

(i) Copies of a chart depicting this area are available from the Regional Administrator upon request.

(ii) [Reserved]

(b) *Areas closed to gillnet gear capable of catching multispecies to prevent right whale takes.* All persons owning or operating vessels must remove all of their sink gillnet gear and gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), from the EEZ portion of the areas and for the times specified in paragraphs (b)(1) and (2) of this section, and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or gillnet gear capable of catching multispecies, with the exception of single pelagic gillnet gear (as described in § 648.81(g)(2)(ii)) in the EEZ portion of the areas and for the times specified in paragraphs (b)(1) and (2) of this section. Also, all persons owning or operating vessels issued a limited access multispecies permit must remove all of their sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), from the areas and for the times specified in paragraphs (b)(1) and (2) of this section, and, may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)) in the areas and for the times specified in paragraphs (b)(1) and (2) of this section.

\* \* \* \* \*

12. In § 648.88, paragraphs (a)(1) and (c) are revised to read as follows:

**§ 648.88 Open access permit restrictions.**

(a) \* \* \*

(1) The vessel may possess and land up to 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder, combined, per trip, and unlimited amounts of the other NE multispecies, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and that the vessel does not use or possess on board gear other than rod and reel or handlines while in possession of, fishing for, or landing NE multispecies, and provided it has at least one standard tote on board.

\* \* \* \* \*

(c) *Scallop multispecies possession limit permit.* Unless otherwise

prohibited in § 648.86(b), a vessel that has been issued a valid open access scallop multispecies possession limit permit may possess and land up to 300 lb (136.1 kg) of regulated species per trip when fishing under a scallop DAS allocated under § 648.53, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and that the vessel does not fish for, possess, or land haddock from January 1 through June 30 as specified under § 648.86(a)(2)(i), and provided the vessel has at least one standard tote on board.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 990430113-913-01; I.D. 042799A]

RIN 0648-AL64

### Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 1999 Management Measures

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

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

**SUMMARY:** NMFS establishes fishery management measures for the ocean salmon fisheries off Washington, Oregon, and California for 1999 and 2000 salmon seasons opening earlier than May 1, 2000. Specific fishery management measures vary by fishery and by area. The measures establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and minimum lengths for salmon taken in the exclusive economic zone (3-200 nm) off Washington, Oregon, and California. These management measures are intended to prevent overfishing and to apportion the ocean harvest equitably among treaty Indian and non-treaty commercial and recreational fisheries. The measures are also intended to allow a portion of the salmon runs to escape the ocean fisheries in order to provide for

spawning escapement and for inside fisheries.

**DATES:** Effective from 0001 hours Pacific Daylight Time (P.d.t.), May 1, 1999, until the effective date of the 2000 management measures, as published in the **Federal Register**. Comments must be received by May 17, 1999.

**ADDRESSES:** Comments on the management measures and the related environmental assessment (EA) may be sent to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way N.E., Seattle, WA 98115-0070; or William Hogarth, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213. Copies of the EA and other documents cited in this document are available from Larry Six, Executive Director, Pacific Fishery Management Council, 2130 S.W. Fifth Ave., Suite 224, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** William Robinson at 206-526-6140, or Svein Fougner at 562-980-4040.

#### SUPPLEMENTARY INFORMATION:

#### Background

The ocean salmon fisheries in the exclusive economic zone off Washington, Oregon, and California are managed under a "framework" fishery management plan entitled the Pacific Coast Salmon Plan (FMP). Regulations at 50 CFR part 660, subpart H, provide the mechanism for making preseason and inseason adjustments to the management measures, within limits set by the FMP, by notification in the **Federal Register**.

These management measures for the 1999 and pre-May 2000 ocean salmon fisheries were recommended by the Pacific Fishery Management Council (Council) at its April 5 to 9, 1999, meeting.

#### Schedule Used To Establish 1999 Management Measures

In accordance with the FMP, the Council's Salmon Technical Team (STT) and staff economist prepared several reports for the Council, its advisors, and the public. The first report, "Review of 1998 Ocean Salmon Fisheries," (Review) summarizes the 1998 ocean salmon fisheries and assesses how well the Council's management objectives were met in 1998. The second report, "Preseason Report I Stock Abundance Analysis for 1999 Ocean Salmon Fisheries" (PRE I), provides the 1999 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 1998 regulations or regulatory procedures

were applied to the 1999 stock abundances.

The Council met from March 8 to 12, 1999, in Portland, Oregon, to develop proposed management options for 1999. Three commercial and three recreational fishery management options were proposed for analysis and public comment. These options presented various combinations of management measures designed to protect numerous weak stocks of coho and chinook salmon and to provide for ocean harvests of more abundant stocks. After the March Council meeting, the STT and Council staff economist prepared a third report, "Preseason Report II Analysis of Proposed Regulatory Options for 1999 Ocean Salmon Fisheries" (PRE II), which analyzes the effects of the proposed 1999 management options. This report also was made available to the Council, its advisors, and the public.

Public hearings on the proposed options were held on March 29, 1999, in Westport, WA, and North Bend, OR; and on March 30, 1999, in Astoria, OR, Moss Landing, CA, and Eureka, CA.

The Council met on April 5 to 9, 1999, in Sacramento, CA, to adopt its final 1999 recommendations. Following the April Council meeting, the STT and Council staff economist prepared a fourth report, "Preseason Report III Analysis of Council-Adopted Management Measures for 1999 Ocean Salmon Fisheries" (PRE III), which analyzes the environmental and socio-economic effects of the Council's final recommendations. This report also was made available to the Council, its advisors, and the public.

#### Resource Status

Aside from salmon species listed and proposed for listing under the Endangered Species Act (ESA) discussed here, the primary resource concerns are for Klamath River fall chinook, and Washington coastal and Puget Sound natural coho. Management of all of these stocks is affected by interjurisdictional agreements among tribal, State, Federal, and/or Canadian managers.

#### Chinook Salmon Stocks

California Central Valley fall chinook stocks are abundant compared to other chinook stocks of the Pacific coast. The Central Valley Index of abundance of combined Central Valley chinook stocks is projected to be 847,700 for 1999, 12 percent below the 1998 pre-season estimate (PRE I). The spawning escapement of Sacramento River adult fall chinook was 237,500 adults in 1998 (PRE III), well above the escapement

goal range of 122,000 to 180,000 adult spawners.

Winter chinook from the Sacramento River are listed under the ESA as an endangered species (59 FR 440, January 4, 1994). The 1998 spawning run size was estimated to be approximately 1800 adults, a 38 percent increase over the estimated 1995 adult escapement. Neither pre-season nor post-season estimates of ocean abundance are available for winter chinook; however, the run is expected to remain depressed in 1999.

Klamath River fall chinook ocean abundance is projected to be 105,400, age-3 and age-4, fish at the beginning of the fishing season. The abundance forecast is 17 percent below the 1998 pre-season abundance estimate and 45 percent below the average of post-season estimates for 1989–1998 (PRE I). The spawning escapement goal for the stock is 33 to 34 percent of the potential natural adults, but no fewer than 35,000 natural spawners (fish that spawn outside of hatcheries). The natural spawning escapement in 1998 was 41,900 adults (Review).

Oregon coastal chinook stocks include south-migrating and localized stocks primarily from southern Oregon streams and north-migrating chinook stocks which generally originate in central and northern Oregon streams. Abundance of south-migrating and localized stocks is expected to be similar to the levels observed in 1998 (PRE I). These stocks are important contributors to ocean fisheries off Oregon and northern California. The generalized expectation for north-migrating stocks is for an average abundance (PRE I). These stocks contribute primarily to ocean fisheries off British Columbia and Alaska. It is expected that the aggregate Oregon coastal chinook spawning escapement goal of 150,000 to 200,000 naturally spawning adults will be met in 1999 (PRE I).

