--	--	--	--	--	--	--
blackgill t/		c/		365 ✓		365	--	--	--	--	--	--	--
bocaccio-N		424 ✓		u/		424	--	--	--	--	--	--	--
canary-S		u/		85 ✓		85	--	--	--	--	--	--	--
darkblotched		209 ✓		47 ✓		256	--	--	--	--	--	--	--
POP-S		u/		20 ✓		20	--	--	--	--	--	--	--
redstripe		768 ✓		c/		768	--	--	--	--	--	--	--
sharpchin		398 ✓		71 ✓		469	--	--	--	--	--	--	--
silverygrey		51 ✓		c/		51	--	--	--	--	--	--	--
splitnose		274 ✓		u/		274	--	--	--	--	--	--	--
yelloweye		39 ✓		c/		39	--	--	--	--	--	--	--
yellowmouth		132 ✓		c/		132	--	--	--	--	--	--	--
yellowtail-S		u/	74 ✓	155 ✓		229	--	--	--	--	--	--	--
Other rockfish v/		1,842 *		3,603 *		--	--	--	--	--	--	--	--
OTHER FISH w/	2,500	7,000	1,200	2,000	2,000	14,700	--	--	--	--	--	--	--

a/ U.S. Vancouver only, even if stock assessments included parts of Canadian waters.

b/ Lingcod. The 419-mt commercial OY for lingcod is in terms of total catch and is derived by reducing the 730-mt OY by 310 mt for the recreational fishery and 1 mt for the treaty tribes. The open access allocation is determined by applying the open access percentage to the commercial OY. The limited entry allocation is determined by subtracting the open access allocation from the commercial OY. The limited entry allocation of 339 mt (total catch) is reduced by 19% (64 mt) to derive a landed catch equivalent of 275 mt. Discard estimates for the open access fishery are not available at this time. The 666-mt landed catch equivalent for OY is the sum of the recreational and tribal catch (311 mt) plus the landed catch equivalents for the limited entry (275 mt) and open access fisheries (80 mt).

c/ Other. These species are not common nor important in the areas footnoted. Accordingly, for convenience, Pacific cod is included in the "other fish" category for the areas footnoted, and rockfish species are included in the "other rockfish" category for the areas footnoted only.

d/ Pacific whiting. Preliminary ABC and OY. Assumes 80% of U.S. plus Canada biomass occurs in U.S. waters.

e/ Sablefish north of 36° N. lat. The landed catch equivalent for the 7,919 mt OY is 7,127 mt, and assumes that 10 percent (792 mt)

of the OY is discarded. Ten percent (713 mt) of the landed catch equivalent is set aside for the treaty tribes. The remaining 6,414 mt is the "commercial OY," which is divided between the limited entry (5,991 mt) and open-access (423 mt) fisheries. The limited entry allocation is further allocated 58 percent (3,475 mt) to the trawl fishery, and 42 percent (2,516 mt) to the nontrawl fishery. The allocations are harvest guidelines.

- f/ Jack mackerel north of 39°00' N. lat. The ABC and OY include waters beyond 200 nm.
- g/ Dover sole. The 8,955-mt landed catch equivalent for OY assumes that 5 percent of the total catch is discarded.
- h/ Chilipepper. Chilipepper in the Eureka, Monterey, and Conception areas is pulled out of the Sebastes complex in 1999, and for the first time, an OY (and limited entry and open access allocations) is specified for chilipepper. The 3,651-mt commercial OY for chilipepper is in terms of total catch and is derived by reducing the 3,724-mt OY by 73 mt for the recreational fishery. The open access allocation is determined by applying the open access percentage to the commercial OY. The limited entry allocation is determined by subtracting the open access allocation from the commercial OY. Zero discards are assumed in the limited entry and open access fisheries, so the limited entry and open access allocations also represent the landed catch equivalents.
- i/ Pacific ocean perch. The 500-mt landed catch equivalent for OY assumes that 16 percent of the total catch is discarded.
- j/ Splittnose rockfish. Splittnose rockfish also have been removed from the Sebastes complex in the Eureka, Monterey, and Conception areas. The 729-mt landed catch equivalent for OY assumes that 16 percent of the total catch is discarded.
- k/ Widow rockfish. The 4,981-mt commercial OY for widow rockfish is in terms of total catch and is derived by reducing the 5,023-mt OY by 42 mt for the recreational fishery. The open access allocation is determined by applying the open access percentage to the commercial OY. The limited entry allocation is determined by subtracting the open access allocation from the commercial OY. The limited entry allocation of 4,797 mt (total catch) is reduced by 300 mt for estimated bycatch in the offshore whiting fishery, and the remainder is reduced by 16% (719 mt) to derive a landed catch equivalent of 3,777 mt. Discard estimates for the open access fishery are not available at this time. The 3,962-mt landed catch equivalent for OY is the sum of the landed catch equivalents for the limited entry (3,777 mt) and open access fisheries (184 mt), but excludes recreational landings of 42 mt.
- l/ Thornyheads. The treaty tribes estimate that 8,000-10,000 lb (about 3-4 mt) of thornyheads will be taken in 1998 under a tribal trip limit of 300 lb per trip. This small amount is not subtracted from either of the thornyhead HGs at this time. There is no combined HG for both species in 1998.
- m/ Shortspine thornyheads. The commercial OY for shortspine thornyheads equals the OY. The open access allocation for shortspine thornyheads is determined by applying the open access percentage to the 1,150-mt commercial OY. The limited entry allocation is determined by subtracting the open access allocation (3 mt) from the commercial OY. The limited entry allocation of 1,147 mt (total catch) is reduced by 30% (344 mt) to derive a landed catch equivalent of 803 mt. The 805-mt landed catch equivalent for OY is the sum of the landed catch equivalents for the limited entry (803 mt) and open access fisheries (3 mt) (with a slight difference due to rounding).
- n/ Longspine thornyheads. The 4,102-mt landed catch equivalent for OY assumes that 9% of the total catch is discarded.
- o/ Sebastes complex. The Sebastes-north ABC of 8,647 mt is the sum of the ABCs for canary, yellowtail, "remaining rockfish," and "other rockfish" in the U.S. Vancouver and Columbia areas (marked with *). All Sebastes OYs are for total catch. Species in "remaining rockfish" are marked with ✓. There may be some discrepancies with other tables due to rounding.
The Sebastes-north OY of 6,617 mt (for the Vancouver-Columbia area) is the sum of 75% of the ABC for "remaining rockfish" excluding bocaccio ($.75 \times (2,295-424) = 1,403$ mt) plus 50% of the ABCs for "other rockfish" ($.5 \times 1,842 = 921$ mt) plus the OYs for canary (857 mt) and yellowtail rockfish (3,435 mt). The reductions in the contributions of remaining and other rockfish is intended to address uncertainty in stock status due to limited information. Bocaccio is not included because the fishery will be managed so as to minimize harvest of this species.
Within the Sebastes-north OY are two small HGs for commercial harvest of black rockfish by the Makah, Quileute, Hoh, and Quinault Indian tribes: 20,000 lb (9,072 kg) for the EEZ north of Cape Alava (48°09'30" N. lat.) and 10,000 lb (4,536 kg) between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), which totals 13.6 mt. The northern OY for the Sebastes complex is reduced by 13.6 mt for tribal fisheries and 818 mt for estimated recreational harvest to derive the 5,785 mt commercial OY.
- The Sebastes-south ABC is the sum of the ABCs for bocaccio, "remaining rockfish," and "other rockfish" in the Eureka, Monterey, and Conception areas (marked with *). There may be some discrepancies with other tables due to rounding.
- The Sebastes-south OY, which applies to the Eureka/Monterey/Conception area, is the OY for bocaccio (230 mt) plus the sum of 75% of the ABC for remaining rockfish ($.75 \times 898$) plus 50% of the ABC for other rockfish ($.5 \times 3,603 = 1,801$ mt). The reductions in the contributions of remaining and other rockfish is intended to address uncertainty in stock status due to limited information.

- p/ Bocaccio. The 150-mt commercial OY for bocaccio in the Eureka, Monterey, and Conception area is in terms of total catch and is derived by reducing the 230-mt OY by 80 mt for the recreational fishery. No discards are assumed at this time.
- q/ Remaining rockfish. Prior to 1997, this category included all species in the Sebastes complex that did not have an individual ABC, and therefore included species that, starting in 1997, are designated as "other rockfish." Since 1997, "remaining rockfish" includes only those species and areas listed in Table 1. Species included in "remaining rockfish" are marked with ✓.
- r/ Canary. The 807-mt commercial OY for canary rockfish in the Vancouver-Columbia area is in terms of total catch and is derived by reducing the 1,045-mt OY by 50 mt for the recreational fishery. The open access allocation is determined by applying the open access percentage to the commercial OY. The limited entry allocation is determined by subtracting the open access allocation from the commercial OY. The limited entry allocation of 736 mt (total catch) is reduced by a 1% (118 mt) discard estimate to derive a landed catch equivalent of 618 mt. Discard estimates for the open access fishery are not available at this time. The 689-mt landed catch equivalent for OY is the sum of the landed catch equivalents for the limited entry (618 mt) and open access fisheries (71 mt).
- s/ Yellowtail rockfish. The 3,403-mt commercial OY for yellowtail rockfish is in terms of total catch and is derived by reducing the 3,435-mt OY by 32 mt for the recreational fishery. The open access allocation is determined by applying the open access percentage to the commercial OY. The limited entry allocation is determined by subtracting the open access allocation from the commercial OY. The limited entry allocation of 3,076 mt (total catch) is reduced by 600 mt for estimated bycatch in the offshore whiting fishery, and the remainder is reduced by 1% (396 mt) to derive a landed catch equivalent of 2,080 mt. Discard estimates for the open access fishery are not available at this time. The 2,407-mt landed catch equivalent for OY is the sum of the landed catch equivalents for the limited entry (2,080 mt) and open access fisheries (327 mt).
- t/ Blackgill rockfish. This stock is moved from "other rockfish" to "remaining rockfish," both components of the Sebastes complex. A separate ABC is established for the first time in 1999 for blackgill rockfish, resulting in a 365-mt which therefore reduces the ABC for "other rockfish" by 365 mt and increases it by the same amount for "remaining rockfish."
- u/ There is a separate ABC for this species and area which is not included in "remaining rockfish" or "other rockfish," and therefore is not included in the Sebastes complex.
- v/ Other rockfish. "Other rockfish" includes offshore Sebastes species not identified in Table 1. It is based on the 1996 Sebastes complex assessment of commercial landings and includes updated estimates of recreational landings for those species without individual ABCs.
- w/ Other fish. Includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in footnote c/.

ABC Policy/Overfishing

The current FMP defines overfishing as the fishing mortality rate (F) that would reduce spawning potential to 20 percent of the unfished level. This is referred to as a F20 rate. The Council has a policy of setting the ABC according to a constant fishing mortality rate that would approximate maximum sustainable yield (MSY). This rate has typically been F35, so is more conservative than the F20 overfishing rate. Under the revised Magnuson-Stevens Act, the FMP must prevent overfishing, which is defined in the National Standard Guidelines (63 FR 24212, May 1, 1998) as exceeding the fishing mortality rate needed to produce the maximum sustainable yield (Fmsy). Therefore the 1999 ABCs equal, but do not exceed Fmsy, as exceeding Fmsy would constitute overfishing. This new approach is more conservative and less flexible than allowed by the current FMP.

In 1999, the Council continued its use of default harvest rates as a proxy for Fmsy (and thus for ABC). In most cases, the default Fmsy proxy is F40 for rockfish and F35 for other groundfish species, but it may be superseded based on better scientific information. (The

thornyhead ABCs are currently based on F35, although they are included as rockfish in the definitions at 50 CFR 660.302.) "F40" means the fishing mortality rate that reduces the spawning potential per recruit to 40 percent of the unfished condition. For faster growing stocks, or stocks with quicker recruitment, a higher fishing mortality rate may be used, such as F35, which reduces the spawning potential to 35 percent of the unfished condition, and therefore means higher catches than F40. Under this policy, MSY is a constant fishing mortality rate (i.e., exploitation rate) that is a limit. In other words, a constant fraction of the stock may be harvested each year. The ABC for a species generally is derived by multiplying the exploitation rate (F40 or F35) times the current biomass estimate.

Figure 1 (in the following section on the default OY policy) illustrates the relationship between current biomass levels and recommended catch. The default exploitation rate (F35 or F40) is represented by the line labeled "ABC." ABC is graphically determined by finding the current biomass level on the horizontal axis, then finding the corresponding point on the line labeled

ABC, and then reading the corresponding catch off the vertical axis.

The 1999 ABCs, which are based on the best available scientific information, represent the total fishing mortality (in most cases synonymous with total catch). Stock assessment information considered in determining the ABCs is available from the Council and was made available to the public before the Council's November 1998 meeting as stock assessment documents and reports, which will be compiled into the Council's SAFE document (see ADDRESSES). Additional information is found in the EA prepared by the Council for this action, the SAFE document for the 1999 specifications, and documents available at the November 1998 Council meeting. All ABCs are expressed as total catch (landings plus discards) and apply only to U.S. waters unless otherwise specified, even if the assessments included Canadian waters.

Default OY Policy

The Council also has adopted a new, precautionary policy for establishing OY, which is intended to comply with the new Magnuson-Stevens Act requirements (Figure 1).

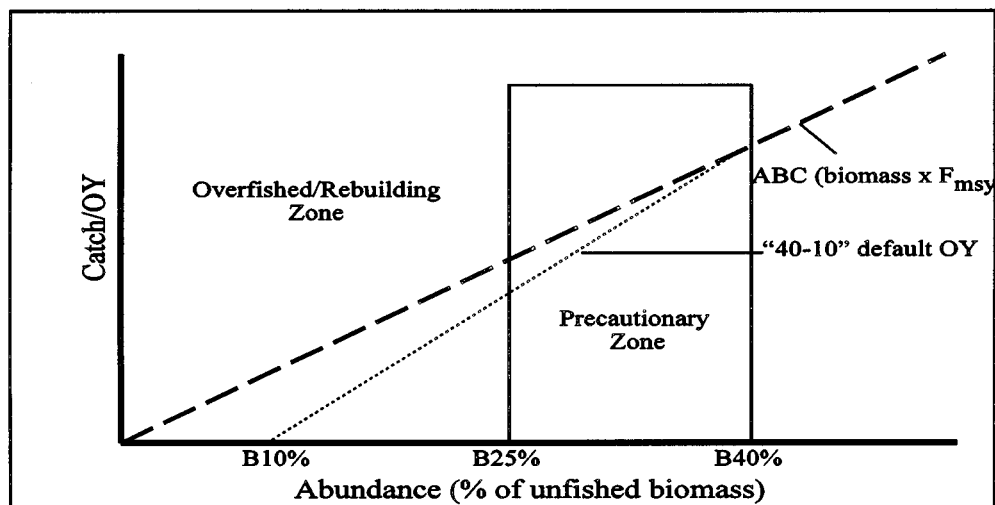


Figure 1. Illustration of default OY rule compared to ABC.

