

50 CFR Part 655

[Docket No. 951211295-6035-02; I.D. 111595C]

RIN 0648-XX37

Atlantic Mackerel, Squid, and Butterfish Fisheries; Final 1996 Specifications

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

ACTION: Final specifications for the 1996 Atlantic mackerel, squid, and butterfish fisheries.

SUMMARY: NMFS issues the final initial specifications for the 1996 fishing year for Atlantic mackerel, squid, and butterfish (SMB).

EFFECTIVE DATE: January 1, 1996, through December 31, 1996.

ADDRESSES: Copies of the Environmental Assessment are available from the Northeast Regional Office, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Copies of the Mid-Atlantic Fishery Management Council's quota paper and recommendations are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, 508-281-9104.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 655. These regulations require NMFS to

publish a document specifying the initial annual amounts of the initial optimum yield (IOY) as well as the amounts for allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the species managed under the FMP. No reserves are permitted under the FMP for any of these species. Procedures for determining the initial annual amounts are found in § 655.22.

These specifications are unchanged from the proposed specifications that were published in the Federal Register on December 21, 1995 (60 FR 66249). The following table contains the final 1996 initial specifications for Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish.

FINAL INITIAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1 THROUGH DECEMBER 31, 1996 (mt)

Specifications	Squids		Atlantic Mackerel	Butterfish
	Loligo	Illex		
Max OY ¹	44,000	30,000	² N/A	16,000
ABC ³	30,000	30,000	1,175,500	7,200
IOY	25,000	21,000	105,500	5,900
DAH	25,000	21,000	⁴ 105,500	5,900
DAP	25,000	21,000	50,000	5,900
JVP	0	0	35,000	0
TALFF	0	0	0	0

¹ Max optimum yield (OY) as stated in the FMP.

² Not applicable, see the FMP.

³ IOY can increase to this amount.

⁴ Contains 20,500 mt projected recreational catch based on the formula contained in the regulations (50 CFR part 655).

This document also announces four special conditions that would affect any foreign joint venture fishery for Atlantic mackerel, should one occur in 1996: (1) Joint ventures are allowed south of 37°30' N. lat., but river herring bycatch may not exceed 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) the Regional Director, Northeast Region, NMFS, will monitor fishing operations and manage harvest to reduce impacts on marine mammals in prosecuting the Atlantic mackerel fishery; (3) the mackerel OY may be increased during the year as described under § 655.21(b)(2)(v), in consultation with the Council, but the total should not exceed 125,500 mt; and (4) applications from a particular nation for a joint venture for 1996 will not be approved until the Regional Director determines, based on an evaluation of performances, that the nation's purchase obligations for previous years have been fulfilled. There were no comments received regarding these conditions.

Comment and Response

One comment was received during the public comment period concerning the proposed IOY specifications for both *Illex* and *Loligo* squid.

Comment: The commenter urged the rejection of the proposed specifications for the squids due to the differences of 5,000 mt and 9,000 mt between the IOY and the ABC specifications for the *Loligo* and *Illex* fisheries, respectively. The commenter believed that both IOYs should be set at 30,000 mt, the ABC, because the proposed IOYs would be deleterious to New England vessels wishing to harvest squid.

Response: The Council provided a firm biological rationale for IOY reductions, noting that the 17th Northeast Regional Stock Assessment Workshop concluded that both squids have an annual lifespan and are susceptible to recruitment overfishing. Furthermore, the IOY is not allocated by region and New England vessels have the same harvest rights as others

participating in the fishery. Should events occur in these fisheries that would require additional IOY, the regulations at § 655.22 give the Regional Director authority to raise or lower IOY if it is beneficial to the Nation.

Classification

This action is authorized by 50 CFR part 655, and these final specifications are exempt from review under E.O. 12866.

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

Dated: February 27, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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50 CFR Part 661

[Docket No. 950426116-5116-01; I.D. 022796C]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; Inseason Adjustment, Point Arena, CA, to the U.S.-Mexican Border

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS announces that the retention of coho salmon will be prohibited in the recreational salmon fishery in the area from Point Arena, CA, to the U.S.-Mexican border when the season opens on March 2, 1996. This adjustment is intended to ensure conservation of coho salmon.

DATES: Effective 0001 hours local time, March 2, 1996, until the effective date of the 1996 management measures, as published in the *Federal Register*. Comments will be accepted through March 15, 1996.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., BIN C15700-Bldg. 1, Seattle, WA 98115-0070; or Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213. Information relevant to this action has been compiled in aggregate form and is available for public review during business hours at the office of the Director, Northwest Region, NMFS (Regional Director).

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206-526-6140, or Rodney R. McInnis, 310-980-4030.

SUPPLEMENTARY INFORMATION: In the 1995 annual management measures for ocean salmon fisheries, NMFS announced 1996 recreational salmon seasons opening earlier than May 1, 1996 (60 FR 21746, May 3, 1995). The 1996 recreational fishery in the area between Point Arena, CA, and the U.S.-Mexican border is scheduled to open on March 2 (the nearest Saturday to March 1) for all salmon, unless an evaluation indicates low coho abundance in 1996, in which case inseason action may be taken to prohibit retention of coho salmon.

The best available information on February 6 indicated that the 1996 preseason index abundance estimate for Oregon Production Index (OPI) area

coho stocks is 427,300 fish, about 4 percent below the 1995 preseason estimate of 443,000 fish. In 1994 and 1995, preseason abundance estimates for Oregon coastal natural (OCN) coho salmon, an OPI area stock component, were at record low levels, resulting in no coho retention south of Cape Falcon, OR, when commercial and recreational salmon seasons opened May 1. Due to the continuing low preseason abundance estimates for OPI coho and OCN coho in 1996, it is necessary to modify the recreational fishery in the area between Point Arena, CA, and the U.S.-Mexican border such that it will open on March 2 for all salmon except coho.

Modifications in the species which may be caught and landed during specific seasons and the establishment or modification of limited retention regulations are authorized by regulations at 50 CFR 661.21(b)(1)(ii). All other restrictions that apply to this fishery remain in effect as announced in the annual management measures.

The Regional Director consulted with representatives of the Pacific Fishery Management Council and the California Department of Fish and Game regarding this adjustment. The State of California will also prohibit retention of coho salmon in the recreational fishery in State waters adjacent to this area of the exclusive economic zone. Because of the need for immediate action to conserve coho salmon, NMFS has determined that good cause exists to take this action without affording a prior opportunity for public comment. This action does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 661.21 and 661.23 and is exempt from review under E.O. 12866.

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

Dated: February 29, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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50 CFR Part 675

[Docket No. 960129019-6019-01; I.D. 022396G]

Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Ocean Perch in the Central Aleutian District

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific ocean perch in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the total allowable catch (TAC) of Pacific ocean perch in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), February 29, 1996, until 12 midnight, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907 586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii), the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) for the BSAI established 2,571 metric tons (mt) as the initial TAC catch of Pacific ocean perch for the Central Aleutian District. At the same time, the directed fishery for Pacific ocean perch in the Central Aleutian District was closed to directed fishing under § 675.20(a)(8) in order to reserve amounts anticipated to be needed for incidental catch in other fisheries. NMFS has determined that as of February 10, 1996, 2,571 mt remain unharvested.

The Director, Alaska Region, NMFS, has determined that the 1996 TAC for Pacific ocean perch in the Central Aleutian District has not been reached. Therefore, NMFS is terminating the previous closure and is reopening directed fishing for Pacific ocean perch in the Central Aleutian District.

All other closures remain in full force and effect.

Classification

This action is taken under § 675.20 and is exempt from review under E.O. 12866.

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