Estimates of Columbia River chinook abundance vary by stock as follows:

(1) *Upper Columbia River spring and summer chinook*. Numbers of upriver spring chinook predicted to return to the river in 1999 are 24,600 fish, less than two-thirds of the 1998 return of 38,300 and only 22 percent of 1997 return of 114,000 adult fish (PRE I). The 1999 forecast indicates a return to recent year escapement levels and the continued depressed status of this stock. In recent years, the natural component of this stock generally has comprised less than one-third of the upriver spring chinook run, compared to approximately 70 percent of the run when the original escapement goal was developed. The 1997 return of 114,100

fish was at least two-thirds of hatchery origin. The natural stock component remains severely depressed, with Snake River spring/summer chinook listed as threatened under the ESA. The 1998 return of 21,500 adult summer chinook was 24 percent above the preseason expectation and the largest return since 1990 (PRE III). Expected ocean escapement of adult upriver summer chinook is 16,500 adult fish (PRE III). The 1999 stock status remains extremely depressed, with a forecast return of 16,500 fish being only 21 percent of the lower end of the spawning escapement goal range of 80,000 to 90,000 adults counted at Bonneville Dam. Upriver summer chinook migrate to the far north and are not a major contributor to ocean fisheries off Washington and Oregon. Snake River spring and summer chinook are listed as threatened under the ESA (57 FR 14653, April 22, 1992).

(2) *Willamette River spring chinook*. Willamette River spring chinook returns are projected to be 46,500 fish, close to the 1998 return of 45,000 fish (PRE I), and the sixth consecutive year that the adult return is less than 50,000 fish. Lower Columbia River spring chinook stocks are important contributors to Council area fishery catches north of Cape Falcon; Willamette River spring chinook stocks generally contribute to Canadian and Alaskan ocean fisheries.

(3) *Columbia River fall chinook*. Abundance estimates are made for five distinct fall chinook stock units, as follows:

(a) Upriver bright fall chinook ocean escapement is expected to be 147,500 adults, 4 percent above the 1998 observed return of 141,500 adults (PRE III). This stock has a northern ocean migratory pattern and constitutes less than 10 percent of Council area fisheries north of Cape Falcon.

(b) Lewis River wild chinook ocean escapement is forecast at 2,600 adults, 37 percent of the 1998 run size of 7,000 adults (PRE III). One of the primary reasons for this decline and for Lewis River not being expected to meet the spawning escapement goal for wild chinook is because of short term impacts from previous flooding events; therefore, this decline should not be a long term trend.

(c) Lower river hatchery (Tules) fall chinook ocean escapement is forecast at 34,800 adults, 18 percent below the 1998 observed return of 42,600 adults (PRE III). This stock has declined sharply since the record high return in 1987. Lower Columbia River fall chinook stocks normally account for more than half the total catch in Council area fisheries north of Cape Falcon, with

lower river hatchery fall chinook being the single largest contributing stock. The March forecast return is only 9 percent above the current estimated ocean escapement of 32,000 adults needed to meet brood stock requirements.

(d) Spring Creek hatchery (Tules) fall chinook ocean escapement is projected to be 65,800 adults, over 300 percent greater than the 1998 observed return of 19,500 adults (PRE III). The Spring Creek hatchery fall chinook stock generally has been rebuilding slowly since the record low return in 1987, but this year's projection of 65,800 adults is the largest return since 1982.

(e) Mid-Columbia bright fall chinook ocean escapement is projected to be 38,000 adults, close to the 1998 return of 36,600 adults (PRE III).

(4) *Snake River wild fall chinook.* Snake River wild fall chinook are listed under the ESA as a threatened species (57 FR 14653, April 22, 1992). Information on the stock's ocean distribution and fishery impacts are not available. Attempts to evaluate fishery impacts on Snake River fall chinook have used the Lyons Ferry Hatchery stock to represent Snake River wild fall chinook. The Lyons Ferry stock is widely distributed and harvested by ocean fisheries from southern California to Alaska.

Washington coastal and Puget Sound chinook generally migrate to the far north and are affected insignificantly by ocean harvests from Cape Falcon to the U.S.-Canada border.

#### **Coho Salmon Stocks**

Central California coast coho and southern Oregon/northern California coast coho are listed as threatened species under the ESA (61 FR 56138, October 31, 1996, and 62 FR 24588, May 6, 1997). Coho populations in California have not been monitored closely in the past, and no forecasts of the ocean abundance of listed coho originating from California are available; these runs have been generally at low abundance levels for many years.

Oregon coastal natural, recently listed as threatened under the ESA (63 FR 42587, August 10, 1998), and Columbia River coho stocks are the primary components of the Oregon Production Index (OPI), an annual index of coho abundance from Leadbetter Point, WA, to the U.S.-Mexico border. The 1999 OPI is forecast to be 620,600 coho, 374 percent of the 1998 preseason forecast of 165,800 coho, and 266 percent of the 1998 observed level of 233,100 coho (PRE I). The 1999 estimate for OCN is 60,700 coho, 29 percent above the 1998 preseason forecast of 47,200 coho, and 209 percent of the 1998 observed level

of 29,200 coho (PRE I). The 1998 spawning escapement of the OCN stock was 29,200 fish, the second smallest for the last 7 years.

Most Washington coastal natural coho stocks and Puget Sound combined natural coho stocks are expected to be more abundant in 1999 than forecast in 1998. The 1999 Willapa Bay hatchery total ocean stock abundance forecast is 40,500 adults, approximately 95 percent greater than 1998 (PRE I). The prediction is based upon an average terminal area return per release (1992–1997) adjusted by a mean jack return rate for the same brood years. Willapa Bay coho production is predominately hatchery origin, and until 1998, only hatchery abundance was predicted. This year, the estimate of natural coho is 8,300. The estimate of Grays Harbor natural stock ocean abundance for 1999 is 57,700 adults, an increase of 92 percent from the 1998 preseason expected abundance (PRE I). The estimate of hatchery stock ocean abundance is 30,400 adults, an increase of 19 percent from the preseason 1998 estimate (PRE I). The Quinalt natural coho ocean run size is 7,300 fish, an increase of 17 percent from the 1998 projected level (PRE I). The Quinalt hatchery coho ocean run size is forecast at 8,200 fish, an increase of 111 percent compared to the 1998 level (PRE I). The Queets natural coho ocean run size is 4,300 fish, a slight increase of from the 1998 projected level of 4,200 (PRE I). The Queets hatchery coho ocean run size is forecast at 10,800 fish, an increase of 134 percent compared to the 1998 level (PRE I). The Hoh River natural coho ocean run size is 3,200 fish, a decrease of 6 percent compared to the 1998 projected level (PRE I). The 1999 forecast abundance of Quillayute River natural and hatchery components are 1,200 and 3,500, respectively (PRE I). The 1999 forecast abundance of natural summer coho is 8 percent below the 1998 forecast, while the hatchery is 94 percent above its 1998 forecast.

#### **Pink Salmon Stocks**

Major pink salmon runs return to the Fraser River and Puget Sound only in odd-numbered years. In 1997, abundance was 8.2 million Fraser River pink salmon, and 4.41 million Puget Sound pink salmon. The preseason forecasts for 1999 ocean abundance of Fraser River and Puget Sound pink salmon are not available at this time.

#### **Management Measures for 1999**

The Council recommended allowable ocean harvest levels and management measures for 1999 designed to apportion the burden of protecting the weak stocks

previously discussed equitably among ocean fisheries and to allow maximum harvest of natural and hatchery runs surplus to inside fishery and spawning needs. NMFS finds the Council's recommendations responsive to the goals of the FMP, the requirements of the resource, and the socio-economic factors affecting resource users. The recommendations are consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law, including the ESA and U.S. obligations to Indian tribes with Federally recognized fishing rights. Accordingly, NMFS hereby adopts them.

Since completion of the April 29, 1998, supplement to the March 8, 1996, biological opinion on the status of endangered and threatened salmon in the ocean salmon fisheries, NMFS has listed Oregon coastal coho as threatened under the ESA (63 FR 42587, August 10, 1998) and four populations of chinook (Puget Sound, Lower Columbia River, Upper Willamette River, and Upper Columbia River spring) as threatened (64 FR 14308, March 24, 1999). Three populations of chinook (Central Valley spring, Central Valley fall, and southern Oregon/northern California coastal) remain proposed for listing (64 FR 14329, March 24, 1999). In a March 1, 1999, letter to the Council, NMFS provided guidance on protective measures for listed species for the 1999 season.