Regarding this policy, if the stock biomass is larger than the MSY biomass (Bmsy, i.e. B40% in Figure 1, where F40 is the proxy for Fmsy), the OY may be set equal to or less than ABC.

If the stock biomass is believed to be equal to or smaller than Bmsy, a precautionary OY threshold is established at the MSY biomass size. A stock whose current biomass is between

25 percent of the unfished level and the precautionary threshold is said to be in the "precautionary zone." The Council's default OY harvest policy (represented by the line labeled "40-10 default OY" in Figure 1) reduces the exploitation rate when a stock is at or below its precautionary threshold. The farther the stock is below the precautionary threshold, the greater the reduction in

OY will be relative to the ABC, until, at B10 percent, the OY would be set at zero. This is, in effect, a default rebuilding policy that will foster quicker return to the Bmsy level than would fishing at the ABC level.

If a stock falls below 25 percent of its unfished biomass (B25 percent), it is considered overfished, and the Council is required to develop a formal

rebuilding plan within the following year. However, the Council may set the OY higher than the default OY harvest policy requires if justified, and as long as the OY does not exceed the ABC (Fmsy) harvest rate and is consistent with the requirements of the Magnuson-Stevens Act and the NOAA National Standard Guidelines.

Additional precaution may be added on a case-by-case basis at any level of current biomass, and may be warranted by uncertainty in the data or by higher risks of being overfished.

Other OY considerations

In past years, some HGs (now called OYs) were expressed in terms of landed catch (Dover sole, sablefish, thornyheads, widow rockfish), and some were expressed in terms of total catch (*Sebastes* complex, whiting, lingcod). Although there were good reasons for these differences, it became difficult to keep them straight. In 1999, all OYs and allocations will represent total catch, and where possible, the expected landed catch equivalent will be presented. This approach will provide greater management flexibility if new information becomes available inseason because managers will then be able to make inseason modifications to discard estimates, and to the amount that may be landed. In this document, harvest amounts before 1999 are expressed as harvest guidelines or HGs, and harvest amounts for 1999 are expressed as optimum yields or OYs.

Those species or species groups managed with HGs in 1998 will continue to be managed with OYs (which are HGs) in 1999. In addition, new OYs are established for chilipepper and splitnose rockfish, which are removed from the *Sebastes* complex in the Eureka, Monterey, and Conception areas. The *Sebastes* complex consists of all rockfish managed by the FMP except chilipepper in the Eureka, Monterey, and Conception area (which is removed from the complex in 1999), Pacific ocean perch (POP) in the Vancouver and Columbia areas, widow rockfish coastwide, shortbelly rockfish coastwide, splitnose rockfish in the Eureka, Monterey, and Conception areas (which is removed from the complex in 1999), and thornyheads north of Pt. Conception (34°27' N. lat.). However, in areas where the above listed individual species are not prevalent, they are included in the ABC for the "remaining rockfish" or "other rockfish" component of the *Sebastes* complex.

1999 ABCs and OYs

The derivation of the ABCs and OYs for the individual groundfish species are

explained below and in Table 1. to this document. Derivations of commercial OYs, limited entry and open access allocations, and landed catch equivalents appear in the footnotes to Table 1 to this document. Recreational catch estimates provided by the Recreational Fishery Information Network (RecFIN) have been deducted, along with estimates of harvest by treaty tribes, when calculating the commercial OYs.

Lingcod

Lingcod is considered overfished under the new definitions because the lingcod stock was estimated to be at about 9 percent of its unfished biomass level. The most recent assessment (1997) addressed the entire Vancouver area (including Canada), and the Columbia area. The ABC for the U.S. portion of the Vancouver-Columbia area is 450 mt, the same as in 1998, based on the F35 harvest rate and the U.S.-Canada biomass distribution determined by the NMFS surveys (44 percent in U.S. waters). Because no new assessment was available for more southern waters, the same 60-percent reduction from the 1997 ABC that was applied to the U.S. Vancouver-Columbia area was applied to the Eureka, Monterey, and Conception areas, resulting in ABCs of 139 mt, 325 mt, and 46 mt, respectively. As a result, the coastwide ABC for lingcod in U.S. waters is 960 mt. If Canadian waters had been included, the ABC would have been 1,532 mt.

According to the default policy in Amendment 11, the OY for lingcod would be set at zero. However, considerable discussion confirmed that a zero OY would not eliminate fishing mortality because lingcod are unavoidably caught incidentally to other directed fisheries. Further reductions in fishing mortality of lingcod could only be achieved by substantial reductions, if not elimination, of other fisheries that inadvertently take lingcod, including recreational fisheries. The 1999 OY is set at 730 mt (down from 838 mt for total catch in 1998) to accommodate unavoidable bycatch and to avoid massive disruption of commercial and recreational fisheries in the interim while a rebuilding plan is being developed. Even at an OY of 730 mt, some stock rebuilding is expected to occur.

Whiting

A new stock assessment for whiting is expected in early 1999, so the Council has delayed its recommendation of a whiting ABC and OY until March 1999.

The preliminary ABC and OY is discussed elsewhere in this **Federal Register**.

Sablefish

The sablefish biomass north of 36° N. lat. is believed to be at 37 percent of its unfished biomass, based on a combination of two new stock assessments. The 1999 ABC for sablefish, based on F35, is 9,692 mt north of 36° N. lat. (the Monterey-Conception area border), compared to 5,200 mt in 1998. Although the Fmsy proxy for sablefish remains at F35, the range of uncertainty in the assessments prompted the Council to recommend using the more conservative F40 harvest rate, in addition to the precaution provided by the "40-10" policy, in establishing the OY for 1999. Even with these precautionary measures, the 7,919 mt OY in 1999 is substantially higher than in 1998 (a 4,680 mt landed catch HG, equivalent to a total catch of 5,200 mt).

The ABC and OY for sablefish in the Conception area (south of 36° N. lat.) are based on estimated landings in that area of 472 mt, with landed catch equivalents of 425 mt. The only difference between 1998 and 1999 is the conversion from a landed catch HG in 1998 to a total catch OY in 1999. There are no limited entry and open access allocations for Conception area sablefish at this time.

Jack mackerel

Only jack mackerel north of 39°00' N. latitude are managed by the FMP. The ABC and OY of 52,600 mt include waters beyond 200 nm. This species will be included in the Coastal Pelagics Fishery Management Plan, which is expected to be approved in 1999, at which time it will be removed from the Pacific Groundfish FMP.

Dover sole

The Dover sole biomass is believed to be larger than the level needed to produce MSY. The 1997 assessment evaluated the resource north of 36° N. lat. as a unit, and provided an ABC for landed catch using the F35 harvest rate, which was converted to total catch based on an estimate that 5 percent of the total catch is discarded. The Conception area ABC is at the level established in the original FMP. The 1999 coastwide ABC and OY for Dover sole are equal, at 9,426 mt, with a landed catch equivalent of 8,955 mt. The only change from 1998 is the conversion from a landed catch HG in 1998 to a total catch OY in 1999.

Chilipepper

A new stock assessment conducted in 1998 that indicated that chilipepper is a healthy stock, and that the biomass is believed to be larger than the level needed to produce MSY. ABCs have been set conservatively in the past in order to slow fishing down to MSY and to control levels of bycatch of bocaccio, an overfished species. Fishers now claim that 1998 bocaccio limits were so small that they were no longer targeting bocaccio. Recent trip frequency analyses have confirmed that few vessels are achieving bocaccio limits, indicating a lack of direct bocaccio targeting. In 1998, the ABC for chilipepper rockfish was 3,400 mt and there was no separate HG (now called OY); it was managed as one of the combined species in the *Sebastes* complex in the Eureka, Monterey, and Conception areas. In 1999, the ABC is set at 3,724 mt, the expected 3-year average yield of fishing at F40. Fishing at this rate with average recruitments would reduce the spawning output to 43 percent of its unfished levels in 3 years. For the first time in 1999, an OY and limited entry and open access allocations are specified for chilipepper. The OY, which equals ABC (and applies to the same area), is based on the new assessment and application of the F40 harvest rate.

Landings of chilipepper have averaged about 2,000 mt over the last 3 years, well below the ABC. For 1999, the Council recommended separating chilipepper from the *Sebastes* complex in the Eureka, Monterey, and Conception areas, to encourage fishers to fish more specifically for chilipepper. Moreover, because chilipepper stocks represent a relatively large percentage of southern *Sebastes* stocks, leaving them in the complex would inflate the overall trip limit for the complex, which could lead to inappropriately high harvest of other species in the complex that need protection.

The Council considered setting the OY at the 2,000 mt recent catch level because of concerns over the bycatch of bocaccio taken with chilipepper. Instead, the Council recommended that the OY be set equal to ABC. The catch ratio of bocaccio to chilipepper has declined in recent years and the Council heard testimony from fishers who felt they could fish for chilipepper selectively and would increase their harvest of that species if not constrained by the *Sebastes* trip limit. The inability to harvest the chilipepper ABC in recent years may be due to market limitations, or may be an artifact of management measures imposed on other components

of the *Sebastes* complex, particularly bocaccio. Leaving the chilipepper OY at about the same level as in 1998, but separating it from the *Sebastes* complex, will provide information on whether the relatively low landings of chilipepper were in some part due to low limits on bocaccio. However, it should be noted that development of a rebuilding plan for bocaccio next year may result in further restrictions on chilipepper.

POP

A new stock assessment conducted in 1998 confirmed that POP is at 13 percent of its unfished biomass and, thus, is considered overfished. POP was depleted off Washington, Oregon, and California by foreign fishing during the 1960s and early 1970s. In 1981, a rebuilding program was established for POP in the Vancouver and Columbia areas. (POP are not common in the more southern areas.) POP are part of multi-species groundfish catches and cannot be completely avoided when harvesting other groundfish species. POP are taken as bycatch in fisheries for other rockfish, arrowtooth flounder, and Dover sole. For many years, the ABC for POP has been set at "zero," but a low level of landings (650 mt in 1998) has been allowed to avoid the waste of fish that would otherwise be discarded. The annual HGs were intended only to accommodate the catch of fish that would be discarded, and were not intended to encourage targeting. Even if retention of POP were prohibited, it would not substantially reduce fishing mortality because POP are caught in small amounts in other fisheries, particularly in fisheries for other rockfish species. Because strong year classes, which are necessary to rebuild the stock, occur infrequently, the lack of rebuilding to date is not unexpected.

Based on the F40 exploitation rate and the new assessment, the 1999 ABC for POP is 695 mt (whereas it was set at zero in recent years). Under the default OY policy and using the F40 exploitation rate, the OY for POP would be 214 mt, much lower than the 1998 OY of 650 mt that was intended to be an estimate of true incidental landings. If current landings are all truly incidental, then imposing lower trip limits will create bycatch and discards from a portion of current landings. Under this assumption, POP mortality likely cannot be reduced without some form of effort control on other fishing strategies, such as reductions in limits for other species or time/area closures. To the extent that some current POP catches result from targeting, there is a potential to reduce current fishing mortality by lowering current limits,

although this would likely increase discards by some fishers. Consequently, instead of using the default OY policy, the Council adopted a 1999 OY of 500 mt, which is close to the level of landings in 1998. If a 16-percent discard rate is assumed, the total catch equivalent would be 595 mt. A new rebuilding plan will be developed for POP under the provisions of the Magnuson-Stevens Act. The POP stock assessment indicates that accommodating catches at this level in 1999 while a rebuilding plan is being developed does not appear to lead to further stock decline.

Splitnose rockfish

Like chilipepper, splitnose rockfish also have been removed from the *Sebastes* complex in the Eureka, Monterey, and Conception areas. This species was particularly available to fishing gear in 1998, and it was dominating much of the *Sebastes* landings. The 1999 ABC of 868 mt is the same as in 1998, when splitnose rockfish was managed under *Sebastes* complex limits. The new OY, which is established for the first time in 1999, is equal to the ABC.

Widow rockfish

As in 1998, the 5,750-mt total catch ABC for widow rockfish is based on the F40 harvest rate, which is the current MSY proxy for rockfish species. The stock is believed to be at 29 percent of its unfished biomass, so the default harvest policy is used to derive the OY. The 1999 OY of 5,023 mt is very close to the 1998 harvest guideline (5,090 mt).

Shortspine thornyheads

Shortspine thornyheads are a valuable and small component of the fishery that also includes Dover sole, longspine thornyheads, and trawl-caught sablefish (the DTS complex). The 1998 1,000 mt shortspine thornyhead ABC applied from the U.S./Canada border south to Pt. Conception and included 175 mt for the area between Pt. Conception and 36° N. lat.; therefore, the portion of the 1998 ABC that would have applied north of the Conception area is 825 mt. The 1999 ABC for shortspine thornyheads of 1,261 mt is based on a new assessment, and applies north of the Conception area. Because shortspine thornyheads are at 32 percent of their unfished biomass, the default "40-10" OY policy was used to determine the 1999 OY of 1,150 mt. However, both the ABC and OY are based on the F35 harvest rate, which is more liberal than the F40 harvest rate for most other rockfish. Although other rockfish have been managed under an F40 harvest rate, the

Groundfish Management Team (GMT) has accepted use of F35 in setting the shortspine thornyhead ABC. Use of the F40 harvest rate policy, rather than F35 in 1999, would have lowered the OY by about 200 mt, but would not have changed the ratio of the current biomass relative to the unfished biomass level. Even under the F₃₅ harvest rate policy, the 1999 OY is more conservative than in 1998. The 1999 total catch OY of 1,150 mt has a landed catch equivalent of 805 mt north of 36° N. lat., which is lower than the 1,082 mt landed catch HG for the same area in 1998.

The Council discussed applying additional precaution in light of the considerable uncertainty in the assessment results for shortspine thornyheads. There are concerns with the data, as it is very limited and is a major factor in the uncertainties arising from the assessment. Although the Council's GMT indicated that there is a 57-percent chance that the stock is not overfished, it also indicated a corresponding 43 percent chance that the stock is already overfished. However, assuming that the stock is at 32 percent of the unfished biomass, the assessment also indicates that setting the OY at 1,150 mt is not likely to significantly worsen the stock condition over the next 3 years, and in fact may not change the biomass level to any great extent. In 1999, a separate ABC and OY apply to the small portion of the Conception area that is north of Pt. Conception (34°27'—36°00' N. lat.). The ABC and OY for this small area remain at 175 mt, with landed catch equivalents of 123 mt. The southern Conception area has neither an ABC nor OY.

Longspine thornyheads

The longspine thornyhead biomass is believed to be larger than the level needed to produce MSY. Management measures are set more conservatively for longspine thornyheads to protect shortspine thornyheads, which often are taken in the same catch. As in 1998, the ABC for longspine thornyheads is 4,102 mt, which applies to the Vancouver, Columbia, Eureka, and Monterey areas. The OY is set equal to ABC; the increase from 1998 to 1999 represents only the conversion from a landed catch HG to a total catch OY. For the Conception area north of Pt. Conception, the ABC and OY are set at 429 mt, based on the average 1995–1996 landings. The southern Conception area has neither an ABC nor an OY.

