

recordkeeping requirements,
Transportation.

50 CFR Part 227

Endangered and threatened species,
Exports, Imports, Marine mammals,
Transportation.

For the reasons set out in the
preamble, 50 CFR parts 222 and 227 are
amended as follows:

PART 222—ENDANGERED FISH OR WILDLIFE

1. The authority citation for part 222
is revised to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart D,
§ 222.32 also issued under 16 U.S.C. 1361 *et*
seq.

2. In § 222.23, paragraph (a) is
amended by adding the following
material after “Saimaa seal (*Phoca*
hispida saimensis);” to read as follows:

**§ 222.23 Permits for scientific purposes or
to enhance the propagation or survival of
the affected endangered species.**

(a) * * * Steller sea lion (*Eumetopias*
jubatus), western population, which
consists of Steller sea lions from
breeding colonies located west of 144
°W. long.; * * *

* * * * *

3. Section 222.33 is added to subpart
D to read as follows:

**§ 222.33 Special prohibitions relating to
endangered Steller sea lion protection.**

General. The regulatory provisions set
forth in part 227, which govern
threatened Steller sea lions, shall also
apply to the western population of
Steller sea lions, which consists of all
Steller sea lions from breeding colonies
located west of 144 °W. long.

PART 227—THREATENED FISH AND WILDLIFE

4. The authority citation for part 227
is revised to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart B,
§ 227.12 also issued under 16 U.S.C. 1361 *et*
seq.

5. In § 227.4, paragraph (e) is revised
to read as follows:

**§ 227.4 Enumeration of threatened
species.**

* * * * *

(e) Steller (northern) sea lion
(*Eumetopias jubatus*), eastern
population, which consists of all Steller
sea lions from breeding colonies located
east of 144 °W. longitude.

* * * * *

6. In § 227.12, paragraph (a)
introductory text is added, and the
paragraph (a) heading, paragraphs (a)(4)
and (b)(2) are revised to read as follows:

§ 227.12 Steller sea lion.

(a) **General prohibitions.** The
prohibitions of section 9 of the Act (16
U.S.C. 1538) and the following
regulatory provisions shall apply to the
eastern population of Steller sea lions:

* * * * *

(4) **Commercial Fishing Operations.**
The incidental mortality and serious
injury of endangered and threatened
Steller sea lions in commercial fisheries
can be authorized in compliance with
sections 101(a)(5) and 118 of the Marine
Mammal Protection Act.

(b) * * *

(2) **Official activities.** The taking of
Steller sea lions must be reported within
30 days to the Regional Administrator,
Alaska Region. Paragraph (a) of this
section does not prohibit or restrict a
Federal, state or local government
official, or his or her designee, who is
acting in the course of official duties
from:

(i) Taking a Steller sea lion in a
humane manner, if the taking is for the
protection or welfare of the animal, the
protection of the public health and
welfare, or the nonlethal removal of
nuisance animals; or

(ii) Entering the buffer areas to
perform activities that are necessary for
national defense, or the performance of
other legitimate governmental activities.

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[FR Doc. 97–11668 Filed 4–30–97; 4:00 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970429101–7101–01; I.D.
042497B]

RIN 0648–AJ09

Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; 1997 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 1997 and for
1998 salmon seasons opening earlier
than May 1, 1998. Specific fishery
management measures vary by fishery

and 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 nautical miles (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 intended to allow a
portion of the salmon runs to escape the
ocean fisheries to provide for spawning
escapement and inside fisheries.

DATES: Effective from 0001 hours Pacific
Daylight Time (P.d.t.), May 1, 1997,
until the effective date of the 1998
management measures, as published in
the **Federal Register**. Comments must be
received by June 4, 1997.

ADDRESSES: Comments on the
management measures and related
environmental assessment (EA) may be
sent to William Stelle, Jr., Regional
Administrator, Northwest Region,
National Marine Fisheries Service, 7600
Sand Point Way N.E., Seattle, WA
98115–0070; or William Hogarth, Acting
Regional Administrator, Southwest
Region, National Marine Fisheries
Service, 501 West Ocean Boulevard,
Suite 4200, Long Beach, CA 90802–
4213. Copies of the EA and other
documents cited in this notice 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
Rodney McInnis at 562–980–4030.