Amendment 13 to the FMP, which has been approved by NMFS, provides separate exploitation rate targets for four OCN sub-stocks that depend on measures of prior escapement and ocean survival. NMFS ESA guidance required that the three northern sub-stocks be managed in accordance with Amendment 13, which permits an exploitation rate of 15 percent under the medium level of ocean survival. The southern sub-stock is part of the southern Oregon/northern California coastal coho. However, NMFS urged the Council to target a precautionary exploitation rate of 10 percent or less, expressing strong concern that actual OCN abundance may fall considerably short of the preseason forecast if the current trend of the previous two years in overestimated forecasts continue. This precautionary approach was also recommended by both the Council's Scientific and Statistical Committee and STT advisory bodies. NMFS ESA guidance required that Council fisheries be managed so that the total ocean exploitation rate on the southern Oregon/northern California coastal coho be constrained to 13 percent or less, the

lowest exploitation rate specified under the rebuilding provisions of Amendment 13. In addition, NMFS required that the retention of coho in recreational and commercial fisheries off California continue to be prohibited. In accordance with the NMFS guidance, the Council's recommendations result in a 8.79-percent exploitation rate for OCN coho (freshwater and marine), a 4.9-percent marine exploitation rate impact for Rogue/Klamath coho, and retention of coho off California is prohibited for the fifth consecutive year.

The Council recommended measures expected to produce an 8.79-percent OCN coho exploitation rate based on the current estimate of 8-percent hooking mortality in recreational fisheries, including selective fisheries. However, several recent studies indicate that the hooking mortality rate may be much higher. Therefore, the Council also analyzed the recommended measures assuming a 16 percent hooking mortality in selective fisheries which produced an estimated 10.11 percent OCN coho exploitation rate. The Council has appointed an ad hoc committee to initiate a review of hooking mortality issues and recommend any changes for the year 2000 season.

Sacramento River winter chinook is listed as an endangered species under the ESA. A March 8, 1996, biological opinion and a February 18, 1997, addendum require that NMFS reduce all harvest-related impacts to the Sacramento River winter chinook salmon population by a level that would achieve at least a 31-percent increase in the age-3 spawner-to-spawner replacement rate over a base period of 1989 through 1993. The increase in the spawner-to-spawner replacement rate projected for 1999 achieves the minimum 31 percent rate over the base period.

NMFS concluded that incidental fishery impacts that occur in the ocean salmon fishery proposed for the period from May 1, 1999, through April 30, 2000 (or until the effective date of the 1999 management measures), will not jeopardize the continued existence of populations of chinook proposed for listing. However, NMFS requested the Council to reserve final action on those seasons opening prior to May 1 off California for the Council's November 1999 meeting, by which time NMFS will provide the Council with any necessary guidance regarding anticipated consultation standards for newly listed populations.

From the U.S.-Canada border to Cape Falcon, ocean fisheries are managed to protect depressed lower Columbia River

fall chinook salmon and Washington coastal and Puget Sound natural coho salmon stocks and to meet ESA requirements for Snake River fall chinook salmon. Ocean treaty and non-treaty harvests and management measures were based in part on negotiations between Washington State fishery managers, commercial and recreational fishing groups, and the Washington coastal, Puget Sound, and Columbia River treaty Indian tribes as authorized by the U.S. District Court in *U.S. v. Washington*, *U.S. v. Oregon*, and *Hoh Indian Tribe v. Baldrige*.

North of Cape Falcon, Oregon, the 1999 management measures are more liberal than during 1998. They are the largest chinook and coho quotas since 1993, but are still restricted to protect depressed Washington coastal, Puget Sound, and Oregon Coastal Natural (OCN) coho stocks.

The Council adopted a new commercial troll fishery for all salmon that will open between Cape Flattery to Cape Alava, WA West of 125°05'00" W. long. and Cape Alava to Leadbetter Point, WA on July 10 through earliest of September 30 or attainment of the overall chinook quota. The new boundary in Washington was suggested by industry representatives to try to prevent impacts to the newly listed Puget Sound chinook ESU. This new boundary closes the area off the mouth of the Strait of Juan de Fuca at the time when the chinook from Puget Sound are thought to be migrating back to their spawning grounds.

The Columbia Control Zone was another area where the Council adopted new boundaries. The new boundaries cover the ocean area at the Columbia River mouth bounded by a line extending for 6 nm due west from North Head along 46°18'00" N. lat. to 124°13'18" W. long., then southerly to 46°13'24" N. lat. and 124°11'00" W. long. (green, Columbia River Entrance Lighted Bell Buoy #1), then southerly to 46°11'06" N. lat. and 124°11'00" W. long. (red, Columbia River Approach Lighted Whistle Buoy), then northeast along red buoy line to the tip of the south jetty.

South of Cape Falcon, OR, the retention of coho is prohibited for the fifth consecutive year, except for a recreational selective fishery off Oregon in July with a 15,000 fish quota of marked hatchery coho. Chinook fisheries are constrained primarily to meet the Klamath River fall chinook natural spawner escapement floor and ESA standards for Sacramento River winter chinook. These constraints also limit impacts on threatened Snake River fall chinook, Oregon Coastal coho,

Southern Oregon/Northern California Coast coho, and Central California coho. Size limit, gear, and seasonal restrictions are intended to reduce harvest impacts on endangered Sacramento River winter chinook.

The selective fishery proposal off the Oregon coast is controversial because of potential impacts on Oregon coastal natural (OCN) coho, which include the Oregon Coastal and the northern end of the Southern Oregon/Northern California Coastal Coho ESUs listed as threatened under the ESA. The options for the selective fishery originally ranged from allowing a landed catch of 60,000 coho (option 1), to a 20,000 catch (option 2), to no selective fishery (option 3).

Several concerns arose. The forecasted return, although better than last year, is not sufficiently large to replace the parent brood. There is no evidence yet that OCN stocks are recovering from record low spawning escapement levels. There is substantial uncertainty surrounding estimates of hooking and handling mortality to natural (unmarked) coho in a selective fishery. Finally, there is the perception that by proposing new fisheries, Oregon's efforts to achieve voluntary improvements in freshwater habitat from land owners and businesses will be damaged. NMFS' view is that the uncertainties and potential risks described above called for an extremely precautionary approach to allowing selective fisheries on marked hatchery coho.

The ODFW proposed a 10,000 fish quota. However, based on a proposed exchange between the commercial troll and recreational fishery advisory panel representatives, the selective fisheries quota was raised from 10,000 to 15,000 fish, coupled with a reduction in the number of days of commercial trolling off Oregon that would result in no change in impacts on OCN coho from the original motion for a selective fishery with a 10,000 fish quota. Oregon will also intensively monitor this selective fishery to gain more information regarding impacts of the selective fishery and to help in the shaping of future selective fisheries. NMFS believes the modest selective fishery and planned monitoring program are sufficiently precautionary.

The Council recommended the continued use of an increase in the minimum size limit in the recreational fishery to 24 in (61.0 cm) south of Horse Mountain in conjunction with restricted seasons to reduce incidental ocean harvest of Sacramento River winter chinook. The Council recommended the continuation of gear restrictions for

recreational fisheries off California to minimize hooking mortality.

The Council recommended an August 1 through September 6 recreational fishery between Point Arena and the U.S.-Mexico Border in which the bag limit will be the first two fish caught (excluding coho) with no minimum size limit. Any coho salmon caught must be released.

The Council also recommended a commercial troll test fishery operating inside 6 nm from July 1 through July 14 between Fort Ross and Point Reyes under a 2,500 fish quota. The test fishery is designed to assess the relative contribution of Klamath River fall chinook to the catch of a near-shore commercial fishery in the test area.

### Commercial Troll Fisheries

#### *North of Cape Falcon*

The size limit for chinook is 28 in (71.1 cm) (21.5 in (54.6 cm) head-off), 16 in (40.6 cm) (12 in (30.5 cm) head-off) for coho, and there is no size limit for pink salmon.

The commercial troll fishery for all salmon except coho will open between the U.S.-Canada border and Cape Falcon, OR, on May 1 and continue through the earlier of June 15 or attainment of the 24,000 chinook quota. The Columbia Control Zone is closed. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall quota.

The commercial troll fishery for all salmon will open between Cape Flattery to Cape Alava, WA, West of 125°05'00" W. long. and Cape Alava to Leadbetter Point, WA, on July 10 and continue through the earliest of September 30 or attainment of the overall chinook quota (preseason 4,500 chinook guideline) or 20,000 coho quota. The season follows a cycle of 4 days open/3 days closed. No more than 4 spreads are allowed per line. Gear is restricted to plugs 6 in (15.2 cm) or longer. Flashers without hooks may be used if installed below the second spread from the top and will not be counted as a spread. No more than one flasher is allowed per line. Each vessel may possess, land and deliver no more than 100 coho per open period (trip limits, gear restrictions and guidelines may be adjusted inseason). Vessels must land and deliver their fish within 24 hours of any closure of this fishery within the area or adjacent closed area.