Sebastes complex

For derivation of the ABCs and OYs, which are based on the ABCs and OYs

of the component species, see footnote o/ of Table 1 to this document.

Bocaccio

Bocaccio is at only 7 percent of its unfished biomass and, therefore, is overfished under the new FMP definition. The ABC of 230 mt, the same as in 1998, is based on F40 and applies to the Eureka, Monterey, and Conception area. Under the default harvest policy, the OY would be set at zero. However, prohibiting landings of bocaccio would not eliminate fishing mortality and would increase discards because it is unavoidably caught, in very small amounts, in other fisheries. There appears to be no immediate or plausible solution as to how to reduce fishing mortality of bocaccio significantly in 1999 without severely constraining landings of other, more valuable species in the *Sebastes* complex. Consequently, the Council recommended an OY of 230 mt, the same as in 1998, in part because fishing mortality would not be reduced by a complete prohibition on retention, and in part due to unavoidable harvest in the recreational fishery. The recreational sector is expected to take 80 mt of bocaccio in 1999, and the commercial sector is expected to harvest 150 mt. Nonetheless, the Council will be developing a rebuilding program in the next year for bocaccio, for implementation in 2000, which very well may include reducing target fisheries on associated species. Bocaccio in the Vancouver and Columbia areas is included in "remaining rockfish," and the 1999 ABC for this area is 424 mt, the same as in 1998.

Canary Rockfish

The ABC for canary rockfish in the Vancouver-Columbia area remains at 1,045 mt and is based on the F40 level. Canary rockfish is believed to be at 26 percent of its unfished biomass. Therefore, the default harvest policy for stocks in the precautionary zone was used to derive an OY of 857 mt.

Yellowtail Rockfish

Yellowtail rockfish is believed to be at 39 percent of its unfished biomass. The yellowtail rockfish assessment in 1997 provided an ABC of 4,657 mt for the Vancouver-Columbia-Eureka areas, including Canada. The U.S. portion is estimated to be 3,539 mt, 76 percent of the U.S.-Canada ABC, based on the survey biomass estimate for the portion of the assessment area in U.S. waters. The 3,465-mt ABC for the Vancouver/Columbia area in Table 1. to this document was derived by subtracting 74 mt for the Eureka area. The 3,435 mt OY

is based on the F40 yield and the default harvest policy.

Blackgill Rockfish

An ABC of 365 mt, based on F40, is added for the first time for blackgill rockfish, which applies to the Conception area. Blackgill rockfish, which are included in the "remaining rockfish" category of the *Sebastes* complex, are believed to be at 51 percent of their unfished level. This stock previously was included in "other rockfish" and did not have an individual ABC. The ABC for "other rockfish" has been reduced, and the ABC for "remaining rockfish" has been increased, by 365 mt.

Summary: Overfishing, Overfished, and Approaching an Overfished Condition.

The status of the resource is evaluated with regard to the Magnuson-Stevens Act standards, using the standards and criteria in Amendment 11 to the FMP.

Overfishing

None of the 1999 ABCs are knowingly set higher than Fmsy or its proxy, none of the OYs are set higher than the corresponding ABCs, and the management measures announced herein are designed to keep harvest levels within the specified OYs. Therefore, overfishing, which means fishing above ABC, is not expected to occur on any groundfish species for which there is information in 1999.

Overfished

Three species are believed to be overfished, which means that their current biomass is less than 25 percent of the unfished biomass level: lingcod, POP, and bocaccio. Rebuilding plans will be developed for the species, as required by the Magnuson-Stevens Act.

Approaching a Condition of Being Overfished

This condition applies to those species that currently are not overfished, but are expected to be overfished in 2 years. The most recent information indicates that canary rockfish is at 26 percent of its unfished biomass, and therefore very close to the overfishing threshold. Until a new stock assessment is prepared in 1999, canary rockfish will be considered approaching a condition of being overfished.

Bycatch and Discards

Stock assessments and inseason catch monitoring are designed to account for all fishing mortality, including that resulting from fish discarded at sea. Discards of rockfish and sablefish in the fishery for whiting are well monitored

and are accounted for inseason as they occur. In the other fisheries, discards caused by trip limits have not been monitored consistently, so discard estimates have been developed to account for this extra catch. A discard level of 16 percent of the total catch, previously measured for widow rockfish in a scientific study, is assumed to be appropriate for the commercial fisheries for widow rockfish, yellowtail rockfish, canary rockfish, and POP. A discard estimate of 9 percent is used for longspine thornyheads, 30 percent for shortspine thornyheads, 5 percent for Dover sole, and 10 percent for sablefish.

Foreign and Joint Venture Fisheries

For those species that will not be fully utilized by domestic processors or harvesters, and that can be caught without severely affecting species that are fully utilized by domestic processors or harvesters, foreign or joint venture operations may occur. A joint venture occurs when U.S. vessels deliver their catch to foreign processing vessels in the EEZ. A portion of the OYs for these species may be apportioned to domestic annual harvest (DAH), which in turn may be apportioned between domestic annual processing (DAP) and joint venture processing (JVP). The portion of an OY not apportioned to DAH may be set aside as the total allowable level of foreign fishing (TALFF). In January 1999, no surplus groundfish are available for joint venture or foreign fishing operations. Consequently, all the OYs in 1999 are designed entirely for DAH and DAP (which are the same in this case); JVP and TALFF are set at zero.

II. Limited Entry and Open Access Fisheries

The FMP established a limited entry program that, on January 1, 1994, divided the commercial groundfish fishery into 2 components: The limited entry fishery and the open access fishery, each of which has its own allocations and management measures. The limited entry and open access allocations are calculated according to a formula specified in the FMP, which takes into account the relative amounts of a species taken by each component of the fishery during the 1984–88 limited entry window period.

The groundfish species that had limited entry and open access allocations in 1998 continue to be allocated between the 2 sectors in 1999, with one addition. At its November 1998 meeting, the Council recommended that open access and limited entry allocations be established for chilipepper rockfish for the first

time. Also, because the OYs are all expressed in terms of total catch, virtually all of the limited entry and open access allocations are expressed in terms of total catch (except for sablefish, which is explained here), and estimates of discards will be applied separately to the limited entry and open access allocations, as data become available. This means that, in 1999, estimates of trip-limit induced discards that previously were taken “off the top” before setting the limited entry and open access allocations (and so proportionally reduced both allocations), will instead be deducted only from the limited entry allocations for purposes of estimating the landed catch equivalents. Estimated bycatch of yellowtail rockfish and widow rockfish in the offshore whiting fishery are also deducted from the limited entry allocations to determine the landed catch equivalents for the target rockfish fishery. The landed catch equivalents are the harvest objectives used when adjusting trip limits and other management measures during the season. Although this revised process complicates the calculation of the landed catch equivalents for the limited entry allocations, it more appropriately applies the discard estimates to the fleet that is responsible for them. The one exception is the limited entry sablefish fishery, which continues to be allocated as in recent years. The 10-percent discard estimate for this fishery continues to be deducted from the OY before the limited entry and open access allocations are calculated, as both fisheries likely experience discards, and because the initial allocation was based on this process. Consequently, the open access and limited entry sablefish allocations are expressed in terms of landed catch. Discards in most open access fisheries are believed to be small and no discard estimates are applied to the open access fishery at this time, but may be applied during the season if information becomes available. As a result, the OYs and landed catch equivalents for the open access fisheries are the same in 1999, with the exception of sablefish.

Following these procedures, the Regional Administrator calculated the amounts of the allocations that are presented in Table 1 to this document. Unless otherwise specified, the limited entry and open access allocations are treated as OYs in 1999. There may be slight discrepancies from the Council's recommendations due to rounding.

Open Access Allocations

The open access fishery is composed of vessels that operate under the OYs,

quotas, and other management measures governing the open access fishery, using (1) exempt gear, or (2) longline or pot (trap) gear fished from vessels that do not have limited entry permits endorsed for use of that gear. Exempt gear means all types of legal groundfish fishing gear except groundfish trawl, longline, and pots. (Exempt gear includes trawls used to harvest pink shrimp or spot or ridgeback prawns (shrimp trawls), and, south of Pt. Arena, CA (38°57'30" N. lat.), California halibut or sea cucumbers.)

The open access allocation is derived by applying the open access allocation percentage to the OY, or if there is a set-aside for recreational, tribal, or compensation for resource survey fishing, this is first deducted and then the percentage is applied to the commercial OY. (The commercial OY is the annual OY after subtracting any set-asides for recreational or tribal fishing or compensation for conducting resource surveys.) For those species in which the open access share would have been less than 1 percent, no open access allocation is specified unless significant open access effort is expected. Landed catch equivalents may be presented that estimate expected discards, and that represent the amount of landings that the management measures are designed to achieve.

Limited Entry Allocations

The limited entry fishery means the fishery composed of vessels using limited entry gear fished pursuant to the OYs, quotas, and other management measures governing the limited entry fishery. Limited entry gear means longline, pot, or groundfish trawl gear used under the authority of a valid limited entry permit issued under the FMP, affixed with an endorsement for that gear. (Groundfish trawl gear excludes shrimp trawls used to harvest pink shrimp, spot prawns, or ridgeback prawns, and other trawls used to fish for California halibut or sea cucumbers south of Pt. Arena, CA.) Beginning in 1997, a sablefish endorsement also is required to operate in the limited entry non-trawl regular or mop-up seasons for sablefish.

The limited entry allocation (in total catch) is the OY reduced by: (1) Set-asides, if any, for treaty Indian fisheries, recreational fisheries, or compensation fishing for participation in resource surveys (which results in the commercial OY or quota); and (2) the open access allocation. Allocations for Washington coastal tribal fisheries are discussed in paragraph V and, for whiting, elsewhere in this **Federal Register** issue.

III. 1999 Management Measures

Projections of landings in 1998 are based on the information available to the Council at its November 1998 meeting (Supplemental GMT Report B.5., November 1998), unless otherwise noted.

Limited Entry Fishery

The management measures for vessels operating in the 1999 limited entry fishery are designed to keep landings within the OYs or limited entry allocations. Cumulative trip limits continue to be used for most of the limited entry fishery, which allow fishers to fish up to a specified limit during a period of time without a limit on the number of landings. Cumulative period limits have been used in recent years instead of single trip landing limits in order to minimize bycatch and discards. However, declining OYs have resulted in declining cumulative limits, which have been associated with increased bycatch and discard levels. For 1999, the Council recommended that NMFS eliminate the 2-month cumulative limit period system, where no more than 60 percent of a 2-month limit could be taken in either calendar month. Instead, the Council recommended an industry proposal that divides the fishing year into three different phases, with specified limits for different time periods for each species in each phase that are designed to keep landings within the OYs. Under this new system, cumulative period limits are set to minimize discards by distributing species cumulative limits in a way that encourages fishers to direct fishing effort on particular species when those species are most concentrated. For example, the cumulative trip limits for Dover sole are highest in the winter months, when Dover sole aggregates in large numbers and is less likely to be caught in association with other species.

For most species caught in the limited entry fishery, there will be no monthly limit within the cumulative landings limit periods within each phase. Phase 1 is a single cumulative limit period that is 3 months long, from January 1–March 31. A 3-month period early in the year is sensible because effort tends to be lower at that time, fishing trends are difficult to discern, and there would be little, if any need to adjust trip limits during that period. Also, safety would be enhanced by providing greater flexibility to fishers in deciding when to fish during winter months. Phase 2 consists of 3 separate 2-month cumulative limit periods of April 1–May 31, June 1–July 31, and August 1–September 30. Two-month cumulative

trip limit periods from April through September are similar to the periods used in recent years. Phase 3 consists of 3 separate one-month cumulative limit periods of October 1–31, November 1–30, and December 1–31. One-month periods, as used in recent years, provide maximum flexibility for adjusting trip limits at the end of the year to ensure that OYs and allocations are not exceeded. Within all cumulative limit periods, there will be monthly cumulative limits for POP and for bocaccio in order to discourage targeting on those species.

Harvest rates and landings will be monitored throughout the year and cumulative limits may be raised or lowered to ensure that the fishery has access to the OYs for managed species without exceeding those OYs. However, the Council noted that if catches in the earlier cumulative limits periods are below expected levels, cumulative trip limits for mid-year periods may not be adjusted upward to give fishers access to earlier period underages. The 1-month cumulative limit periods at the end of the year give the Council more flexibility to meet OYs than the larger mid-year periods.

Mid-water trawl whiting fisheries and limited entry, nontrawl sablefish fisheries are managed separately from the majority of the groundfish species and will not be included in the three-phase cumulative trip limit system. Whiting season start dates and the 2-month cumulative limit periods for the nontrawl sablefish daily trip limit fisheries will remain unchanged from 1998.

For the purposes of the restriction that limited entry permit transfers are to take effect only on the first day of a major cumulative limit period (50 CFR § 660.333(c)(1)), those days in 1999 would be January 1, April 1, June 1, August 1, October 1, November 1, and December 1.

Platooning

An optional platooning system was initiated in 1997 that enables the limited entry trawl fleet to provide a more consistent supply of fish to processors. Whereas the cumulative limit periods normally begin on the first of a month (this is the "A" platoon), a vessel in the "B" platoon operates under limit periods lagged by 2 weeks, from the 16th of a month to the 15th of a month. All limited entry trawl vessels are automatically in the "A" platoon, unless the permit owner indicated in the annual permit renewal that the permitted vessel will participate in the "B" platoon. Vessels operating in the "B" platoon will not be able to land any

species of groundfish from January 1–15, 1999. The effective dates of changes to the cumulative trip limits for the "B" platoon will occur on the 16th of the month unless otherwise specified. Special provisions will be made to accommodate "B" platoon vessels at the end of the year so that the same amount of fish is made available to both "A" and "B" platoon vessels. For example, a vessel in the "B" platoon could have the same cumulative trip limit for the final period as vessels in the "A" platoon, but the final period may be 2 weeks shorter, so that both the "A" and "B" fishing periods end on December 31, 1999. Alternatively, the "B" platoon may have 6 weeks to take the cumulative limits from the final 2 cumulative limit periods. The choice of platoon applies to the permit for the entire calendar year, even if the permit is sold, leased, or otherwise transferred. The platoon system is experimental and may not be continued in the future if the Council decides that the benefit does not outweigh technical and administrative burdens.

Open Access Fishery

The trip limits for the open access fishery are designed to keep landings within the open access allocations, while allowing the fisheries to land groundfish for as long as possible during the year. In 1998 and previous years, most open access limits were linked to (and could not exceed) limited entry limits, so that the open access monthly cumulative limits for most species were 50 percent of the limited entry 2-month cumulative limits for those species. For 1999, the limited entry 2-month cumulative limit system has been eliminated, and open access cumulative limits have been unlinked from limited entry cumulative limits. Open access monthly cumulative limits are described here, by species. Monthly cumulative limits may change during the year based on monitoring of the fishery's progress towards the different open access allocations for managed species. Open access lingcod landings will be allowed only from April 1–November 30, 1998, to allow a higher monthly limit during the 8-month season than would have been possible under a 12-month season.