SUPPLEMENTARY INFORMATION:

Background

The ocean salmon fisheries in the
exclusive economic zone off
Washington, Oregon, and California (the
fishery management area (FMA)) are
managed under a “framework” fishery
management plan—the Fishery
Management Plan for Commercial and
Recreational Salmon Fisheries Off the
Coasts of Washington, Oregon, and
California (FMP) was developed,
approved and implemented under the
authority of the Magnuson-Stevens
Fishery Conservation and Management
Act (Magnuson-Stevens Act).
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 1997 and pre-May 1998 ocean salmon fisheries were recommended by the Pacific Fishery Management Council (Council) at its April 8–11, 1997, meeting.

Schedule Used To Establish 1997 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 1996 Ocean Salmon Fisheries," summarizes the 1996 ocean salmon fisheries and assesses how well the Council's management objectives were met in 1996. The second report, "Preseason Report I Stock Abundance Analysis for 1997 Ocean Salmon Fisheries," provides the 1997 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 1996 regulations or regulatory procedures were applied to the 1997 stock abundances.

The Council met on March 4–7, 1997, in Portland, OR, to develop proposed management options for 1997. 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 provide for ocean harvests of more abundant stocks. The options provided for retention of chinook salmon in non-treaty fisheries north of Cape Falcon, OR, for the first time since 1993, and no retention of coho salmon south of Cape Falcon for the third consecutive year. After the March Council meeting, the STT and Council staff economist prepared a third report, "Preseason Report II Analysis of Proposed Regulatory Options for 1997 Ocean Salmon Fisheries," which analyzes the effects of the proposed 1997 management options. This report also was made available to the Council, its advisors, and the public.

Public hearings on the proposed options were held March 31 and April 1, 1997, in Westport, WA; Astoria and North Bend, OR; and Eureka, CA.

The Council met on April 8–11, 1997, in Millbrae, CA, to adopt its final 1997 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 1997 Ocean Salmon Fisheries," 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 below, the primary resource concerns are for Klamath River fall chinook, lower Columbia River fall chinook stocks, Oregon coastal natural coho, 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 849,000 fish for 1997, the highest predicted since 1990 and 17 percent above the postseason estimate of the index for 1996. The spawning escapement of Sacramento River adult fall chinook was 244,400 adults in 1996, 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 1996 spawning run size was estimated to be approximately 600 adults, 2.3 times the estimated 1993 adult escapement. Neither preseason nor postseason estimates of ocean abundance are available for winter chinook, but the run is expected to remain extremely depressed in 1997.

Klamath River fall chinook ocean abundance is projected to be 155,400 age-3 and age-4 fish at the beginning of the fishing season. The abundance forecast is 45 percent below the 1996 postseason abundance estimate and 46 percent below the average postseason estimates for 1987–1996. The spawning escapement goal for the stock is 33–34 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 1996 was 81,000 adults, about half of the 1995 escapement of 161,800 adults.

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 1996. These stocks are important contributors to ocean fisheries off Oregon and northern California. The generalized expectation for north-migrating stocks is for a continuation of average to above-average abundance as observed in recent years. These stocks contribute primarily to ocean fisheries off British Columbia and Alaska. It is expected that the aggregate Oregon coastal natural chinook spawning escapement goal of 150,000 to 200,000 naturally spawning adults will be met in 1997.

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 1997 are 67,800 fish, 32 percent above the 1996 return of 51,500 adult fish, and 20 percent above the 1979–1984 average return of 56,600 fish. The 1996 stock status indicates improvement from the record low return in 1994, but also a continuation of the depressed status of this stock. Recent improvements in 1985–1990 and 1992–1993 from the poor returns in the early 1980s are primarily the result of increases of hatchery stocks. The natural stock component remains severely depressed. Ocean escapement is expected to be significantly below the goal of 115,000 adults counted at Bonneville Dam. Upriver spring chinook are affected only slightly by ocean harvests in Council area fisheries, with the contribution of these stocks being generally 1 percent or less of the total chinook catch north of Cape Falcon, OR. Expected ocean escapement of adult upriver summer chinook is 16,700 fish, the third lowest on record. The 1997 stock status remains extremely depressed, with a return of 16,700 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. *Lower Columbia River spring chinook.* Willamette River spring chinook returns are projected to be 30,000 fish, 14 percent below the observed 1996 run of 34,800 fish, and the fourth 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 166,400 adults, 16 percent above the 1996 actual return of 143,200 adults, and 109 percent above the 1979–1983 average return of 79,500 adults. This stock has a northern ocean migratory pattern and constitutes less than 10 percent of Council area fisheries north of Cape Falcon.

b. Lower river natural fall chinook ocean escapement is forecast at 7,500 adults, 49 percent below the 1996 run size of 14,600 adults.

c. Lower river hatchery fall chinook ocean escapement is forecast at 54,200 adults, 28 percent below the 1996 observed return of 75,500 adults. This stock has declined sharply since the record high return in 1987 to a record low return in 1995. 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.

d. Spring Creek hatchery fall chinook ocean escapement is projected to be 21,900 adults, 34 percent below the 1996 observed return of 33,100 adults; the 1986–1990 average return was 16,700 adults, a recent 5-year period of poor returns. The Spring Creek hatchery fall chinook stock generally has been rebuilding slowly since the record low return in 1987.

e. Mid-Columbia bright fall chinook ocean escapement is projected to be 72,100 adults, 21 percent above the 1996 return of 59,700 adults.