#### *South of Cape Falcon*

Retention of coho salmon is prohibited in all areas south of Cape Falcon, OR. All seasons listed below are restricted to all salmon species except

coho salmon. Off California, no more than six lines are allowed per vessel. Off Oregon, no more than four spreads are allowed per line. The size limit for chinook is 26 in (66.0 cm) (19.5 in (49.5 cm) head-off), except south of Point Arena after June when the size limit increases to 27 in (68.6 cm) (20.25 in (51.4 cm) head-off).

From Cape Falcon to Humbug Mountain, OR, the commercial fishery opened April 1 and will continue through July 17, then reopen August 1 through August 29, and then reopen September 1 through October 31.

From Humbug Mountain, OR, to the Oregon-California border, the commercial fishery will open May 1 and will continue through May 31.

From Sisters Rocks to Mack Arch, OR, the commercial fishery will open August 1 and continue through the earlier of August 31 or attainment of the 2,500 chinook quota. The open area is restricted to 0 to 4 nm (7.4 km) off shore. All salmon must be landed and delivered to Gold Beach, Port Orford, or Brookings, OR within 24 hours of each closure.

From House Rock, OR, to Humboldt South Jetty, CA, the commercial fishery will open September 1 and continue through the earlier of September 30 or attainment of the 7,000 chinook quota. Restrictions include a possession and landing limit of no more than 30 fish per day; all fish caught in this area must be landed within the area; and the Klamath Control Zone is closed. Within the 7,000 chinook quota is a 1,000 chinook harvest guideline for landings to the port of Brookings, OR. If this guideline is reached prior to the overall quota, the fishery will close north of the Oregon-California border. When the fishery is closed north of the Oregon-California border and open to the south, Oregon State regulations provide that: Vessels with fish on board caught in the open area off California may seek temporary mooring in Brookings, OR, prior to landing in California only if such vessels first notify the Chetco River Coast Guard Station via VHF channel 22A between the hours of 0500 and 2200 and provide the name of the vessel, number of fish on board, and estimated time of arrival.

From Horse Mountain to Point Arena, CA, the commercial fishery will open September 1 through September 30. The minimum size limit is 26 in (66.0 cm).

From Point Arena to Point Reyes, CA, the commercial fishery will open July 17 through September 30. The minimum size limit is 27 in (68.6 cm).

From Fort Ross to Point Reyes, CA, a test troll commercial fishery inside 6 nm will open July 1 through the earlier of

July 14 or an overall 2,500 chinook quota, for all salmon except coho. The minimum size limit is 26 in (66.0 cm) for consistency with the 1998 test fishery. There is a landing limit of no more than 30 fish per day. All fish caught in this area must be landed in Bodega Bay, CA. Fish taken outside this test fishery may not be landed at Bodega Bay while this fishery is open. These restrictions are necessary to assure the data collected from the test fishery are valid.

From Point Reyes to Point San Pedro, CA, the commercial fishery will open July 1 through September 30. The minimum size limit is 27 in (68.6 cm).

From Point San Pedro, CA, to the U.S.-Mexico border, the commercial fishery will open May 1 through August 21 and September 1 through September 30. The minimum size limit is 26 in (66.0 cm) through June 30, and 27 in (68.6 cm) after June 30.

### Recreational Fisheries

#### *North of Cape Falcon*

The size limit for chinook is 24 in (61.0 cm), 16 in (40.6 cm) for coho, and there is no size limit for pink salmon. All retained coho must have a healed adipose fin clip.

From the U.S.-Canada border to Cape Alava, WA the fishery will open on July 19 through the earlier of September 30 or attainment of the 10,200 coho subarea quota. All salmon may be retained except chinook (7 days per week). There is a 2-fish per day daily bag limit.

From Cape Alava to the Queets River, WA the fishery will open on July 19 through the earlier of September 30 or attainment of the 2,600 coho subarea quota. The fishery is open 7 days per week with a 2-fish daily bag limit. Inseason management may be used to sustain season length and keep harvest within a guideline of 400 chinook.

From the Queets River to Leadbetter Point, WA the fishery will open on July 19 through the earlier of September 30 or attainment of the 42,200 coho subarea quota. The fishery is open Sunday through Thursday only, for all salmon, with a two-fish daily bag limit, but no more than 1 chinook, and no more than six fish in a calendar week (Sunday through Saturday). The fishery is closed 0 to 3 nm (4.8 km) offshore beginning August 22. Inseason management may be used to sustain season length and keep harvest within a guideline of 13,400 chinook.

From Leadbetter Point, WA, to Cape Falcon, OR, the fishery will open on July 19 through the earlier of September 30 or attainment of the 55,000 coho subarea quota. The fishery is open

Sunday through Thursday only, for all salmon, with a 2-fish daily bag limit, but no more than 1 chinook a day. No more than six fish may be retained in a calendar week (Sunday through Saturday). Coho retention is prohibited between Tillamook Head and Cape Falcon beginning August 1 (i.e., all salmon except coho and a daily bag limit of 1 chinook). The fishery is closed in Recreational Columbia Control Zone (a newly defined area for 1999 defined previously and in Table 2). Inseason management may be used to sustain season length and keep harvest within a guideline of 7,600 chinook.

#### *South of Cape Falcon*

Retention of coho salmon is prohibited in all areas south of Cape Falcon, except for a recreational selective fishery off Oregon in July with a 15,000 fish quota of marked hatchery coho. The size limit for chinook is 20 in (50.8 cm) from Cape Falcon to Horse Mountain and 24 in (61.0 cm) from Horse Mountain south. The size limit for coho is 16 in (40.6 cm) in the selective fishery and all retained coho must have a healed adipose fin clip. There is no size limit for pink salmon off Washington and Oregon. The size limit for pink salmon off California is 20 in (50.8 cm). In the "first two fish bag limit" areas there are no size restrictions. All seasons listed below are restricted to all salmon species except coho salmon, except in the specified selective fishery. North of Point Conception, CA, persons fishing for salmon and persons fishing from a boat with salmon on board are restricted to no more than one rod per angler. From Horse Mountain to Point Conception, CA, the following restrictions apply:

If angling by any other means than trolling, then no more than two single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed 5 in (12.7 cm) when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Circle hooks are not required when artificial lures are used without bait. Trolling is defined as: Angling from a boat or floating device that is moving forward by means of a source of power (other than drifting by means of the prevailing water current or weather conditions) except when landing a fish.

From Cape Falcon to Humbug Mountain, OR the recreational fishery,

which opened April 1, will continue October 31, except as provided below during the selective fishery for all salmon except coho. Anglers may retain 2 fish per day, but no more than 6 fish in 7 consecutive days. Legal gear is limited to artificial lures and plugs of any size, or bait no less than 6 in (15.2 cm) long (excluding hooks and swivels). All gear must have no more than 2 single point, single shank barbless hooks. Divers are prohibited and flashers may be used only with downriggers. See Oregon State regulations for a description of a closure at the mouth of Tillamook Bay.

*Selective fishery.* July 10 through the earlier of July 31 or a landed catch of 15,000 coho for all salmon. Anglers may retain 2 fish per day. All retained coho must have a healed adipose fin clip. There are no special gear restrictions except B.3. (single point, single shank, barbless hooks). The season will follow a cycle of 2 days open/2 days closed (i.e., open July 10–11; 14–15; 18–19; 22–23; 26–27; and 30–31). Depending on fishing effort and catch, inseason action may be used to adjust open days to effectively utilize the available quota. Note: On closed days during the selective fishery no angling for any species of salmon is allowed.

From Humbug Mountain, OR, to Horse Mountain, CA, the recreational fishery will open May 29 through July 4, then reopen July 29 through September 14. Both seasons include a one-fish daily bag limit, but no more than four fish may be retained in seven consecutive days, and a 20 in (50.8 cm) minimum size limit; the Klamath Control Zone closed in August.

From Horse Mountain to Point Arena, CA, the recreational fishery which opened on February 13 will continue through July 4, then reopen July 25 through November 14 with a 2-fish daily bag limit and a 24 in (61.0 cm) minimum size limit for both seasons.

From Point Arena to Pigeon Point, CA, the recreational fishery, which opened on March 27, will continue through October 31 with a 2-fish daily bag limit and a 24 in (61.0 cm) minimum size limit, except from August 1 through September 6, the bag limit will be the first two fish other than coho and no size limit (no catch-and-release angling). Sacramento Control Zone will be closed from the season opening through March 31.