The nontrawl sablefish fishery north of 36° N. lat. remains a daily trip limit fishery of 300 lb (136 kg) within a 2-month cumulative limit of 1,800 lb (816 kg). South of 36° N. lat., the nontrawl sablefish daily trip limit of 350 lb (159 kg) with no monthly limit also remains in effect.

The thornyhead fishery remains closed to all open access gear north of

36° N. lat., and is under a 50-lb (23 kg) daily trip limit south of 36° N. lat.

In a change from previous years, there will be a 300-lb (136 kg) groundfish trip limit for all exempted trawl gear, which includes the same daily trip limits for sablefish (300 lb (136 kg) coastwide) and thornyheads as all other open access gears. The open access limits for other groundfish species or complexes may not be exceeded, and will count toward the 300 lb (136 kg) groundfish cumulative trip limit. Unlike in past years, pink shrimp trawlers will not be permitted to multiply the daily trip limit for groundfish by the number of days in the fishing trip. This change was made to address perceptions that providing multi-day limits to the shrimp fishery gave the shrimp fleet an unfair advantage and that much of their groundfish bycatch could be eliminated by use of fish excluders.

Reducing Bycatch. The Magnuson-Stevens Act defines bycatch as "fish which are harvested in a fishery, which are not sold or kept for personal use, and include economic discards and regulatory discards." In the Pacific Coast groundfish fishery, and in many other fisheries, the term bycatch is commonly used to describe nontargeted species that are landed and sold or used, and the term "discard" used to describe those that are not landed or used. Bycatch information in the groundfish fishery is scarce. However, the groundfish management measures include provisions to reduce trip limit induced bycatch and to account for that bycatch in its calculations and tracking of ABCs.

Based on limited studies in the mid-1980s and information on species compositions in landings, the Council has developed assumed discard rates for sablefish, longspine and shortspine thornyheads, widow rockfish, canary rockfish, yellowtail rockfish, Dover sole, and lingcod. These discard rates are used to calculate an amount of assumed discard that is subtracted from the annual total catch OY to yield a landed catch equivalent. Although there is no exact measure of bycatch amounts in most fisheries, the assumed amounts are taken into account in this way to prevent total landings from exceeding the ABC. Certain species are also managed within mixed-stock complexes, like the "DTS complex" of Dover sole, thornyheads, and sablefish. For groundfish complex management, trip limits are set to match the known species catch proportions, which may mean reducing trip limits on some of the more abundant species to prevent bycatch of less abundant species, or setting trip limits at levels that vary

throughout the year according to when particular stocks are most aggregated. The new limited entry, 3-phase cumulative limit system is designed to encourage fishers to direct effort on particular species when those species are aggregated, or when bycatch species are less available. Longer cumulative limit periods, coupled with trip limits that recognize species distribution throughout the fishing year, will also reduce the opportunities for discarding groundfish in excess of trip limits.

Fishing Communities

The Magnuson-Stevens Act requires that actions taken to implement FMPs be consistent with ten national standards, one of which requires that conservation and management measures "take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities." Commercial and recreational fisheries for Pacific coast groundfish contribute to the economies and shape the cultures of numerous fishing communities in Washington, Oregon, and California. In setting this year's specifications and management measures, the Council took several steps to accommodate the needs of those communities within the constraints of requirements to protect overfished stocks and to prevent overfishing. In general, the Council allows the largest harvest possible, consistent with conservation needs of the fish stocks.

For two of the three overfished species (lingcod and bocaccio), the Council could have prohibited all landings of these species, despite knowing that lingcod and bocaccio are caught in mixed-stock fisheries and that interception and incidental mortality are inevitable whether a retention prohibition is in place or not. Instead, the Council looked for some minimum level of retention in both commercial and recreational fisheries that would allow fishery participants to land some of their incidental catch of lingcod and bocaccio. As it has done with POP for years, the Council's goal was to set retention at some minimal level that would discourage targeting, while allowing fishers to land already-dead, incidentally caught fish. The retention levels allowed for each of these species are below the overfishing level, but do recognize that some unintentional bycatch will occur. In addition to these measures that cushion the socio-economic impacts of necessary stock protection restrictions, the Council continued the year-round fishery

opportunity that is important to the fishermen, and particularly to the processing sector, in order to maintain a continuity of employment opportunity in fishing communities. They modified the trip limit system that has been used in recent years to extend the fishing season throughout the year by adopting a three phase cumulative trip limit system that was developed by a group of industry participants in consultation with the GMT. The three phase system and its benefits are explained above.

Background and Council Recommendations

The following discussions apply to the limited entry fishery unless otherwise stated.

Widow Rockfish

Limited entry. In 1998, the limited entry 2-month cumulative limit of 25,000 lb (11,340 kg) was in effect until May 1, at which time it was increased to 30,000 lb (13,608 kg). On September 1, when limited entry trip limits were converted to 1-month cumulative limits, the widow rockfish limit of 30,000 lb (13,608 kg) was converted to 15,000 lb (6,804 kg) and was in effect until October 1, at which time it was increased to 19,000 lb (8,618 kg), where it remained to the end of the year. Landings were projected to be 3,746 mt in 1998, 5.4 percent below the HG (4,276 mt for landed catch). For 1999, the total catch of widow rockfish is reduced slightly, from 5,090 mt (total catch equivalent of 4,276 mt 1998 HG) in 1998 to 5,023 mt (total catch OY) in 1999. Unless modified inseason, the 1999 widow rockfish cumulative trip limits in the new 3-phase management system will be: 70,000 lb (31,752 kg) in January–March; 16,000 lb (7,257 kg) in each 2-month period of April–May, June–July, and August–September, and; 30,000 lb (13,608 kg) in each month for October, November, and December.

Open access. The open access allocation for widow rockfish is 3.7 percent of the commercial OY. In 1998, open access landings of widow rockfish were initially managed with a monthly limit that was 50 percent of the limited entry 2-month cumulative limit, or 12,500 lb (5,670 kg) until May 1, when it was raised to 15,000 lb (6,804 kg). On July 1, the open access widow rockfish limit was separated from the limited entry widow rockfish limit and reduced to 3,000 lb (1,361 kg). From October 1 through the end of the year, all widow rockfish landings were prohibited, due to early attainment of the open access allocation. In 1999, widow rockfish landings in the open access fishery will

be constrained by a 2,000 lb (907 kg) monthly cumulative limit.

The Sebastes Complex (Including Yellowtail Rockfish, Canary Rockfish, and Bocaccio, but Excluding Chilipepper and Splitnose Rockfish)

Limited entry. Beginning January 1, 1998 (63 FR 419, January 6, 1998), the limited entry fishery for the *Sebastes* complex was managed under a 2-month cumulative trip limit of 40,000 lb (18,144 kg) north of Cape Mendocino (40°30' N. lat.) and 150,000 lb (68,039 kg) south of Cape Mendocino. Within these 2-month cumulative limits for the *Sebastes* complex, no more than 11,000 lb (4,990 kg) could be yellowtail rockfish north of Cape Mendocino, no more than 2,000 lb (907 kg) could be bocaccio south of Cape Mendocino, and no more than 15,000 lb (6,804 kg) could be canary rockfish coastwide. On May 1, 1998 (63 FR 24970, May 6, 1998), the 2-month cumulative trip limit for yellowtail rockfish was increased to 13,000 lb (5,897 kg) because landings had been slowed by unusually severe weather during the first quarter of 1998. On July 1, 1998 (63 FR 36612, July 7, 1998), the 2-month cumulative trip limit for *Sebastes* south of Cape Mendocino was lowered to match the 40,000 lb (18,144 kg) limit north of Cape Mendocino because *Sebastes* landings in the southern area had been proceeding at a faster rate than had been anticipated. In 1998, fishers targeting *Sebastes* complex species south of Cape Mendocino encountered unusually large concentrations of splitnose rockfish (also known as "rosefish"), and the resultant large splitnose rockfish landings drove the *Sebastes* harvest rate south of Cape Mendocino sharply upward. On September 1, 1998 (63 FR 45966, August 28, 1998), the 2-month trip limits were converted to 1-month trip limits and were set at 20,000 lb (9,072 kg) cumulative per month for the *Sebastes* complex, of which, no more than 6,500 lb (2,948 kg) could be yellowtail rockfish north of Cape Mendocino, no more than 1,000 lb (454 kg) could be bocaccio south of Cape Mendocino, and no more than 7,500 (3,402 kg) could be canary rockfish coastwide.

Despite the July 1 reduction to the *Sebastes* trip limit south of Cape Mendocino, rockfish landings in the southern area continued at an unusually fast rate, and the limits for that area were reduced again in October. On October 1, 1998 (63 FR 53313, October 5, 1998), the monthly cumulative trip limit for *Sebastes* complex species south of Cape Mendocino was reduced to 15,000 lb (6,804 kg). Coastwide landings

of canary rockfish had also been proceeding at an accelerated rate, and at its September meeting, the Council announced that it expected that the 953 mt limited entry allocation for canary rockfish would be reached by October 1, 1998. The Council further expected that, even if all landings of canary rockfish were prohibited from October 1 through the end of the year, fishers would still have to discard at least 500 lb (227 kg) per month of incidentally caught canary rockfish. Because incidentally caught canary rockfish are dead when brought to the surface, requiring fishers to discard these fish would not reduce fishing mortality. For this reason, the Council decided to exceed the 1998 limited entry allocation for canary rockfish by allowing a small monthly trip limit of 500 lb (227 kg) within the overall *Sebastes* complex limit, effective October 1, 1998, so that fishers would not have to discard all of their incidentally caught canary rockfish. The Council expected that this amount would be small enough to discourage targeting on canary rockfish. Projected 1998 landings of *Sebastes* complex species north of Cape Mendocino, yellowtail rockfish north of Cape Mendocino, and canary rockfish coastwide are all expected to be within 5 percent of the limited entry allocations for those species or species groups. Landings of *Sebastes* complex species south of Cape Mendocino were projected to be 5,272 mt (12.7 percent above the limited entry allocation), while bocaccio harvest was projected to be about half that species' limited entry allocation.

The *Sebastes* complex OY for south of Cape Mendocino has been significantly reduced because two of the more populous species in the complex, chilipepper rockfish and splitnose rockfish, have been separated from the *Sebastes* OY south of Cape Mendocino. In 1998, the ABC for chilipepper rockfish was 3,400 mt and there was no separate HG; it was managed as one of the combined species in the *Sebastes* complex in the Eureka, Monterey, and Conception areas. The splitnose rockfish OY of 868 mt in 1999 is the same as its 1998 ABC, when it was part of the 1998 overall *Sebastes* complex HG for south of Cape Mendocino. Trip limits for 1999 landings of chilipepper and splitnose rockfish in 1999 are explained here. Unless modified inseason, the 1999 *Sebastes* complex species cumulative trip limits in the new three-phase management system will be 24,000 lb (10,886 kg) north of Cape Mendocino and 13,000 lb (5,897 kg) south of Cape Mendocino in January–March; 25,000 lb

(11,340 kg) north of Cape Mendocino and 6,500 lb (2,948 kg) south of Cape Mendocino in each 2-month period of April–May, June–July, and August–September, and; 10,000 lb (4,536 kg) north of Cape Mendocino and 5,000 lb (2,268 kg) south of Cape Mendocino in each month for October, November, and December. Within the *Sebastes* complex limits, yellowtail rockfish landings north of Cape Mendocino may not exceed the following cumulative trip limits in the three-phase management system: 15,000 lb (6,804 kg) in January–March; 13,000 lb (5,897 kg) in each 2-month period of April–May, June–July, and August–September; and 5,000 lb (2,268 kg) in each month for October, November, and December. Within the *Sebastes* complex limits, canary rockfish landings coastwide may not exceed the following cumulative trip limits in the three-phase management system: 9,000 lb (4,082 kg) in January–March; 9,000 lb (4,082 kg) in each 2-month period of April–May, June–July, and August–September, and; 3,000 lb (1,361 kg) in each month for October, November, and December. Also within the *Sebastes* complex limits south of Cape Mendocino, no more than 750 lb (340 kg) per month may be bocaccio at any time of year.

Open Access

Landings in the open access fishery of yellowtail, canary rockfish, bocaccio, and the *Sebastes* complex as a whole were initially constrained in 1998 by cumulative limits that were 50 percent of the 2-month limited entry cumulative limits, and by accumulative limits on all rockfish. Most open access limits were linked to limited entry limits when the limited entry limit for yellowtail rockfish north of Cape Mendocino was increased on May 1 and, as a consequence, the open access limit for yellowtail increased from 5,500 lb (2,495 kg) to 6,500 lb (2,948 kg) (63 FR 24970, May 6, 1998). However, these limits were believed not to be low enough to keep open access harvest rates at levels that could be sustained throughout the year, particularly for northern rockfish fisheries and for canary rockfish coastwide. South of Cape Mendocino, *Sebastes* complex harvest attainment in the open access fishery proceeded at a much slower rate than limited entry harvest attainment. Open access limits for *Sebastes* complex species were first unlinked from limited entry limits on July 1, when the "all rockfish" cumulative trip limit was replaced with a 33,000 lb (14,969 kg) monthly limit for *Sebastes* complex species coastwide, and the monthly canary rockfish limit was reduced from

7,500 lb (3,402 kg) to 200 lb (91 kg) (63 FR 36612, July 7, 1998). Following these changes, the open access allocations were projected to be reached for the *Sebastes* complex and yellowtail rockfish in the Vancouver and Columbia management areas, and for canary rockfish coastwide. Continued fishing on other rockfish species would have resulted in additional bycatch of the *Sebastes* species. For these reasons, on October 1, all open access rockfish landings were prohibited north of Cape Blanco (the southern border of the Columbia management area), and all open access canary rockfish landings were prohibited coastwide (63 FR 53313, October 5, 1998).

In 1999, *Sebastes* complex limits for the open access fishery have been unlinked from the limited entry fishery so that open access groundfish landings might be better spread throughout the year. For *Sebastes* complex species north of Cape Mendocino, the Council recommended a cumulative monthly limit of 3,600 lb (1,633 kg), of which no more than 400 lb (181 kg) per month may be species other than yellowtail or canary rockfish. Also, within that *Sebastes* complex limit for north of Cape Mendocino, the monthly cumulative limit for yellowtail rockfish is 2,600 lb (1,179 kg), and the monthly cumulative limit for canary rockfish is 1,000 lb (454 kg). The 400-lb (181-kg) limit was intended to prevent fishers from filling the overall *Sebastes* limit of 3,600 lb (1,633 kg) with species that need additional protection. After the November Council meeting, an error was discovered in the Pacific Fisheries Information Network (PacFIN) data system that wrongly attributed certain rockfish landings to the open access fishery. As a result of this error, the Council made its recommendation for the 1999 trip limit based on data that overestimated landings projections for the open access fishery. In light of this new information, the 400 lb (181 kg) limit now appears too restrictive and poses an unnecessary burden on fishers who target on blue rockfish and black rockfish, particularly in southern Oregon and northern California. As effort in the open access fishery is low on most species early in the year, removing this restriction is not expected to encourage large landings or effort shifts. Consequently, NMFS has disapproved that portion of the open access trip limit for the *Sebastes* complex that would have limited landings to 400 lb (181 kg) per month of species other than yellowtail and canary rockfish. The recommendation for an overall *Sebastes* cumulative trip

limit of 3,600 lb (1,633 kg) per month remains in effect, with the sublimits of 2,600 lb (1,179 kg) of yellowtail rockfish and 1,000 lb (454 kg) of canary rockfish. The Council will reconsider the open access *Sebastes* trip limits at its next groundfish meeting to determine if other changes are warranted.