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 were listed as a threatened species under the ESA in 1996 (61 FR 56138, October 31,

1996), and southern Oregon/northern California coast coho were determined by the Assistant Administrator, NMFS, to be threatened species on April 25, 1997. Coho populations in California have not been monitored closely in the past, and no forecasts of the ocean abundance of coho originating from California are available; these runs have been generally at low abundance levels for many years.

Oregon coastal 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. Beginning in 1988, the Council adopted revised estimation procedures that were expected to more accurately predict abundance of the following individual OPI area stock components: Public hatchery, private hatchery, Oregon coastal natural (OCN) for rivers and lakes, and Salmon Trout Enhancement Program. Prediction methodologies are described in the Council's "Preseason Report I Stock Abundance Analysis for 1988 Ocean Salmon Fisheries." In response to the extremely low abundances in 1994, some changes to the abundance predictors were implemented as described in the Council's "Preseason Report I Stock Abundance Analysis for 1994 Ocean Salmon Fisheries." The 1997 OPI is forecast to be 463,800 coho, 24 percent above the 1996 preseason forecast of 372,800 coho, and 62 percent above the 1996 observed level of 286,600 coho. The 1997 estimate for OCN is 86,400 coho, 37 percent above the 1996 preseason forecast of 63,200 coho, and 16 percent below the 1996 observed level of 102,900 coho. The 1996 spawning escapement of the OCN stock was 88,100 fish, the largest for at least the last 7 years.

Most Washington coastal natural coho stocks and Puget Sound combined natural coho stocks are expected to be less abundant in 1997 than forecast in 1996. Abundances for Washington coastal stocks of Grays Harbor, Queets River, Hoh River, and Quillayute River fall natural coho are projected to be below the 1996 preseason predictions by 79 percent, 48 percent, 33 percent, and 32 percent, respectively. Abundances for Puget Sound stocks of Skagit River, Stillaguamish River, Hood Canal, and Strait of Juan de Fuca natural coho are projected to be 135 percent above, 30 percent below, 212 percent above, and 39 percent below the 1996 preseason predictions, respectively. Many natural coho run sizes are forecast to be well below maximum sustainable yield (MSY) spawning escapement goals. Abundance forecasts for coho

hatchery production range from 9 percent above to 64 percent below 1996 expectations for Washington coastal stocks and 11 percent below the 1996 forecast for Puget Sound combined stocks.

Pink Salmon Stocks

Major pink salmon runs return to the Fraser River and Puget Sound only in odd-numbered years. In 1997, abundance expectations are for 11.4 million Fraser River pink salmon and 1.7 million (preliminary) Puget Sound pink salmon.

Management Measures for 1997

The Council recommended allowable ocean harvest levels and management measures for 1997 designed to apportion the burden of protecting the weak stocks discussed above 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 requirements of the Magnuson-Stevens 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.

Off central California, the 1997 management measures are some of the most restrictive ever established. The salmon seasons are also reduced compared to the season options adopted by the Council for public review in March. At the April Council meeting, the STT: (1) Implemented Council-approved changes to the Klamath River fall chinook ocean harvest model in order to compensate for a previously unrecognized underestimation of Klamath River chinook impacts in fisheries south of Point Arena, and (2) discovered that effort scalars used by the STT to model Snake River fall chinook impacts for the March options were incorrect. Together, these changes resulted in more restrictive seasons than the options that had been developed at the March Council meeting and that were subject to public comment and public hearings prior to the April Council meeting.

A. *South of Cape Falcon*

In the area south of Cape Falcon, the management measures reflect the need to achieve the minimum spawning escapement goal for Klamath River fall chinook and ESA requirements for listed species which include Snake

River fall chinook, Sacramento River winter chinook, southern Oregon/northern California coast coho, and central California coast coho.