From Pigeon Point, CA, to the U.S.-Mexico border, the recreational fishery which opened on March 13 will continue through September 6 with a 2-fish daily bag limit and a 24 in (61.0 cm) minimum size limit, except from August 1 through September 6, the bag limit

will be the first two fish other than coho and no size limit (no catch-and-release angling).

#### **Treaty Indian Fisheries**

Ocean salmon management measures proposed by the treaty Indian tribes are part of a comprehensive package of treaty Indian and non-treaty salmon fisheries in the ocean and inside waters agreed to by the various parties. Treaty troll seasons, minimum length restrictions, and gear restrictions were developed by the tribes and agreed to by the Council. Treaty Indian troll fisheries north of Cape Falcon are governed by quotas of 30,000 chinook (20,000 for the May-June chinook-directed fishery and 10,000 for the August-September all-salmon fishery) and 38,500 coho. The all-salmon-except-coho seasons open May 1 and extend through June 30 or until the overall harvest guideline of 20,000 chinook is reached, whichever is earlier. The all-salmon seasons open August 1 and extend through the earliest of September 15 or attainment of the chinook or coho quotas. If the chinook quota from the May-June fishery is not fully utilized, the excess fish may not be rolled into the later all-salmon season. The minimum length restrictions for all treaty ocean fisheries, excluding ceremonial and subsistence harvest, is 24 in (61.0 cm) for chinook and 16 in (40.6 cm) for coho.

#### **2000 Fisheries**

The timing of the March and April Council meetings makes it impracticable for the Council to recommend fishing seasons that begin before May 1 of the same year. Therefore, the 2000 fishing seasons opening earlier than May 1 are also established in this action. The Council recommended and NMFS concurs that the following seasons will open off California in 2000. The following recreational seasons have two-fish daily bag limits and a minimum size limit of 24 in (61.0 cm) for chinook salmon (see special gear restrictions B.5). From Pigeon Point, CA to the U.S.-Mexico border, a recreational fishery for all salmon except coho will open on March 18. However, at the November 1999 meeting, the Council will consider the proposed 2000 opening of the fishery south of Pigeon Point, CA and make its final recommendations for the opening of that fishery. From Point Arena to Pigeon Point, CA, a recreational fishery for all salmon except coho will open on April 1. From Horse Mountain to Point Arena, CA a recreational fishery for all salmon, except coho, will open on February 12. At the March 2000 meeting, the Council will consider in season

recommendations to (1) establish management measures for an all-salmon-except-coho fishery prior to May 1, in areas off Oregon, and (2) recommend the areas, season, quota, and special regulations for a test fishery off California in April south of Pillar Point.

The following tables and text are the management measures recommended by the Council and approved by NMFS for 1999 and, as specified, for 2000.

**Table 1.—Commercial Management Measures for 1999 Ocean Salmon Fisheries**

**Note:** This table contains important restrictions in parts A, B, C, and D which must be followed for lawful participation in the fishery.

#### A. SEASON DESCRIPTION

##### North of Cape Falcon

##### *U.S.-Canada Border to Cape Falcon, OR*

May 1 through earlier of June 15 or 24,000 chinook guideline. All salmon except coho. Columbia Commercial Control Zone closed (C.7.) Harvest guidelines in later fisheries may be modified if necessary to meet the overall quota.

##### *Cape Flattery (48°23'00" N. lat.) to Cape Alava (48°10'00" N. lat.) West of 125°05'00" W. long. and Cape Alava to Leadbetter Point, WA*

July 10 through earliest of September 30 or the overall chinook quota (preseason 4,500 chinook guideline) or 20,000 coho quota. All salmon. Cycle of 4 days open/3 days closed. No more than 4 spreads per line. Gear restricted to plugs 6 in (15.2 cm) or longer. Flashers without hooks may be used if installed below the second spread from the top and will not be counted as a spread. No more than one flasher per line. Each vessel may possess, land and

deliver no more than 100 coho per open period (trip limits, gear restrictions and guidelines may be adjusted inseason). Vessels must land and deliver their fish within 24 hours of any closure of this fishery within the area or adjacent closed area.

##### South of Cape Falcon

##### *Cape Falcon to Humbug Mountain, OR*

April 1 through July 17, August 1 through August 29, and September 1 through October 31. All salmon except coho. See Oregon State regulations for a description of the closed area at the mouth of Tillamook Bay. See gear restriction (C.3.a.).

##### *Humbug Mountain, OR to Oregon-California Border*

May 1 through May 31. All salmon except coho. See gear restriction (C.3.a.).

##### *Sisters Rocks to Mack Arch, OR*

August 1 through earlier of August 31 or 2,500 chinook quota. All salmon except coho. Open 0–4 nm (7.4 km) offshore. All salmon must be landed and delivered to Gold Beach, Port Orford or Brookings, OR within 24 hours of any closure. See gear restriction (C.3.a.).

##### *House Rock, OR to Humboldt South Jetty, CA*

September 1 through earlier of September 30 or 7,000 chinook quota. All salmon except coho. Possession and landing limit of 30 fish per day. All fish caught in this area must be landed within the area. Klamath Control Zone closed (see C.7.). Within the 7,000 chinook quota is a harvest guideline limiting landings at the port of Brookings to no more than 1,000 chinook. If this guideline is reached prior to the overall quota, the fishery will close north of the Oregon-California border. When the fishery is closed north of the Oregon-California border and

open to the south, Oregon State regulations provide for the following action: Vessels with fish on board caught in the open area off California may seek temporary mooring in Brookings, OR prior to landing in California only if such vessels first notify the Chetco River Coast Guard Station via VHF channel 22A between the hours of 0500 and 2200 and provide the vessel name, number of fish on board, and estimated time of arrival. See gear restriction (C.3.).

##### *Horse Mountain to Point Arena, CA*

September 1 through September 30. All salmon except coho. See gear restriction (C.3.b.).

##### *Point Arena to Point Reyes, CA*

July 17 through September 30. All salmon except coho. Minimum size limit 27 in. See gear restriction (C.3.b.).

##### *Fort Ross (38°31'00" N. lat.) to Point Reyes, CA (test fishery inside 6 nm [11.1 km])*

July 1 through earlier of July 14 or 2,500 chinook quota. All salmon except coho. Minimum size limit 26 in (to be consistent with 1998 test fishery). Open only inside 6 nm (11.1 km). Landing limit of 30 fish per day. All fish caught in this area must be landed in Bodega Bay. Fish taken outside this area may not be landed at Bodega Bay while this fishery is open. See gear restriction (C.3.b.).

##### *Point Reyes to Point San Pedro, CA*

July 1 through September 30. All salmon except coho. Minimum size limit 27 in. See gear restriction (C.3.b.).

##### *Point San Pedro to U.S.-Mexico Border*

May 1 through August 21 and September 1 through September 30. All salmon except coho. Minimum size limit 27 in after June 30. See gear restriction (C.3.b.).

#### B.—MINIMUM SIZE LIMITS

[Inches]

Area (when open)	Chinook		Coho		Pink
	Total length	Head-off	Total length	Head-off	
North of Cape Falcon .....	28.0	21.5	16.0	12.0	None.
Cape Falcon to Oregon-California Border * .....	*26.0	*19.5	.....	.....	None.
Oregon-California Border to Point Arena * .....	*26.0	*19.5	.....	.....	None.
South of Point Arena prior to July 1* .....	*26.0	*19.5	.....	.....	None.
South of Point Arena after June 30 * .....	*27.0	*20.25	.....	.....	None.

\* Chinook not less than 26 in (19.5 in head-off) taken in open seasons south of Cape Falcon may be landed north of Cape Falcon only when the season is closed north of Cape Falcon.

Metric equivalents for chinook: 28.0 in=71.1 cm, 27.0 in=68.6 cm, 26.0 in=66.0 cm, 21.5 in=54.6 cm, 20.25 in=51.4 cm, 19.5 in=49.5 cm.

Metric equivalents for coho: 16.0 in=40.6 cm, 12.0 in=30.5 cm.



### C. SPECIAL REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. *Hooks*: Single point, single shank barbless hooks are required.

C.2. *Spread*: A single leader connected to an individual lure or bait.

C.3. *Line, Spread, and Gear Restrictions*:

a. Off Oregon south of Cape Falcon, no more than 4 spreads are allowed per line.

b. Off California, no more than 6 lines are allowed per vessel.

C.4. *Compliance with Minimum Size or Other Special Restrictions*: All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.