For *Sebastes* complex species south of Cape Mendocino, the cumulative monthly limit will be 2,000 lb (907 kg), within which the monthly cumulative limit for bocaccio is 500 lb (227 kg) for all open access gear, except for a 1,000 lb (454 kg) monthly cumulative limit for setnet and trammel net gear, and the monthly cumulative limit for canary rockfish is 1,000 lb (454 kg). The canary rockfish monthly cumulative limit applies coastwide.

Chilipepper Rockfish The Council has recommended separating chilipepper rockfish from the *Sebastes* complex OY and trip limits so that fishers will have an incentive to target chilipepper while minimizing incidental take of other, less robust *Sebastes* complex species, particularly bocaccio. Chilipepper rockfish have a 3,724 mt OY in 1999. The open access allocation of chilipepper rockfish is 32.6 percent of the commercial OY of 3,651 mt, which leaves 2,461 mt available to the limited entry fishery. Unless modified inseason, the 1999 chilipepper rockfish cumulative limited entry trip limits in the new three-phase management system will be: 45,000 lb (20,412 kg) in January–March; 25,000 lb (11,340 kg) in each 2-month period of April–May, June–July, and August–September; and 18,000 lb (8,165 kg) in each month for October, November, and December. For open access fisheries, the chilipepper monthly cumulative trip limit will be 6,000 lb (2,722 mt), unless modified inseason.

Splitnose Rockfish In 1998, splitnose rockfish, also called “rosefish,” dominated many trawl rockfish tows south of Cape Mendocino. Fishers commented at the September and November Council meetings on the unusually high amounts of splitnose rockfish in their catches, and asked that the Council separate splitnose rockfish from the *Sebastes* complex so that future overall *Sebastes* limits would not be achieved too quickly because of large splitnose rockfish landings. For these reasons, the Council recommended a separate OY of 868 mt for splitnose rockfish in 1999. Unless modified inseason, the 1999 splitnose rockfish cumulative limited entry trip limits in the new 3-phase management system will be: 32,000 lb (14,515 kg) in January–March; 19,000 lb (8,618 kg) in each 2-month period of April–May,

June–July, and August–September; and 10,000 lb (4,536 kg) in each month for October, November, and December. Splitnose rockfish have not commonly been caught in open access fisheries; however, the Council set a 100 lb (45 kg) monthly cumulative trip limit for open access landings of splitnose rockfish, to allow open access fishers to land splitnose rockfish they may catch incidentally.

POP

Limited entry. The limited entry 2-month cumulative trip limit for POP remained the same throughout 1998, at 8,000 lb (3,629 kg) per 2-month period; it has been at this level since July 1, 1996. On September 1, 1998, (63 FR 45966, August 28, 1998), the POP limit converted to a 1-month cumulative trip limit of 4,000 lb (1,814 kg). Landings of POP in 1998 were projected to be below its 650 mt HG. The 1999 OY is set at 500 mt to accommodate incidental catches without encouraging a target fishery on POP. To discourage POP targeting, POP limits will be set for one-month periods, rather than for varying-length periods within the new 3-phase system. The monthly cumulative limit for POP remains the same as in 1998 at 4,000 lb (1,814 kg). POP is currently managed to achieve a rebuilding schedule, so trip limits will not be increased during the year to achieve the OY.

Open access. Landings of POP in the open access fishery were managed in 1998 with a monthly limit that was 50 percent of the limited entry limit. On October 1, 1998 (63 FR 53313, October 5, 1998), all open access landings of rockfish, including POP, were closed north of Cape Blanco. There is no specific open access allocation for POP because historic harvests of POP by this fleet have been very low. In 1999, the open access monthly cumulative limit for POP will be 100 lb (45 kg).

Sablefish

The sablefish OY is subdivided among several fisheries. The tribal fishery allocation is set aside before dividing the balance of the OY between the commercial limited entry and open access fisheries. The limited entry allocation is further subdivided into trawl (58 percent) and nontrawl (42 percent) allocations. Trawl-caught sablefish are managed together with Dover sole and thornyheads because they often are caught together by trawl vessels.

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

Limited entry. In January–February 1998 (63 FR 419, January 6, 1998), the

2-month cumulative trip limit for the DTS complex was 59,000 lb (26,762 kg). Within this 2-month cumulative limit, no more than 40,000 lb (18,144 kg) could be Dover sole, no more than 10,000 lb (4,536 kg) could be longspine thornyheads, no more than 4,000 lb (1,814 kg) could be shortspine thornyheads, and no more than 5,000 lb (2,268 kg) could be trawl-caught sablefish. Throughout the year, no more than 500 lb (227 kg) per trip could be sablefish smaller than 22 inches (56 cm).

At certain times of year, particularly in winter months, it is possible to catch Dover sole in deep water more selectively, without large associations of sablefish and shortspine thornyheads. Therefore, the Dover sole 2-month cumulative trip limit was set high for January–February 1998 and lowered on March 1, 1998, to 18,000 lb (8,165 kg). The 2-month cumulative trip limit for the DTS complex correspondingly decreased to 37,000 lb (16,783 kg) on March 1, 1998.

Due to difficult winter weather, landings for the DTS species were well below projections for the first quarter of 1998. The limits were increased on May 1, 1998 (63 FR 24970, May 6, 1998), to allow the fishery the opportunity to achieve the HGs for these species. The 2-month cumulative trip limits were increased for Dover sole to 22,000 lb (9,979 kg); for longspine thornyheads to 12,000 lb (5,443 kg); for shortspine thornyheads to 5,000 lb (2,268 kg), and; for trawl-caught sablefish to 6,000 lb (2,722 kg). Also on May 1, NMFS removed the overall DTS complex limit, because that limit had been a remnant of pre-1998 management, when there was no specific cumulative limit for longspine thornyheads within the complex limit.

On September 1 (63 FR 45966, August 28, 1998), the 2-month cumulative trip limits for the components of the DTS complex were converted to 1-month cumulative limits: for Dover sole, 11,000 lb (4,990 kg); for longspine thornyheads, 6,000 lb (2,722 kg); for shortspine thornyheads, 2,500 lb (1,134 kg); for trawl-caught sablefish, 3,000 lb (1,361 kg).

On October 1 (63 FR 53313, October 5, 1998), limits in the DTS complex were adjusted to account for the different harvest rates for each species. The 1-month cumulative trip limits were: increased for Dover sole to 18,000 lb (8,165 kg); increased for longspine thornyheads to 7,500 lb (3,402 kg); decreased for shortspine thornyheads to 1,500 lb (680 kg); and increased for trawl-caught sablefish to 5,000 lb (2,268 kg). Finally, on December 1 (63 FR

64209, November 19, 1998), the Dover sole monthly cumulative limit was increased to 36,000 lb (16,329 kg) in recognition of the ease of targeting Dover sole without catching other species in the winter months, and so that the limited entry fishery might have further access to the Dover sole HG for 1998.

Projected landings for Dover sole, longspine thornyheads, and for trawl-caught sablefish were below the HGs for those species, primarily because the cumulative limits for those species had to be kept low enough to prevent overharvest of the closely associated shortspine thornyheads. Projected landings of shortspine thornyheads are 2.3 percent above its 1998 HG.

The landed catch objective for sablefish north of 36° N. lat. is increased from 4,680 mt in 1998 to 7,127 mt in 1999, with proportional increases in the allocations (see footnote e/ of Table 1 to this document). The 1999 trawl allocation was therefore increased from 2,282 mt in 1998 to 3,475 mt in 1999. Unless modified inseason, the 1999 trawl-caught sablefish cumulative trip limits in the new three-phase management system will be: 13,000 lb (5,897 kg) in January–March; 10,000 lb (4,536 kg) in each 2-month period of April–May, June–July, and August–September; and 6,000 lb (2,722 kg) in each month for October, November, and December. The 500-lb (227 kg) trip limit for sablefish smaller than 22 inches (56 cm) remains in effect. The OY was set at 472 mt for sablefish south of 36° N. lat., equal to the ABC, which is based on historical landings in that area. Limits for DTS species apply coastwide, including waters south of 36° N. lat.

In 1999, the landed catch objective for Dover sole remains at 8,955 mt, resulting in an OY of 9,426 mt for total catch. As mentioned above, during the winter months, it is possible to catch Dover sole more selectively, without large associations of sablefish and thornyheads. Therefore, Dover sole limits will be more liberal in the winter months than during times when Dover sole are more closely associated with the other species in the DTS complex. Unless modified inseason, the 1999 Dover sole cumulative trip limits in the new three-phase management system will be: 70,000 lb (31,752 kg) in January–March; 20,000 lb (9,072 kg) in each 2-month period of April–May, June–July, and August–September; and 22,000 lb (9,979 kg) in each month for October, November, and December.

In 1999, the landed catch objective for longspine thornyheads remains at 3,733 mt, resulting in a total catch OY of 4,102 mt north of 36° N. lat. For the northern

portion of the Conception management area, from 36° N. lat. southward to Pt. Conception (34°27' N. lat.), the landed catch objective remains at 390 mt, corresponding to a total catch OY of 429 mt. There is no ABC or OY for waters south of Pt. Conception. Because longspine and shortspine thornyheads are so closely associated, longspine thornyhead cumulative trip limits are conservative to protect shortspine from overharvest. A ratio of 4 longspine thornyhead lbs to 1 shortspine thornyhead lb is set for each cumulative trip limit phase, which approximates the co-occurrence of the two species, but also recognizes the ability of some fishers to move to deeper water and catch a higher proportion of longspines. As a result of this ratio, longspine thornyhead cumulative limits are lower than limits that would allow the fishery to catch the full 1999 harvest guideline. Unless modified inseason, the 1999 longspine thornyhead cumulative trip limits in the new three-phase management system will be: 12,000 lb (5,443 kg) in January–March; 8,000 lb (3,629 kg) in each 2-month period of April–May, June–July, and August–September; and 4,000 lb (1,814 kg) in each month for October, November, and December.

In 1999, the landed catch objectives for shortspine thornyheads north of 36° N. lat. is 805 mt (much lower than the 1,082 mt HG in 1998), which corresponds with a total catch OY of 1,150 mt in 1999. The landed catch objective for the northern portion of the Conception management area, from 36° N. lat. southward to Pt. Conception (34°27' N. lat.) of 123 mt (which corresponds to a 175 mt total catch OY) is slightly higher than the 113 HG in 1998. There is no OY south of Pt. Conception. Unless modified inseason, the 1999 shortspine thornyhead cumulative trip limits in the new three-phase management system will be: 3,000 lb (1,361 kg) in January–March; 2,000 lb (907 kg) in each 2-month period of April–May, June–July, and August–September; and 1,000 lb (454 kg) in each month for October, November, and December.

Open access. On January 1, 1998, no landings of thornyheads were allowed north of Pt. Conception, and a 50-lb (23 kg) daily trip limit applied south of Pt. Conception. On May 1 (63 FR 24970, May 6, 1998), a small allowance was made for vessels participating in the pink shrimp trawl fishery north of Pt. Conception, allowing a 100 lb (45 kg) landing limit. This limit was instituted because it was expected to allow retention of over 90 percent of the thornyheads that would otherwise have

been discarded by the open access fishery. As a result of this limit, however, the pink shrimp trawl fishery landings of thornyheads exceeded the open access thornyhead allocations. Open access landings of Dover sole were managed under monthly cumulative trip limits equal to 50 percent of limited entry 2-month cumulative limits throughout the year. In 1998, the open access sablefish fishery was managed with daily trip limits of 300 lb (136 kg) north of 36° N. lat. and 350 lb (159 kg) south of 36° N. lat., which applied to all open access gear. In addition, the exempted trawl fisheries could not exceed monthly cumulative sablefish limits that were equal to 50 percent of the trawl-caught sablefish 2-month cumulative limits. In 1999, open access limits for DTS species are simpler and apply to all gears. The Dover sole monthly cumulative limit will be 100 lb (45 kg), no thornyheads may be landed north of Pt. Conception, the thornyhead limit south of Pt. Conception will remain at 50 lb (23 kg) per day. All 1999 open access sablefish landings north of 36° N. lat. will be managed under a 300 lb (136 kg) daily trip limit and an 1,800 lb (816 kg) 2-month cumulative limit. All open access sablefish landings south of 36° N. lat. will be managed under a 350 lb (159 kg) daily trip limit. Exempted trawl gear sablefish landings are managed under the same limits as all other open access gears.

Nontrawl Sablefish

Limited entry, nontrawl sablefish north of 36° N. lat. In 1997, a vessel was required to have an endorsement on its limited entry permit in order to participate in the regular or mop-up sablefish seasons (62 FR 34670, August 27, 1997). This endorsement program was refined in 1998 to a three-tier system that divided vessels with sablefish endorsements into three different tiers based on cumulative catch history (63 FR 38101, July 15, 1998). Each of the three tiers was associated with a different cumulative limit level, which tier members had the opportunity to fish towards during the regular season. Also new in 1998, the post-season closure was reduced from 48 to 30 hours. The season began on August 1, 1998, and the cumulative limit levels were: 52,000 lb (23,587 kg) for Tier 1; 23,500 lb (10,660 kg) for Tier 2; and 13,500 lb (6,124 kg) for Tier 3.

A number of provisions for the 1997 regular season remained in place for 1998. The pre-season closure was 48 hours, and advance set of pot gear was not allowed. The regular season ended at sea rather than at dockside. The trip limit for sablefish smaller than 22

inches (56 cm) of 1,500 lb (680 kg) or 3 percent of all legal sablefish on board, whichever is greater, remained in effect during the regular and mop-up seasons. The mop-up season began about 3 weeks after the close of the regular season, lasting from August 28-September 11, 1998, and allowing limited entry permit holders with sablefish endorsements to fish against an equal cumulative limit of 3,200 lb (1,452 kg) (63 FR 45764, August 27, 1998).

Small daily trip limits were applied to the nontrawl fishery before and after the "regular" and "mop-up" seasons. A 300-lb (136-kg) daily trip limit was applied only north of 36°00' N. lat., with a 2-month cumulative limit of 1,500 lb (680 kg). Unlike 2-month cumulative limits for other species and gear, nontrawl sablefish cumulative limits could be taken at any time during the 2-month period. On May 1 (63 FR 24970, May 6, 1998), the 2-month cumulative limit was increased from 1,500 lb (680 kg) to 1,800 lb (816 kg). Following the September Council meeting, trip limits were again increased to allow the limited entry nontrawl fishery to achieve its 1,652 mt sablefish allocation by the end of the year. The 2-month limit for the September-October period was increased to 2,700 lb (1,225 kg), and the months of November and December were split into 2 separate month-long cumulative limit periods, each with a cumulative limit of 1,500 lb (680 kg) (63 FR 53313, October 5, 1998).