C.5. *Transit Through Closed Areas With Salmon on Board*: It is unlawful for a vessel to have troll gear in the water while transiting any area closed to salmon fishing while possessing salmon.

C.6. *Notification When Unsafe Conditions Prevent Compliance with Regulations*: If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the U.S. Coast Guard and receive acknowledgement of such notification prior to leaving the area. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board and the estimated time of arrival. This stipulation will be implemented by state regulations for California, Oregon and Washington, as required.

C.7. *Control Zone Definitions*:

a. *Columbia Commercial Control Zone*—The ocean area at the Columbia River mouth bounded by a line extending for 6 nm (11.1 km) due west from North Head along 46°18'00" N. lat. to 124°13'18" W. long., then southerly to 46°13'24" N. lat. and 124°11'00" W. long. (green, Columbia River Entrance Lighted Bell Buoy #1), then southerly to 46°11'06" N. lat. and 124°11'00" W. long. (red, Columbia River Approach Lighted Whistle Buoy), then northeast along red buoy line to the tip of the south jetty.

b. *Klamath Control Zone*—The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nm (11.1 km) north of the Klamath River mouth), on

the west by 124°23'00" W. long. (approximately 12 nm [22.2 km] offshore), and on the south by 41°26'48" N. lat. (approximately 6 nm [11.1 km] south of the Klamath River mouth).

C.8. *Incidental Halibut Harvest*: The operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A, during authorized periods, while trolling for salmon. License applications for incidental harvest must be obtained from the International Pacific Halibut Commission (phone 206/634-1838). Applicants must apply prior to April 1 of each year. Incidental harvest is authorized only during May and June troll seasons and after July 31 if quota remains and if announced on the NMFS hotline (phone 800-662-9825). ODFW and WDFW will monitor landings and if they are projected to exceed the 23,490 pound (10.7 mt) preseason allocation or the Area 2A non-Indian commercial halibut TAC, NMFS will take inseason action to close the incidental halibut fishery.

License holders may land no more than 1 halibut per each 5 chinook, except 1 halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Halibut retained must meet the minimum size limit of 32 in (81.3 cm).

C.9. *Inseason Management*: In addition to standard inseason actions or inseason modifications already noted under the season description, the following inseason guidance is provided to NMFS:

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

Any difference between the total chinook landings in the May 1 through June 15 non-treaty troll fishery north of Cape Falcon and the 24,000 chinook guideline will be used to adjust the allowable chinook catch for the July 10 through September 30 non-treaty troll fishery north of Leadbetter Point.

At the March 2000 meeting, the Council will consider inseason recommendations to: (1) open commercial seasons for all salmon except coho prior to May 1 in areas off Oregon, and (2) recommend the areas, season, quota, and special regulations (based on the results of the 1999 fishery) for the experimental April fishery off California south of Pillar Point.

C.10. Consistent with Council management objectives, the State of Oregon may establish additional late-season, chinook-only fisheries in state waters. Check state regulations for details.

C.11. For the purposes of California Department of Fish and Game Code, Section 8232.5, the definition of the KMZ for the ocean salmon season shall be that area from Humbug Mountain, Oregon to Horse Mountain, California.

### D. QUOTAS

D.1. *North of Cape Falcon*: All non-treaty troll and recreational ocean fisheries will be limited by overall quotas of either 50,000 chinook or 130,000 coho. Preseason species trade of 12,500 coho to the recreational fishery for 3,500 chinook to the commercial fishery. Therefore, the troll fishery will be limited by overall catch quotas of 28,500 chinook and 20,000 coho.

D.2. *U.S.-Canada Border to Cape Falcon*: The troll fishery will have a 24,000 chinook guideline.

D.3. *Cape Flattery to Cape Alava West of 125°05'00" W. long. and Cape Alava to Leadbetter Point*: The troll fishery will be limited by the overall chinook quota (preseason 4,500 chinook guideline) or 20,000 coho quota.

D.4. *Sisters Rocks to Mack Arch*: The troll fishery will be limited by a catch quota of 2,500 chinook.

D.5. *House Rock, Oregon to Humboldt South Jetty, California*: The troll fishery will be limited by a catch quota of 7,000 chinook.

D.6. *Fort Ross to Point Reyes*: The troll fishery will be limited by an overall catch quota of 2,500 chinook.

### Table 2.—Recreational Management Measures for 1999 Ocean Salmon Fisheries

**Note:** This table contains important restrictions in parts A, B, C, and D which must be followed for lawful participation in the fishery.

#### A. SEASON DESCRIPTION

##### North of Cape Falcon

##### *U.S.-Canada Border to Cape Alava, WA*

July 19 through earlier of September 30 or 10,200 coho subarea quota. All salmon except chinook (7 days per week). 2 fish per day, all retained coho must have a healed adipose fin clip.

##### *Cape Alava to Queets River, WA*

July 19 through earlier of September 30 or 2,600 coho subarea quota. All salmon (7 days per week). 2 fish per day, all retained coho must have a healed adipose fin clip. Inseason management may be used to sustain season length and limit harvest within a guideline of 400 chinook.

##### *Queets River to Leadbetter Point, WA*

July 19 through earlier of September 30 or 42,200 coho subarea quota. All salmon. Open Sunday through Thursday, 2 fish per day, but only 1



chinook and all retained coho must have a healed adipose fin clip. No more than 6 fish per calendar week (Sunday through Saturday). Closed 0–3 nm (4.8 km) off shore beginning August 22. Inseason management may be used to sustain season length and limit harvest within a guideline of 13,400 chinook.

*Leadbetter Point, WA to Cape Falcon, OR*

July 19 through earlier of September 30 or 55,000 coho subarea quota. All salmon. Open Sunday through Thursday, 2 fish per day, but only 1 chinook and all retained coho must have a healed adipose fin clip. No more than 6 fish per calendar week (Sunday through Saturday). Coho retention is prohibited between Tillamook Head and Cape Falcon beginning August 1 (i.e., all salmon except coho and a daily bag limit of 1 chinook). Closed in Recreational Columbia Control Zone (newly defined for 1999, see C.5.). Inseason management may be used to sustain season length and limit harvest within a guideline of 7,600 chinook.

*South of Cape Falcon*

*Cape Falcon to Humbug Mountain, OR*

Except as provided below during the selective fishery, the season will be as follows: April 1 through October 31. All salmon except coho. 2 fish per day. No more than 6 fish in 7 consecutive days. Legal gear is limited to artificial lures and plugs of any size, or bait no less than 6 in (15.2 cm) long (excluding hooks and swivels). All gear must have no more than 2 single point, single shank barbless hooks. Divers are prohibited and flashers may be used

only with downriggers. See Oregon State regulations for a description of a closure at the mouth of Tillamook Bay.

Selective fishery: July 10 through earlier of July 31 or a landed catch of 15,000 coho. All salmon. 2 fish per day, all retained coho must have a healed adipose fin clip. No special gear restrictions except C.1. (single point, single shank, barbless hooks). The season will follow a cycle of 2 days open/2 days closed (i.e., open July 10–11; 14–15; 18–19; 22–23; 26–27; and 30–31). Depending on fishing effort and catch, inseason action may be used to adjust open days to effectively utilize the available quota. Note: On closed days during the selective fishery no angling for any species of salmon is allowed.

*Humbug Mountain, OR to Horse Mountain, CA*

May 29 through July 4 and July 29 through September 14. All salmon except coho. 1 fish per day. No more than 4 fish in 7 consecutive days. Klamath Control Zone (C.5.) closed during August. One rod per angler (C.2.).

*Horse Mountain to Point Arena, CA*

February 13 through July 4 and July 25 through November 14 (nearest Sunday to November 15). All salmon except coho. 2 fish per day. Special gear restriction C.3. (circle hooks when mooching) and 1 rod per angler (C.2.).

In 2000, the season will open February 12 (nearest Saturday to February 15) through April 30, for all salmon except coho. 2 fish per day,

same gear and minimum size restrictions as in 1999.

*Point Arena to Pigeon Point, CA*

March 27 through October 31 (nearest Sunday to November 1). All salmon except coho. 2 fish per day. Minimum size limit 24 in except no size limit from August 1 through September 6 when the daily bag limit will be the first 2 fish and no catch-and-release angling is allowed. Sacramento Control Zone (C.5.) is closed from the opening of the season through March 31. Special gear restriction C.3. (circle hooks when mooching) and 1 rod per angler (C.2.).

In 2000, the season will open April 1 through April 30, for all salmon except coho. 2 fish per day. Minimum size limit 24 in and same gear restrictions as in 1999.

*Pigeon Point to U.S.-Mexico Border*

March 13 through September 6. All salmon except coho. 2 fish per day. Minimum size limit 24 in except no size limit from August 1 through September 6 when the daily bag limit will be the first 2 fish and no catch-and-release angling is allowed. North of Point Conception, special gear restriction C.3. (circle hooks when mooching) and one rod per angler (C.2.).

In 2000, the season is tentatively set to open March 18 (nearest Saturday to March 15) through April 30, for all salmon except coho. 2 fish per day. Minimum size limit 24 in and the same gear restrictions as in 1999. The Council will review the tentative opening at its November 1999 Council meeting and make final season recommendations at that time.

## B. MINIMUM SIZE LIMITS

[Total length in inches]

Area (when open)	Chinook	Coho	Pink
North of Cape Falcon .....	24.0	16.0	None.
Cape Falcon to Horse Mountain .....	20.0	16.0	None, except 20.0 off CA.
South of Horse Mountain* .....	24.0*	—	20.0.

\*Except when a "first 2 fish bag limit" is specified under the specific area regulations.

Metric equivalents for chinook: 24.0 in=61.0 cm, 20.0 in=50.8 cm.

Metric equivalents for coho: 16.0 in=40.6 cm.

Metric equivalents for pink: 20.0 in=50.8 cm.

## C. SPECIAL REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. *Hooks*: Single point, single shank barbless hooks are required for all fishing gear north of Point Conception, California. Oregon Department of Fish and Wildlife regulations in the state-water fishery off Tillamook Bay may allow the use of barbed hooks to be consistent with inside regulations.

C.2. *Restriction on Number of Fishing Rods North of Point Conception, California*: All persons fishing for salmon, and all persons fishing from a boat with salmon on board, may use no more than one rod per angler.

C.3. *Special Gear Restrictions Between Horse Mountain and Point Conception, California*: Single point, single shank, barbless circle hooks must be used if angling by any means other

than trolling and no more than 2 such hooks shall be used. When angling with 2 hooks, the distance between the hooks must not exceed 5 in (12.7 cm) when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape and a point which turns inwards, pointing directly

to the shank at a 90° angle. Circle hooks are not required when artificial lures are used *without* bait.

**Trolling defined:** Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions, except when landing a fish.

**C.4. Compliance with Minimum Size or Other Special Restrictions:** All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.

**C.5. Control Zone Definitions:**

a. Columbia Recreational Control Zone (modified from previous years)—An area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long. to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N. lat., 124°04'05" W.

long.) and then along the south jetty to the point of intersection with the Buoy #10 line.

b. Klamath Control Zone—The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nm [11.1 km] north of the Klamath River mouth), on the west by 124°23'00" W. long. (approximately 12 nm [22.2 km] off shore), and on the south by 41°26'48" N. lat. (approximately 6 nm [11.1 km] south of the Klamath River mouth).

c. Sacramento Control Zone—The ocean area bounded by a line commencing at Bolinas Point (Marin County, 37°54'17" N. lat., 122°43'35" W. long.) southerly to Duxbury Buoy (37°51'37" N. lat., 122°41'43" W. long.) to Channel Buoy 1 (37°46'10" N. lat., 122°37'56" W. long.) to Channel Buoy 2 (37°45'48" N. lat., 122°37'44" W. long.) to Point San Pedro (San Mateo County, 37°35'40" N. lat., 122°31'10" W. long.).

**C.6. Inseason Management:**

Regulatory modifications may become necessary inseason to meet preseason management objectives such as quotas, harvest guidelines and season duration. Actions could include modifications to bag limits or days open to fishing, and extensions or reductions in areas open to fishing.

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

After conferring with representatives of the affected ports and the Salmon Advisory Subpanel recreational representatives north of Cape Falcon, NMFS may transfer coho inseason among recreational subareas to help

meet the recreational season duration objectives (for each subarea). Any transfers between subarea quotas of 5,000 fish or less shall be done on a fish-for-fish basis.

At the November 1999 meeting, the Council will consider the proposed 2000 opening of the fishery south of Pigeon Point and make its final recommendations for the opening of that fishery.

At the March 2000 meeting, the Council will consider an inseason recommendation to open seasons for all salmon except coho prior to May 1 in areas off Oregon.

**C.7. Additional Seasons in State Territorial Waters:** Consistent with Council management objectives, the states of Washington and Oregon may establish limited seasons in state waters. Oregon state-water fisheries are limited to chinook salmon. Check state regulations for details.

**D. QUOTAS**

**D.1. North of Cape Falcon:** All non-treaty troll and recreational ocean fisheries will be limited by overall quotas of either 50,000 chinook or 130,000 coho. Preseason species trade of 3,500 chinook to the commercial fishery for 12,500 coho to the recreational fishery. Therefore, the recreational fishery will be limited by overall catch quotas of 21,500 chinook and 110,000 coho.

**D.2. Cape Falcon to Humbug Mountain:** Limited by a landed subarea catch quota of 15,000 coho in the July selective fishery.

**Table 3.—Treaty Indian Management Measures for 1999 Ocean Salmon Fisheries**

**Note:** This table contains important restrictions in parts A, B, and C which must be followed for lawful participation in the fishery.

**A.—SEASON DESCRIPTIONS**

Tribe and area boundaries	Open seasons	Minimum size limit (inches)			
		Salmon species	Chinook	Coho	Special restrictions by area
MAKAH—That portion of the Fishery Management Area (FMA) north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long..	May 1 through earlier of June 30 or chinook quota..	All except coho ....	24	.....	Barbless hooks. No more than 8 fixed lines.
	August 1 through earliest of September 15 or chinook or coho quota.	All .....	24	16	per boat or no more than 4 hand-held lines per person.
QUILEUTE—That portion of the FMA between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River) and east of 125°44'00" W. long..	May 1 through earlier of June 30 or chinook quota.	All except coho ....	24	.....	Barbless hooks. No more than 8 fixed lines.
	August 1 through earliest of September 15 or chinook or coho quota..	All .....	24	16	per boat.

## A.—SEASON DESCRIPTIONS—Continued

Tribe and area boundaries	Open seasons	Minimum size limit (inches)			
		Salmon species	Chinook	Coho	Special restrictions by area
<i>HOH</i> —That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) and east of 125°44'00" W. long.	May 1 through earlier of June 30 or chinook quota.	All except coho ....	24	.....	Barbless hooks. No more than 8 fixed lines.
	August 1 through earliest of September 15 or chinook or coho quota..	All .....	24	16	Per boat.
<i>QUINALT</i> —That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis) and east of 125°44'00" W. long.	May 1 through earlier of June 30 or chinook quota.	All except coho ....	24	.....	Barbless hooks. No more than 8 fixed lines per boat.
	August 1 through earliest of September 15 or chinook or coho quota.	All .....	24	16	Per boat.

\*Metric equivalents: 24 in=61.0 cm, 16 in=40.6 cm.

## B.—SPECIAL REQUIREMENTS, RESTRICTIONS, AND EXCEPTIONS

- B.1. All boundaries may be changed to include such other areas as may hereafter be authorized by a federal court for that tribe's treaty fishery.
- B.2. Applicable lengths, in inches, for dressed, head-off salmon, are 18 in (45.7 cm) for chinook and 12 in (30.5 cm) for coho. Minimum size and retention limits for ceremonial and subsistence harvest are as follows: *Makah Tribe*—None. *Quileute, Hoh and Quinault tribes*—Not more than 2 chinook longer than 24 in (61.0 cm) in total length may be retained per day. Chinook less than 24 in total length may be retained.
- B.3. The area within a 6-mile (9.7 km) radius of the mouths of the Queets River (47°31'42" N. lat.) and the Hoh River (47°45'12" N. lat.) will be closed to commercial fishing. A closure within 2 miles (3.2 km) of the mouth of the Quinault River (47°21'00" N. lat.) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

## C.—QUOTAS

- C.1. The overall treaty troll ocean quotas are 30,000 chinook and 38,500 coho. The overall chinook quota is divided into 20,000 chinook for the May–June chinook-directed fishery and 10,000 chinook for the August–September all-salmon season. If the chinook quota for the May–June fishery is not fully utilized, the excess fish may not be transferred into the later all-salmon season. The quotas include troll catches by the S'Klallam and Makah Tribes in Washington State Statistical Area 4B from May 1 through September 30.