Due to the increase in the sablefish OY in 1999, the limited entry nontrawl allocation for sablefish north of 36° N. lat. is increased from 1,652 mt in 1998 to 2,516 mt in 1999. In 1999, the same daily trip limits for the limited entry fishery will apply outside the regular and mop-up seasons and any closures, and the cumulative limit is increased to 2,400 lb (1,089 kg) per 2-month period (excluding any harvest in the regular or mop-up seasons). The Council plans to make recommendations on the start date, duration, and tiered cumulative limits for the regular fishery at its April 1999 meeting in Sacramento, CA.

Limited Entry, Nontrawl Sablefish South of 36° N. lat. In January 1998, the Conception area limited entry daily trip limit was set at 350 lb (159 kg) to accommodate most landings without encouraging excessive effort shifts into that area. There was no cap on the cumulative amount that could be landed under the daily trip limit in the Conception area. On May 3, 1998, an option was provided that allowed a vessel to either land 350 lb (159 kg) per day, or to make one landing a week of above 350 lb (159 kg) but less than 1,050

lb (476 kg) (63 FR 24970, May 6, 1998). This measure was intended to allow greater flexibility for nontrawl fishers who target groundfish on fishing trips of several days in duration. In 1999, the sablefish landed catch objective for south of 36° N. lat. will remain at 425 mt (corresponding to a total catch OY of 472 mt), and the management measures will also remain at the choice of either 350 lb (159 kg) per day with no monthly limit, or one landing per week of greater than 350 lb (159 kg) but less than 1,050 lb (476 kg).

Open access. The open access sablefish allocation for north of 36° N. lat. is 6.6 percent of the commercial OY of 6,414 mt. Similar to the limited entry, nontrawl fishery for sablefish, the open access nontrawl fishery north of 36° N. lat. is managed with 300 lb (136 kg) daily trip limits and 2-month cumulative limits. In 1998, the open access fishery began the year with a 2-month cumulative limit of 600 lb (272 kg), which stayed in place until May 1 (63 FR 24970, May 6, 1998), when it was increased to 700 lb (318 kg) per 2-month period. As with the limited entry daily trip limit fishery, open access daily trip limit landings of sablefish were proceeding at a slower rate than the Council had expected at the beginning of the year. On July 1 (63 FR 36612, July 7, 1998), the open access 2-month cumulative limit was again increased to 1,800 lb (816 kg), a level that matched the limited entry 2-month cumulative limit. October and November (63 FR 53313, October 5, 1998) changes to the open access daily trip limit fishery for sablefish matched the changes to the limited entry daily trip limit fishery for the rest of the year: the 2-month limit for the September-October period was increased to 2,700 lb (1,225 kg), and the months of November and December were split into two separate month-long cumulative limit periods, each with a cumulative limit of 1,500 lb (680 kg). Open access nontrawl fisheries for sablefish south of 36° N. lat. were managed under a 350 lb (159 kg) daily trip limit with no monthly cumulative limit throughout 1998. In 1999, open access fisheries north and south of 36° N. lat. will continue to be managed as daily trip limit fisheries. North of 36° N. lat., there will be a 300 lb (136 kg) daily trip limit and a 2-month cumulative limit of 1,800 lb (816 kg). South of 36° N. lat., the 350 lb (159 kg) daily trip limit with no monthly cumulative limit will remain in effect.

Whiting. Landings projections indicate that the 1998 whiting fisheries catches will be very close to the whiting OY of 232,000 mt: 87,548 mt by the shore-based fleet; 70,364 mt by the

catcher/processing sector; 50,086 mt by the non-tribal mothership sector, and about 25,000 mt by the Makah tribal fishery. The 10,000-lb (4,536-kg) trip limit for whiting taken before and after the regular whiting season and inside the 100-fathom (183-m) contour in the Eureka subarea (40°30'–43°00' N. lat.) continues in effect in 1999. Additional regulations, including the percentages used to allocate whiting among non-tribal sectors (42 percent to the shore-based sector, 24 percent to the mothership sector, and 34 percent to catcher/processors), are found at 50 CFR 660.323(a)(4). Proposals for the tribal allocation of whiting are discussed elsewhere in this **Federal Register** issue and final allocations will be calculated after the final ABC, OY, and tribal allocations are recommended at the Council's March 1999 meeting.

Whiting seasons. The opening dates of the 1999 primary seasons for whiting are the same as in 1998, and are announced in this document at paragraph IV.B.(5)(b). The catcher/processor sector and the mothership sector fisheries will begin on May 15; and the shore-based sector will begin on April 1, between 42°–40°30' N. lat., on April 15 south of 40°30' N. lat., and on June 15 north of 42° N. lat.

Lingcod

The 1998 HG for lingcod was severely reduced from previous years' levels to 838 mt. During Council activities to set 1998 cumulative limits, the U.S. industry disagreed as to whether the lingcod reduction should or could fall equally on both commercial and recreational sectors. The 1998 management measures were intended to divide the HG almost equally between the commercial and recreational sectors, which resulted in a proportionately larger decrease over past years' catch for the commercial fishery. To accommodate the reduced amount of lingcod available to the commercial sector in 1998, the 2-month cumulative trip limit for lingcod in 1998 was 1,000 lb (454 kg). This limit was in place throughout 1998, although it was modified to a monthly cumulative limit of 500 lb (227 kg) on September 1 (63 FR 45966, August 28, 1998).

The open access lingcod 2-month cumulative limit was 1,000 lb (454 kg) until July 1, when it was modified to account for unusually rapid harvest rates to 250 lb (113 kg) for the month of July, and to a prohibition against all open access lingcod landings beginning August 1 (63 FR 36612, July 7, 1998). Throughout the year, lingcod smaller than 24 inches (61 cm) could not be landed in the commercial or

recreational fisheries except for 100-lb (45-kg) per trip for limited entry trawl-caught lingcod, which allowed dead fish to be landed. This increase from 22 inches (56 cm) in 1997 to 24 inches (61 cm) in 1998 in the size limit, along with a reduction in the recreational bag limit off California from five to three lingcod was expected to reduce recreational lingcod harvest. Reducing the California lingcod bag limit brought that state's bag limit down to a level consistent with bag limits off Washington and Oregon.

In 1999, the landed catch objective for lingcod is again reduced, from 838 mt in 1998 to 666 mt in 1999, corresponding to a total catch OY of 730 mt. Lingcod populations are estimated to be at 9 percent of the unfished biomass level, which means that the stock is overfished. Although this is an extremely low biomass level, lingcod have responded well to stock rebuilding efforts for critically depressed stocks in Puget Sound and elsewhere, thus managers are optimistic about stock rebuilding for Pacific waters. The Council's management recommendations for 1999 were based on a desire to continue the 1998 policy of discouraging targeting while allowing some retention of incidentally-caught lingcod. Thus, the Council recommended continuing the restrictive 1998 commercial management measures of 500 lb (227 kg) per month into 1999. For 1999, the Council concentrated on spreading the open access lingcod catch throughout the year, and on reducing recreational lingcod landings.

The Council discussed several different management measures, including closing lingcod fisheries during the December-March period when male lingcod are guarding nests of lingcod eggs, and setting a maximum size for lingcod retention of 34 inches (86 cm) to protect the largest and most fecund females. However, during its deliberations and from public testimony, the Council determined that there are few fish caught that are larger than 34 inches (86 cm), thus setting a maximum size for lingcod would have been an empty gesture in stock rebuilding efforts. During Council discussions on a shortened lingcod season, it became clear that Washington and Oregon fisheries rarely target lingcod during the winter months, primarily because weather conditions preclude a winter recreational fishery and hamper commercial fishing from many of the smaller vessels in the fleet. Southern California recreational fisheries do target lingcod in the winter months, and a complete closure of recreational lingcod landings for December-March would have a dramatic

negative economic impact on Southern California recreational fisheries. After much discussion, the Council recommended a coastwide two fish bag limit for all recreational fisheries, which is expected to lower the recreational lingcod take from 438 mt in 1998 to 310 mt in 1999. Commercial open access lingcod landings will be curtailed to an 8-month season of April 1–November 30 to allow a 250 lb (113 kg) per month cumulative limit during the months when most open access fishers would be catching lingcod. (The Council expected that if the open access fisheries had 12 months to land lingcod, the monthly cumulative lingcod limit would have been 150 lb (68 kg).) Unless modified inseason, the 1999 limited entry lingcod cumulative trip limits in the new three-phase management system will be: 1,500 lb (680 kg) in January–March; 1,000 lb (454 kg) in each 2-month period of April–May, June–July, and August–September; and 500 lb (227 kg) in each month for October, November, and December. As in 1998, limited entry trawl vessels may land up to 100 lb (45 kg) per trip of lingcod smaller than 24 inches (61 cm) total length (TL).

Black Rockfish

Black rockfish off the State of Washington continue to be managed under the regulations at 50 CFR 660.323(a)(1) for non-tribal limited entry and open access fisheries. The State of Oregon implements trip limits for black rockfish off the Oregon coast. In addition, black rockfish harvests are counted toward overall *Sebastes* cumulative limits.

Operating in Both Limited Entry and Open Access Fisheries Vessels using open access gear are subject to the management measures for the open access fishery, regardless of whether the vessel has a valid limited entry permit endorsed for any other gear.

A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. Fish caught with open access gear will also be counted toward the limited entry trip limit. For example: In January, a trawl vessel catches 13,000 lb (5,897 kg) of sablefish in the limited entry fishery, and in the same month catches 300 lb (136 kg) of sablefish with shrimp trawl (open access) gear, for a total of 13,300 lb (6,033 kg) of sablefish. Because the open access landings are counted toward that vessel's limited entry limit, the vessel would have exceeded its limited entry, cumulative limit of 13,000 lb (5,897 kg) for the first fishing phase, January 1 through March 31, 1999.

Operating in Areas with Different Trip Limits.

Trip limits may differ for a species or species complex at different locations on the coast. Unless otherwise stated (as for black rockfish or for species with daily trip limits), the cross-over provisions at paragraph IV.A.(12) apply. In general, a vessel fishing for groundfish in a more restrictive area is subject to the more restrictive limit for the duration of that trip limit period.

Changes to Trip Limits; Closures

Unless otherwise stated (as for the nontrawl sablefish regular season; see 50 CFR 660.323(a)(2)), a vessel must have initiated offloading its catch before the fishery is closed or before a more restrictive trip limit becomes effective. As in the past, all fish on board the vessel when offloading begins are counted toward the landing limits (See 50 CFR 660.302 for the definition of "landing").

Designated Species B Permits

Designated species B permits may be issued if the limited entry fleet will not fully utilize the OY for Pacific whiting, shortbelly rockfish, or jack mackerel north of 39° N. lat. The limited entry fleet has requested the full use of these species in 1999. In addition, since no applications were received before the November 1 deadline, NMFS does not expect to issue Designated Species B permits in 1999.

Recreational Fishing

Bag limits for rockfish remain the same in 1999 as in 1998: in California, no more than 15 rockfish per day, of which no more than 3 may be bocaccio; in Oregon, 15 rockfish per day, of which no more than 10 may be black rockfish; and in Washington, 10 rockfish per day. The lingcod daily bag limit is reduced for all states from 3 to 2 fish, but the lingcod size limit remains at 24 inches (61 cm) TL.

IV. NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurs with the Council's recommendations and announces the following management actions for 1999, including those that are the same as in 1998.

A. General Definitions and Provisions

The following definitions and provisions apply to the 1999 management measures, unless otherwise specified in a subsequent notice:

(1) *Trip limits.* Trip limits are used in the commercial fishery to specify the

amount of fish that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as explained below.

(a) *A trip limit* is the total allowable amount of a groundfish species or species complex, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) *A daily trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only two landings of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) *A cumulative trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time, without a limit on the number of landings or trips.

(i) *Limited entry fishery.* Unless otherwise specified, cumulative trip limits in the limited entry fishery are applied over the course of the year in 3 separate phases that differ by length of the cumulative trip limit period. The cumulative trip limit may be taken at any time within the applicable cumulative trip limit period. All cumulative trip limit periods start at 0001 hours, local time, on the specified beginning date. (The 60:40 provisions in effect in 1998 that limited a vessel to no more than 60 percent of its 2-month cumulative trip limit in any 2 of the 2 months in the period no longer apply.) The choice of platoon (see paragraph D) applies throughout the year.

(A) The phases and cumulative trip limit periods for 1999 are as follows:

(1) In phase 1, the cumulative trip limits apply to a single 3-month period, from January 1–March 31, 1999.

(2) In phase 2, the cumulative trip limits apply to the following 2-month periods: April 1–May 31, 1999; June 1–July 31, 1999; August 1–September 30, 1999.

(3) In phase 3, the cumulative trip limits apply to the following 1-month periods: October 1–31, 1999; November 1–30, 1999; December 1–31, 1999.

(B) *Exceptions.* These cumulative trip limit periods do not apply to sablefish taken with nontrawl gear, Pacific whiting, Pacific ocean perch, or bocaccio. Pacific ocean perch and bocaccio are managed under 1-month cumulative limit periods, which are identical to the 1-month cumulative limit periods defined for the open

access fishery at paragraph A(1)(c)(ii), below.

(C) *Permit transfers.* For the purposes of the restriction that limited entry permit transfers are to take effect only on the first day of a major cumulative limit period (50 CFR § 660.333(c)(1)), those days in 1999 are January 1, April 1, June 1, August 1, October 1, November 1, and December 1.

(D) *Platooning—limited entry trawl vessels.* Limited entry trawl vessels are automatically in the "A" platoon, unless the "B" platoon is indicated on the limited entry permit. If a vessel is in the "A" platoon, its cumulative trip limit periods begin and end on the beginning and end of a calendar month as in the past. If a limited entry trawl permit is authorized for the "B" platoon, then cumulative trip limit periods will begin on the 16th of the month (generally 2 weeks later than for the "A" platoon), unless otherwise specified.

(1) For a vessel in the "B" platoon, cumulative trip limit periods begin on the 16th of the month at 0001 hours, local time, and end on the 15th of the month. Therefore, the management measures announced herein that are effective on January 1, 1999, for the "A" platoon will be effective on January 16, 1999, for the "B" platoon. The effective date of any inseason changes to the cumulative trip limits also will be delayed for 2 weeks for the "B" platoon, unless otherwise specified.

(2) A vessel authorized to operate in the "B" platoon may take and retain, but may not land, groundfish from January 1, 1999, through January 15, 1999.

(3) Special provisions will be made for "B" platoon vessels later in the year so that the amount of fish made available in 1999 to both "A" and "B" vessels is the same. (For example, a vessel in the "B" platoon could have the same cumulative trip limit for the final period as a vessel in the "A" platoon, but the final period may be 2 weeks shorter, so that both fishing periods end on December 31, 1999. Alternatively, the "B" platoon may have 6 weeks to take the cumulative limits from the final 2 cumulative limit periods.)

(ii) *Open access fishery.* Unless otherwise specified (as for sablefish north of 36° N. lat.), cumulative trip limits in the open access fishery apply to 1-month periods in 1999, as follows: January 1–31, February 1–28, March 1–31, April 1–30, May 1–31, June 1–30, July 1–31, August 1–31, September 1–30, October 1–31, November 1–30, December 1–31.

(2) Unless the fishery is closed, a vessel that has landed its cumulative, daily, or weekly limit may continue to fish on the limit for the next legal

period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next legal period. As stated at 50 CFR 660.302 (in the definition of "landing"), once offloading of any species begins, all fish aboard the vessel are counted as part of the landing.

(3) All weights are round weights or round-weight equivalents unless otherwise specified.

(4) Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) "Legal fish" means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, the Magnuson-Stevens Act, any notice issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

(6) *Size limits and length measurement.* Unless otherwise specified, size limits in the commercial and recreational groundfish fisheries apply to the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods.

(a) For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(b) For a fish with the head removed ("headed"), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(7) "Closure," when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes. [Note: Special provisions are made for an at-sea closure at the end of the regular season for the sablefish limited entry fishery. See 50 CFR 660.323(a)(2).]

(8) The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States

and Mexico. All groundfish possessed between 0–200 nm offshore, or landed in, Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) Inseason changes to trip limits are announced in the **Federal Register**. Most trip and bag limits in the groundfish fishery have been designated "routine," which means they may be changed rapidly after a single Council meeting. Information concerning changes to trip limits is available from the NMFS Northwest and Southwest Regional Offices (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 660.306(p)).

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. Fish caught with open access gear will also be counted toward the limited entry trip limit.

(12) *Operating in areas with different trip limits.* Trip limits for a species or species complex may differ in different geographic areas along the coast. The following "crossover" provisions apply to vessels operating in different geographical areas that have different cumulative or "per trip" trip limits for the same species or species complex. They do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off the State of Washington (see 50 CFR 660.323(a)(1)). In 1999, the cumulative trip limit periods for the limited entry fishery are specified in paragraph A(1)(c)(i)(A), and the cumulative trip limit period for the open access fishery is 1 calendar month, unless otherwise specified (see paragraph A(1)(c)(ii)).

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any species of groundfish in an area where a more restrictive trip limit applies, before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* 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.

(13) *Sorting.* It is unlawful for any person to "fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or harvest guideline, if the vessel fished or landed in an area during a time when such trip limit, size limit, harvest guideline, or quota applied." This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h), effective July 27, 1998.)

(14) *Exempted fisheries.* U.S. vessels operating under an exempted (formerly experimental) fishing permit issued under 50 CFR part 600 also are subject to these restrictions, unless otherwise provided in the permit.

(15) Paragraphs IV.B. through IV.C. pertain to the commercial groundfish fishery, but not to Washington coastal tribal fisheries, which are described in paragraph V. The provisions in paragraphs IV.B. through IV.C. that are not covered under the headings "limited entry" or "open access" apply to all vessels in the commercial fishery that take and retain groundfish, unless otherwise stated. Paragraph IV.D. pertains to the recreational fishery.

(16) *Commonly used geographical coordinates.*

(a) Cape Falcon, OR—45°46' N. lat.

(b) Cape Lookout, OR—45°20'15" N. lat.

(c) Cape Blanco, OR—42°50' N. lat.

(d) Cape Mendocino, CA—40°30' N. lat.

(e) Point Arena, CA—38°57'30" N. lat.

(f) Point Conception, CA—34°27' N. lat.

(g) International North Pacific Fisheries Commission (INPFC) subareas (for more precise coordinates for the Canadian and Mexican boundaries, see 50 CFR 660.304):

- (i) Vancouver—U.S.-Canada border to 47°30' N. lat.
 (ii) Columbia—47°30' to 43°00' N. lat.
 (iii) Eureka—43°00' to 40°30' N. lat.
 (iv) Monterey—40°30' to 36°00' N. lat.
 (v) Conception—36°00' N. lat. to the U.S.-Mexico border.

B. Limited Entry Fishery

As described in paragraph IV.A.(1)(c)(i), all species landed in limited entry fisheries except for sablefish taken with nontrawl gear, whiting, Pacific ocean perch, and bocaccio will be managed under a phased, cumulative trip limit system.

Cumulative limits for each species in each phase are provided in tables below and may be changed during the year.

(1) *Widow rockfish* (commonly called brownies). The cumulative trip limit for widow rockfish is as follows, unless otherwise announced in the **Federal Register**:

TABLE 2.—WIDOW ROCKFISH

Fishing phase	Cumulative trip limit periods	Cumulative trip limit (in pounds)	Length of cumulative trip limit period
I	Jan 1–Mar 31	70,000 31,752 kg	3 months
II	Apr 1–May 31	16,000	2 months
	June 1–July 31	16,000	2 months
	Aug 1–Sept 30	16,000	2 months
		7,257 kg	
III	Oct 1–31	30,000	1 month
	Nov 1–30	30,000	1 month
	Dec 1–31	30,000	1 month
		13,608 kg	

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

(a) *General.* *Sebastes* complex means all rockfish managed by the FMP except Pacific ocean perch (*Sebastes alutus*), widow rockfish (*S. entomelas*), shortbelly rockfish (*S. jordani*), *Sebastolobus* spp. (also called thornyheads, idiots, or channel rockfish), and chilipepper (*Sebastes goodei*) south of Cape Mendocino, and splitnose rockfish (*S. diploproa*) south of Cape Mendocino. Yellowtail rockfish (*S. flavidus*) are commonly called greenies. Bocaccio (*S. paucispinis*) are

commonly called rock salmon. Canary rockfish (*S. pinniger*) are commonly called orange rockfish. Splitnose rockfish are commonly called rosefish. This definition also applies for the open access fishery. In areas where certain species are not abundant, they are included in the “other rockfish” or “remaining rockfish” categories in Table 1. to this document, and they are constrained by the overall trip limits for the *Sebastes* complex. These species are yellowtail in the Eureka-Monterey-Conception area, and bocaccio, chilipepper, and splitnose rockfish in the Vancouver-Columbia area.

(b) *Trip limits for the Sebastes complex.* Harvest of all *Sebastes* complex species (except bocaccio), including those species with their own cumulative limits (yellowtail rockfish, canary rockfish, bocaccio), count toward the overall applicable *Sebastes* cumulative limits for the areas north and south of Cape Mendocino.

(i) *Trip limits for the Sebastes complex except bocaccio.* The cumulative trip limits for the *Sebastes* complex and its component species are as follows, unless otherwise announced in the **Federal Register**:

TABLE 3.—SEBASTES COMPLEX AND ITS COMPONENT SPECIES
[Except bocaccio]

Phase	Cumulative trip limit periods	Cumulative trip limits (in pounds)				Length of cumulative trip limit period
		<i>Sebastes</i> complex (north and south of Cape Mendocino)		Yellowtail rockfish ¹ (north of Cape Mendocino)	Canary rockfish ¹ (coastwide)	
		North	South			
I	Jan. 1–Mar. 31	24,000 (10,886 kg)	13,000 (5,897 kg)	15,000 (6,804 kg)	9,000 (4,082 kg)	3 months.
II	Apr. 1–May 31	25,000	6,500	13,000	9,000	2 months.
	June 1–July 31	25,000	6,500	13,000	9,000	2 months.
	Aug. 1–Sept. 30	25,000 (11,340 kg)	6,500 (2,948 kg)	13,000 (5,897 kg)	9,000 (4,082 kg)	2 months.
III	Oct. 1–31	10,000	5,000	5,000	3,000	1 month.
	Nov. 1–30	10,000	5,000	5,000	3,000	1 month.
	Dec. 1–31	10,000 (4,536 kg)	5,000 (2,268 kg)	5,000 (2,268 kg)	3,000 (1,361 kg)	1 month.

¹ Also counts toward the overall *Sebastes* complex limit.

(ii) *Bocaccio trip limits within the Sebastes complex.* Within the cumulative trip limits for the *Sebastes* complex south of Cape Mendocino, no

more than 750 lb (340 kg) per month may be bocaccio. For definition of one-month trip limit periods, see preceding paragraph A(1)(c)(ii).

(3) *POP.* The cumulative trip limit for POP is 4,000 lb (1,814 kg) per vessel per one-month period. For definition of one-

month trip limit periods, see paragraph A(a)(c)(ii), above.

(4) *Chilipepper rockfish*. The cumulative trip limit for chilipepper rockfish south of Cape Mendocino is as

follows, unless otherwise announced in the **Federal Register**:

TABLE 4.—CHILIPEPPER ROCKFISH
[South of Cape Mendocino]

Fishing phase	Cumulative trip limit periods	Cumulative trip limit (in pounds)	Length of cumulative trip limit period
I	Jan. 1–Mar. 31	45,000 20,412 kg	3 months.
II	Apr. 1–May 31	25,000	2 months.
	June 1–July 31	25,000	2 months.
	Aug. 1–Sept. 30	25,000 11,340 kg	2 months.
III	Oct. 1–31	18,000	1 month.
	Nov. 1–30	18,000	1 month.
	Dec. 1–31	18,000 8,165 kg	1 month.

(5) *Splitnose rockfish*. The cumulative trip limit for splitnose rockfish south of Cape Mendocino is as follows, unless

otherwise announced in the **Federal Register**:

TABLE 5.—SPLITNOSE ROCKFISH (ROSEFISH)
[South of Cape Mendocino]

Fishing phase	Cumulative trip limit periods	Cumulative trip limit	Length of cumulative trip limit period
I	Jan 1–Mar 31	32,000 14,515 kg	3 months.
II	Apr 1–May 31	19,000	2 months.
	June 1–July 31	19,000	2 months.
	Aug 1–Sept 30	19,000	2 months.
III	Oct 1–31	10,000	1 month.
	Nov 1–30	10,000	1 month.
	Dec 1–31	10,000 4,536 kg	1 month.

(6) *Sablefish and the DTS complex (Dover sole, thornyheads, and trawl-caught sablefish)*.

(a) *1999 Sablefish Management goal*. The limited entry sablefish fishery will be managed to achieve the 1999 commercial OYs of 7,127 mt north of 36° N. lat. and 425 mt south of 36° N. lat.

(b) *Gear allocations*. After subtracting the tribal-imposed catch limit and the open access allocation from the OY for sablefish north of 36° N. lat., the remainder is allocated 58 percent to the

trawl fishery and 42 percent to the nontrawl fishery.

[Note.—The 1999 ABC for sablefish north of 36° N. lat. is 9,692 mt. The trawl allocation is 3,475 mt and the nontrawl allocation is 2,516 mt. See footnote e/ of Table 1 to this document.]

(c) *Limited entry trip and size limits for the DTS complex*. “DTS complex” means Dover sole (*Microstomus pacificus*), thornyheads (*Sebastolobus* spp.), and trawl-caught sablefish (*Anoplopoma fimbria*). Sablefish are

also called blackcod. Thornyheads are also called idiots, channel rockfish, or hardheads, and include 2 species: Shortspine thornyheads (*S. alascanus*) and longspine thornyheads (*S. altivelis*). These provisions apply to Dover sole and thornyheads caught with any limited entry gear and to sablefish caught with limited entry trawl gear. The cumulative trip limits for the DTS complex are as follows, unless otherwise announced in the **Federal Register**:

TABLE 6.—TDS COMPLEX
[Coastwide]

Phase	Cumulative trip limit periods	Cumulative Trip Limits (in pounds)				Length of cumulative trip limit period
		Dover sole cumulative trip limit	Longspine thornyhead cumulative trip limit	Shortspine thornyhead cumulative trip limit	Trawl-caught sablefish ¹ cumulative trip limit	
I	Jan 1–Mar 31	70,000 (31,752 kg)	12,000 (5,443 kg)	3,000 (1,361 kg)	13,000 (5,897 kg)	3 months

TABLE 6.—TDS COMPLEX—Continued
[Coastwide]

Phase	Cumulative trip limit periods	Cumulative Trip Limits (in pounds)				Length of cumulative trip limit period
		Dover sole cumulative trip limit	Longspine thornyhead cumulative trip limit	Shortspine thornyhead cumulative trip limit	Trawl-caught sablefish ¹ cumulative trip limit	
II	Apr 1–May 31	20,000	8,000	2,000	10,000	2 months.
	June 1–July 31	20,000	8,000	2,000	10,000	2 months.
	Aug 1–Sept 30	20,000	8,000	2,000	10,000	2 months.
III		(9,072 kg)	(3,629 kg)	(907 kg)	(4,536 kg)	
	Oct 1–31	22,000	4,000	1,000	6,000	1 month
	Nov 1–30	22,000	4,000	1,000	6,000	1 month
	Dec 1–31	22,000	4,000	1,000	6,000	1 month
		(9,979 kg)	(1,814 kg)	(454 kg)	(2,722 kg)	

¹ At any time of year unless otherwise announced, no more than 500 lb (227 kg) per trip may be trawl-caught sablefish smaller than 22 inches (56 cm) TL. (See paragraph IV.A.(6) regarding length measurement.)

(d) *Nontrawl trip and size limits.* To take, retain, possess, or land sablefish during the regular, or mop-up season for the nontrawl limited entry sablefish fishery, the owner of a vessel must hold a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement. See 50 CFR 663.23(a)(2)(i). A sablefish endorsement is not required to participate in the limited entry daily trip limit fishery.

(i) *Regular and mop-up seasons.* Starting and ending dates for the regular and mop-up seasons (see 50 CFR § 660.323(a)(2)) will be announced inseason.

(ii) *Daily trip limit—(A) North of 36° N. lat.* The daily trip limit, which applies to sablefish of any size, is in effect north of 36° N. lat. until the closed periods before or after the regular season as specified at 50 CFR 660.323(a)(2), between the end of the regular season and the beginning of the mop-up season, and after the mop-up season. The daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. is 300 lb (136 kg), which counts toward a cumulative trip limit of 2,400 lb (1,089 kg) per 2-month period except during the regular and mop-up seasons. The 2-month periods in 1999 are: January 1–February 28; March 1–April 30; May 1–June 30; July 1–August 31; September 1–October 31; November 1–December 31.

(B) *South of 36° N. lat.* The daily trip limit for sablefish taken and retained with nontrawl gear south of 36° N. lat. is either (1) 350 lb (159 kg) with no cumulative limit on the amount of

sablefish that may be retained in a month; or (2) one landing of sablefish per week above 350 lb (159 kg) but not to exceed 1,050 lb (476 kg). A week is 7 consecutive days, from 0001 hours local time Sunday through 2400 hours local time Saturday.

(iii) *Limit on small fish.* During the “regular” and “mop-up” seasons, there is a trip limit in effect for sablefish smaller than 22 inches (56 cm) TL, which may comprise no more than 1,500 lb (680 kg) or 3 percent of all legal sablefish 22 inches (56 cm) (TL) or larger, whichever is greater. (See paragraph IV.A.(6) regarding length measurement.) This trip limit counts toward any other cumulative trip limit that may be in effect.