## Halibut Retention

Under the authority of the Northern Pacific Halibut Act, NMFS promulgated regulations governing the Pacific halibut fishery which appear at 50 CFR part 300, subpart E. In addition, the 1999 management measures were published in the **Federal Register** on March 19, 1999 (64 FR 13519). The regulations and management measures provide that vessels participating in the salmon troll fishery in Area 2A (all waters off the States of Washington, Oregon, and California), which have obtained the appropriate International Pacific Halibut Commission (IPHC) license, may retain halibut caught incidentally during authorized periods in conformance with provisions published with the annual salmon management measures. A salmon trawler may participate in the halibut incidental catch fishery during the salmon troll season or in the directed commercial fishery targeting halibut, but not both.

The following measures have been approved. The operator of a vessel who has been issued an incidental halibut harvest license by the IPHC may retain

Pacific halibut caught incidentally in Area 2A, during authorized periods, while trolling for salmon. Incidental harvest is authorized only during May and June troll seasons. It is also authorized after July 31 if halibut quota remains and if halibut retention is announced on the NMFS hotline (phone 800–622–9825). License holders may land no more than 1 halibut per each 5 chinook, except 1 halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Halibut retained must meet the minimum size limit of 32 in (81.3 cm). The Oregon Department of Fish and Wildlife and Washington Department of Fish and Wildlife will monitor landings and, if they are projected to exceed the 23,490-pound (10.7-mt) preseason allocation or the Area 2A non-Indian commercial total allowable catch of halibut, NMFS will take inseason action to close the incidental halibut fishery. License applications for incidental harvest must be obtained from the IPHC. Applicants must apply prior to April 1 of each year.

## Gear Definitions and Restrictions

In addition to the gear restrictions shown in Tables 1, 2, and 3, the following gear definitions and restrictions will apply.

## Troll Fishing Gear

Troll fishing gear for the ocean salmon fisheries in the exclusive economic zone off Washington, Oregon, and California is defined as one or more lines that drag hooks behind a moving fishing vessel.

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

## Recreational Fishing Gear

Recreational fishing gear for the FMA is defined as angling tackle consisting of a line with no more than one artificial lure or natural bait attached.

In that portion of the FMA off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a

hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington.

In that portion of the FMA off California, the line must be attached to a rod and reel held by hand or closely attended. Weights directly attached to a line may not exceed 4 pounds (1.8 kg). While fishing off California north of Point Conception, no person fishing for salmon and no person fishing from a boat with salmon on board, may use more than one rod and line.

Fishing includes any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

### Geographical Landmarks

Wherever the words "nautical miles off shore" are used in this document, the distance is measured from the baseline from which the territorial sea is measured.

Geographical landmarks referenced in this document are at the following locations:

Cape Flattery .....	48°23'00" N. lat.
Cape Alava .....	48°10'00" N. lat.
Queets River .....	47°31'42" N. lat.
Leadbetter Point .....	46°38'10" N. lat.
Cape Falcon .....	45°46'00" N. lat.
Humbog Mountain .....	42°40'30" N. lat.
Sisters Rocks .....	42°35'45" N. lat.
Mack Arch .....	42°13'40" N. lat.
House Rock .....	42°06'32" N. lat.
Oregon-California Border .....	42°00'00" N. lat.
Humboldt South Jetty .....	40°45'53" N. lat.
Horse Mountain .....	40°05'00" N. lat.
Point Arena .....	38°57'30" N. lat.
Fort Ross .....	38°31'00" N. lat.
Point Reyes .....	37°59'44" N. lat.
Point San Pedro .....	37°35'40" N. lat.
Pigeon Point .....	37°11'00" N. lat.
Point Conception .....	34°27'00" N. lat.

### Inseason Notice Procedures

Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, 206-526-6667 or 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 KHz at frequent intervals. The announcements designate the channel or frequency over which the Notice to Mariners will be immediately broadcast. Inseason actions will also be filed with the **Federal Register** as soon as practicable. Since provisions of these management measures may be altered by inseason actions, fishermen should monitor either the telephone hotline or Coast Guard broadcasts for current information for the area in which they are fishing.

### Classification

This notification of annual management measures is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds good cause under 5 U.S.C. 553(b)(B), to waive the requirement for prior notice and opportunity for public comment. The Council solicited public comment on these measures and has notified the public of the measures it recommended for implementation. In February 1999, the Council made available to the public several documents that compiled and analyzed biological and socioeconomic data for the previous year's fishery and salmon stock abundance estimates for the current year. Two Council meetings followed, one in March and one in April, at which the Council received public testimony. In between these meetings, the Council published proposed management measures and requested public comment on them. After the Council took final action on the annual ocean salmon specifications in April, it published the recommended management measures in its newsletter, which reached a large portion of the affected public. Providing for additional prior notice and opportunity for public comments on these measures through a rulemaking process would be impracticable and contrary to the public interest. Given the extremely low returns of many ocean salmon stocks listed or proposed for listing under the Endangered Species Act, the need to prevent overfishing, and the need to facilitate a level of escapement to meet the requirements of the resource and inside fisheries, it is essential to have these measures effective at the beginning of the fishing year. Failure to implement these measures immediately could compromise the status of certain stocks and negatively impact international, state, and tribal salmon fisheries, thereby undermining the purposes of this agency action.

For the reasons discussed above, NMFS has determined that good cause exists to waive the requirements of 50 CFR 660.411 for prior notice and opportunity for public comments. Section 660.411 of title 50, Code of Federal Regulations, requires NMFS to publish an action implementing management measures for ocean salmon fisheries each year and, if time allows, invite public comment prior to the effective date. Section 660.411 further states that if, for good cause, an action must be filed without affording a prior opportunity for public comment, the measures will become effective; however, public comments on the

action will be received for a period of 15 days after filing of the action with the Office of the Federal Register. NMFS will receive public comments on this action for 15 days from the date of filing this action with the Office of the Federal Register.

The AA also finds good cause under 5 U.S.C. 553(d)(3), to waive the 30-day delay in effectiveness of this rule. The finding of good cause is based upon the public's interest in having these provisions in place by the start of the ocean salmon fishing year (May 1, 1999). As previously discussed, these measures are essential to conserve threatened and endangered ocean salmon stocks, to provide for harvest of more abundant stocks, and to provide for harvest of ocean salmon in international, state, and tribal fisheries. The finding of good cause to waive the 30-day delay in effectiveness is also based on the limited time available to implement these new measures after the final Council meeting in April and before the commencement of the ocean salmon fishing year on May 1.

To enhance notification of the fishing industry of these new measures, NMFS will announce the new measures over the telephone hotline used for inseason management actions and by U.S. Coast Guard Notice to Mariners Broadcast. NMFS also will advise the States of Washington, Oregon, and California, which announce the seasons for applicable state and Federal fisheries through their own public notification systems.

In a March 8, 1996, biological opinion and a February 18, 1997, addendum, NMFS considered the impacts to the then listed salmon species, including Snake River fall chinook, spring/summer chinook and sockeye salmon, and the Sacramento River winter chinook, resulting from fisheries conducted in conformance with the FMP. Two additional biological opinions were issued April 30, 1997 and April 29, 1998, which addressed impacts to the growing catalog of listed species for the respective annual regulatory year from May 1 to April 30. Since the issuance of the April 29, 1998, opinion, NMFS has listed 10 new populations of salmon as threatened or endangered under the ESA: Two steelhead, four chinook, one coho, two chum, and one sockeye. In addition NMFS has deferred final decision on three proposed evolutionarily significant units (ESUs), and a proposed expansion of one other chinook salmon ESU for listing. NMFS reinitiated consultation and issued two biological opinions which address the potential effects of ocean salmon fisheries to

newly listed species under the ESA; those opinions were signed on April 28, 1999, covering the three listed coho ESUs in the ocean salmon fisheries and Amendment 13 to the FMP, and on April 30, 1999, covering the ocean salmon fisheries for this season through April 30, 2000.

Prior to the start of the preseason planning process, NMFS sent a letter to

the Council, dated March 1, 1999, summarizing its guidance on protective measures for listed species. The Council's recommended management measures comply with NMFS guidance, reasonable and prudent alternatives of jeopardy decisions, and the terms and conditions of the incidental take statements in all of the outstanding applicable biological opinions related to

listed salmon species that may be affected by Council fisheries.

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

Dated: April 30, 1999.

**Andrew A. Rosenberg,**

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

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