(e) *Conversions.* The following conversions apply to both the limited entry and open access fisheries. For headed and gutted (eviscerated) sablefish:

(i) The minimum size limit for headed sablefish, which corresponds to 22 inches (56 cm) TL for whole fish, is 15.5 inches (39 cm).

(ii) The conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The conversion factor currently is 1.6 in Washington, Oregon, and California. However, the state conversion factors may differ; fishermen should contact fishery enforcement officials in the state where the fish will be landed to determine that state’s official conversion factor.)

(7) *Whiting.* Additional regulations that apply to the whiting fishery are found at 50 CFR 660.306 and 50 CFR 660.323(a)(3) and (a)(4).

(a) *Allocations.* Whiting allocations will be announced inseason when the final OY is announced.

(b) *Seasons.* The 1999 primary seasons for the whiting fishery start on the same dates as in 1998, as follows (see 50 CFR 660.323(a)(3)):

(i) *Catcher/processor sector*—May 15;

(ii) *Mothership sector*—May 15;

(iii) *Shore-based sector*—June 15 north of 42° N. lat.; April 1 between 42°–40°30' N. lat.; April 15 south of 40°30' N. lat.

(c) *Trip limits.*

(i) *Before and after the regular season.* No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed, per vessel per fishing trip before and after the regular season for whiting, as specified at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka area.

(ii) *Inside the Eureka 100-fm contour.* No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100-fathom (183-m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area.

(8) *Lingcod.* The cumulative trip limits for lingcod are as follows, unless otherwise announced in the **Federal Register**.

TABLE 7.—LINGCOD
[Coastwide]

Fishing phase	Cumulative trip limit periods	Cumulative trip limits (in pounds) ¹	Length of cumulative trip limit period
I	Jan 1–Mar 31	1,500 680 kg	3 months.
II	Apr 1–May 31	1,000	2 months.
	June 1–July 31	1,000	2 months.
	Aug 1–Sept 30	1,000 454 kg	2 months.
III	Oct 1–31	500	1 month.
	Nov 1–30	500	1 month.
	Dec 1–31	500 227 kg	1 month.

¹ No lingcod may be smaller than 24 inches (61 cm) TL, except for a 100-lb (45-kg) "per trip" limit for trawl-caught lingcod smaller than 24 inches (61 cm). Length measurement is explained at paragraph IV.A.(6).

(b) *Conversions.* The following conversions apply in both limited entry and open access fisheries.

(i) *Size conversion.* For lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) TL for whole fish.

(ii) *Weight conversion.* The conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The states' conversion factors may differ, and fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.) If a state does not have a conversion factor for lingcod that is headed and gutted, or only gutted, the following conversion factors will be used. To determine the round weight, multiply the processed weight times the conversion factor.

(A) *Headed and gutted.* The conversion factor for headed and gutted lingcod is 1.5. (The State of Washington currently uses a conversion factor of 1.5.)

(B) *Gutted, with the head on.* The conversion factor for lingcod that has only been gutted is 1.1.

(9) *Black rockfish.* The regulations at 50 CFR 660.323(a)(1) state: "The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09'30" N. lat.) and between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip." These limits apply to limited entry and open access fisheries. The crossover provisions at paragraphs IV.A. (12) do not apply. Black rockfish

also count toward the overall *Sebastes* cumulative limits described above at B.2.(b).

C. Trip Limits in the Open Access Fishery

Open access gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), set net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: pink shrimp or prawns, and, south of Pt. Arena, CA (38°57'30" N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. The crossover provisions at paragraph IV.A.(12) that apply to the limited entry fishery apply to the open access fishery as well. The conversions at paragraphs IV.B.(6)(e) for sablefish and IV.B.(8)(b) for lingcod also apply to the open access fishery. The cumulative limit periods defined for the limited entry fishery do not apply to the open access fishery.

(1) *Rockfish.* The following limits for rockfish in this paragraph C.(1) apply to all open access gear, including exempted trawl gear, unless otherwise specified.

(a) *Thornyheads*—(i) *North of Pt. Conception.* Thornyheads (shortspine and longspine) may not be taken and retained, possessed, or landed north of Pt. Conception. [There is no exemption for vessels engaged in fishing for pink shrimp.]

(ii) *South of Pt. Conception.* The daily trip limit for thornyheads (shortspine and longspine) is 50 lb (23 kg).

(b) *Widow rockfish.* The cumulative monthly limit for widow rockfish coastwide is 2,000 lb (907 kg) per vessel.

(c) *POP.* The cumulative monthly limit for POP coastwide is 100 lb (45 kg) per vessel.

(d) *Sebastes complex*—(i) *Cumulative monthly limits.* The cumulative monthly limit for the *Sebastes* complex is 3,600 lb (1,633 kg) per vessel north of Cape Mendocino, and 2,000 lb (907 kg) per vessel south of Cape Mendocino. Within the cumulative trip limit for the *Sebastes* complex, no more than 1,000 lb (454 kg) per month may be canary rockfish coastwide, no more than 2,600 lb (1,179 kg) per month may be yellowtail rockfish north of Cape Mendocino, and no more than 500 lb (227 kg) per month may be bocaccio south of Cape Mendocino (except for setnet or trammel net gear—see IV.C.(1)(d)(ii) below). [Note: Chilipepper and splitnose rockfishes have been removed from the *Sebastes* complex south of Cape Mendocino, and are no longer included in the *Sebastes* trip limits south of Cape Mendocino (see paragraph IV.C.(1)(e) and (f) below).]

(ii) *Setnet or trammel net gear* (legal only south of 38° N. lat.), for setnets or trammel nets, the bocaccio monthly cumulative limit is 1,000 lb (454 kg) and counts toward the *Sebastes* complex monthly cumulative limit. Bocaccio taken with setnet or trammel net also counts toward the overall *Sebastes* complex limit in C.1.(d)(i). [Note: This open access limit is intentionally larger than the limited entry limit of 750 lb (340 kg) per month.]

(e) *Chilipepper.* The cumulative monthly limit for chilipepper south of Cape Mendocino is 6,000 lb (2,722 kg) per vessel.

(f) *Splitnose rockfish (rosefish).* The cumulative monthly limit for splitnose rockfish south of Cape Mendocino is 100 lb (45 kg) per vessel.

(g) *Black rockfish*. The trip limit at 50 CFR 660.323(a)(i) for black rockfish caught with hook-and-line gear also applies and is counted toward the cumulative *Sebastes* limits. (The black rockfish limit is also stated in paragraph IV.B.7.)

(2) *Sablefish*. The following trip limits apply to all open access gear, including exempted trawl gear.

(a) *North of 36°00' N. lat.* North of 36°00' N. lat., the daily trip limit for sablefish is 300 lb (136 kg), which counts toward a cumulative trip limit of 1,800 lb (816 kg) per 2-month period.

(b) *South of 36°00' N. lat.* The daily trip limit for sablefish taken and retained south of 36°00' N. lat. is 350 lb (159 kg).

(3) *Lingcod*. From January 1–March 31, 1999, and from December 1–31, 1999, lingcod may not be taken and retained, possessed or landed by any open access gear, including exempted trawl gear, coastwide. From April 1–November 30, 1999, the monthly cumulative limit for lingcod is 250 lb (113 kg) coastwide, which applies to all open access gear, including exempted trawl gear.

(4) *Dover sole*. The monthly cumulative trip limit for Dover sole is 100 lb (45 kg) and applies to all open access gear, including exempted trawl gear.

(5) *Pacific whiting*. The monthly cumulative trip limit for Pacific whiting is 100 lb (45 kg), and applies to all open access gear, including exempted trawl gear.

(6) *Groundfish taken by exempted trawl gear (e.g., by vessels engaged in fishing for pink shrimp, spot and ridgeback prawns, California halibut, and sea cucumbers)*—(a) *Trip limits*. No more than 300 lb (136 kg) of groundfish may be taken per vessel per fishing trip. Limits and closures in paragraphs IV.C(1) through IV.C(5) also apply and are counted toward the 300 lb (136 kg) groundfish limit. The daily trip limits for sablefish (paragraph IV.C.2) and thornyheads south of Pt. Conception (paragraph IV.C.1(a)) may not be multiplied by the number of days of the fishing trip. The groundfish “per trip” limit may not be multiplied by the number of days in the fishing trip, although this was allowed in 1998.

(b) *State law*. These trip limits are not intended to supersede any more restrictive state law relating to the retention of groundfish taken in shrimp or prawn pots or traps.

(c) *Participation in the California halibut fishery*. A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR part 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: “No California halibut may be taken, possessed or sold which measures less than 22 inches in total length, unless it weighs 4 pounds or more in the round, 3 and one-half pounds or more dressed with the head on, or 3 pounds or more dressed with the head off. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.”

(d) *Participation in the sea cucumber fishery*. A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR part 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code section 8396, which requires a permit issued by the State of California.

D. Recreational Fishery

(1) *California*. The bag limits for each person engaged in recreational fishing seaward of the State of California are: 2 lingcod per day, which may be no smaller than 24 inches (61 cm) TL; and 15 rockfish per day, of which no more than 3 may be bocaccio. Multi-day limits are authorized by a valid permit issued by the State of California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(2) *Oregon*. The bag limits for each person engaged in recreational fishing seaward of the State of Oregon are: 2 lingcod per day, which may be no smaller than 24 inches (61 cm) TL; and 15 rockfish per day, of which no more than 10 may be black rockfish (*Sebastes melanops*).

(3) *Washington*. The bag limits for each person engaged in recreational fishing seaward of the State of Washington are: 2 lingcod per day no smaller than 24 inches (61 cm) TL, and 10 rockfish per day.

V. Washington Coastal Tribal Fisheries

In late 1994, the U.S. government formally recognized that the four Washington Coastal Tribes (Makah, Quileute, Hoh, and Quinault) have treaty rights to fish for groundfish, and concluded that, in general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish available in the tribes’ usual and accustomed (U and A) fishing areas (described at 50 CFR 660.324).

A tribal allocation is subtracted from the species OY before limited entry and open access allocations are derived. The treaty tribal fisheries for sablefish, black rockfish, and whiting are separate fisheries, not governed by the limited entry or open access regulations or allocations. The tribes regulate these fisheries so as not to exceed their allocations.

The tribal allocation for black rockfish is the same in 1999 as in 1998. The tribal allocation for sablefish remains at 10 percent of the landed catch OY and is, therefore, increased from 468 mt in 1998 to 713 mt in 1999, to reflect the increase in the OY and its landed catch equivalent.

The proposed alternatives for tribal allocation for whiting are discussed elsewhere in this **Federal Register** issue.

For some species on which the tribes have a modest harvest, no specific allocation has been determined. Rather than try to reserve specific allocations for the tribes, which may not be needed by the tribes, NMFS is establishing trip limits recommended by the tribes and the Council to accommodate modest tribal fisheries. For lingcod, all tribal fisheries will be restricted to 300 lb (126 kg) per day. Tribal fisheries are not expected to take more than 1 mt of lingcod in 1999. For the *Sebastes* complex and other rockfish species, the 1999 tribal longline and trawl fisheries will operate under trip and cumulative limits. Tribal fisheries will operate under 300 lb (136 kg) “per trip” limits each for canary rockfish and for thornyheads, and under the same trip limits as the limited entry fisheries for all other rockfish. A 300 lb (136 kg) canary rockfish trip limit is expected to result in landings of 10,000–15,000 lb (5–7 mt). A 300 lb (136 kg) thornyhead limit is expected to result in landings of 8,000–10,000 lb (3–5 mt). Because of the small anticipated tribal groundfish catch, the tribes do not plan to reduce trip limits during the year, unless OY’s are achieved, or unless inseason catch statistics demonstrate that the tribes have taken half of the available harvest in the tribal U and A fishing areas.

The Assistant Administrator announces the following tribal allocations for 1999, including those that are the same as in 1998. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations:

A. Sablefish

The tribal allocation is 713 mt, 10 percent of the OY.

B. Rockfish

(1) For the commercial harvest of black rockfish off Washington State, a HG of: 20,000 lb (9,072 kg) north of Cape Alava (48°09'30" N. lat.) and 10,000 lb (4,536 kg) between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.).

(2) Thornyheads are subject to a 300 lb (136 kg) trip limit.

(3) Canary rockfish are subject to a 300 lb (136 kg) trip

(4) Other rockfish are subject to the same trip limits as the limited entry fishery.

C. Lingcod

Lingcod taken and retained with any gear are subject to a 300 lb (136 kg) per day trip limit.

Classification

The final specifications and management measures for 1999 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act and 50 CFR parts 600 and 660 subpart G (the regulations implementing the FMP).

Because NMFS is not required by 5 U.S.C. 553 or any other law to publish a general notice of proposed rulemaking for this action, the analytical requirements of the Regulatory Flexibility Act do not apply. Consequently, no regulatory flexibility analysis has been prepared.

Much of the data necessary for these specifications and management measures came from the current fishing year. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, and the need to have these specifications and management measures in effect at the beginning of the 1999 fishing year, the Assistant Administrator has determined that there is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment for the specifications and management measures. Amendment 4 to the FMP, implemented on January 1, 1991, recognized these timeliness considerations and set up a system by which the interested public is notified, through **Federal Register** publication and Council mailings, of meetings and of the development of these measures and is provided the opportunity to comment during the Council process. The public participated in GMT, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in September and November 1998 where these recommendations were formulated. Additional public comments on the specifications and management measures will be accepted for 30 days after publication of this document in the **Federal Register**. During this same period, NMFS also requests public comments on the preliminary whiting ABC and OY, and on the proposals for tribal harvest of Pacific whiting published elsewhere in this **Federal Register** issue. The AA will consider all comments made during the public comment period and may make modifications as appropriate.

There is no time requirement or time burden for the public to come into

compliance with the harvest specifications and the management measures designed to achieve those specifications that are announced by this rule. As described above, the interested public has participated in the Council process to formulate these regulations. The Council has provided information to the industry on the above management measures and specifications through the newsletters that it sends to fishery participants, and NMFS has provided notice through the U.S. Coast Guard Notice to Mariners, and the States of Washington, Oregon, and California also disseminate information. Therefore, the Assistant Administrator finds, under 5 U.S.C. 553(d)(3), as applicable, that it would be unnecessary and contrary to the public interest to delay the effective date of the specifications and management measures.

NEPA: *For the Annual Specifications and Management Measures*—An Environmental Impact Statement (EIS) was prepared for the FMP in 1982 and Supplemental EISs were prepared for Amendments 4 (1990) and 6 (1992) in accordance with the National Environmental Policy Act (NEPA). The alternatives considered and the environmental impacts of the actions in this notice are not significantly different than those considered in either the EIS or SEISs for the FMP, and the actions fall within the scope of these analyses. An environmental assessment (EA) prepared by the Council for the 1999 annual specifications and management measures was the basis for this conclusion.

Dated: December 31, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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