In a March 8, 1996, biological opinion that considered the impacts to salmon species listed under the ESA resulting from fisheries conducted in conformance with the FMP, NMFS determined that the continued existence of Sacramento River winter chinook was likely to be jeopardized. The biological opinion identified Reasonable and Prudent Alternatives (RPA) to avoid jeopardy; specifically, NMFS required that all harvest-related impacts to the Sacramento River winter chinook population be reduced by a level that would achieve a 35-percent increase in the spawner-to-spawner replacement rate over a 1989–1991 base period. Based on new information and additional analysis, NMFS reinitiated consultation and, in a February 18, 1997, addendum to the biological opinion, determined that a 31-percent increase in the spawner-to-spawner replacement rate over a base period of 1989–1993 would provide sufficient protection to the winter chinook population to avoid jeopardizing the run's continued existence.

The Council analyzed the impacts of the proposed seasons on Snake River spring/summer and fall chinook stocks, listed as threatened species under the ESA. For Snake River wild spring and summer chinook, the available information indicates that it is highly unlikely that these fish are impacted by Council area fisheries. For Snake River wild fall chinook, NMFS determined in its March 8, 1996, biological opinion that the fisheries conducted under the FMP were likely to jeopardize that stock's continued existence. The RPA requires the Council to manage the ocean salmon fisheries within the jurisdiction of the Council to ensure the impacts of the annual management measures on Snake River wild fall chinook of either all U.S. ocean fisheries or all U.S. and Canadian ocean fisheries combined are no more than 50 percent or 70 percent, respectively, of the 1988–1993 average exploitation rate. The STT estimated a 30-percent reduction in the ocean exploitation rate for all ocean fisheries under the Council's recommended measures compared to the 1988–1993 average.

Sneaker River fall chinook are distributed widely throughout Council fisheries and in both Canadian and Alaskan fisheries. The greatest incidence of Snake River fall chinook in Council fisheries is north of Cape Falcon and south of Cape Falcon off the Oregon coast. The incidence diminishes

further south and reaches a very low level off southern California. In order to meet the Snake River fall chinook RPA, the Council attempted to balance necessary fishery restrictions up and down the entire coast.

Southern and central California fisheries were constrained: (1) To meet the Klamath River fall chinook spawning escapement floor; (2) to meet the Sacramento River winter chinook RPA; and (3) to meet the Snake River fall chinook RPA. As a consequence of these restrictions, the escapement of Central Valley fall chinook will exceed substantially its escapement goal.

The Council recommended the continued use of an increase in the minimum size limit in the recreational fishery south of Horse Mountain to 24 inches (61.0 cm), in conjunction with restricted seasons in order to reduce incidental ocean harvest of Sacramento River winter chinook. The Council reviewed a recent California Department of Fish and Game study on the mortality rate of salmon released in the California recreational fishery and increased the hook-and-release mortality rates associated with mooching using "circle" and "J" hooks consistent with the study results. The Council recommended that gear restrictions for recreational fisheries off California implemented in 1996 be continued with certain modifications to minimize hook-and-release mortality.

In addition, the Council recommended a July and August trial recreational fishery between Point Reyes and Pigeon Point, CA, in which once caught, no salmon except coho can be released and the chinook bag limit is the first two salmon caught (excluding coho) with no minimum size limit. Any coho salmon caught must be released.

Since completion of the March 8, 1996, opinion, additional species have been listed under the ESA that may be affected by ocean fisheries including central California coast coho, southern Oregon/northern California coast coho, and Umpqua River searun cutthroat trout. Additional species are currently being considered for listing, including a number of steelhead populations. In a February 26, 1997, letter to the Council, NMFS provided guidance on protective measures for coho for the 1997 season only. NMFS required that Council fisheries be managed so that the total harvest mortality to OCN coho from all fisheries does not exceed 13 percent, and that coho retention be prohibited in all catch areas that significantly impact listed coho. In accordance with the NMFS guidance, the Council's recommendations result in an 11-percent exploitation rate impact for

OCN coho and no retention of coho south of Cape Falcon for the third consecutive year. NMFS also stated that ocean fishery management actions specifically designed for the protection of Umpqua River searun cutthroat trout and steelhead are not necessary. In an April 30, 1997, supplemental biological opinion, NMFS concluded that incidental fishery impacts that occur in the ocean salmon fishery proposed for the period from May 1, 1997, through April 30, 1998 (or until the effective date of the 1998 management measures), will not jeopardize the continued existence of central California coast coho, southern Oregon/northern California coast coho, Umpqua River searun cutthroat trout, or any of the populations of steelhead proposed for listing.

The California Fish and Game Commission (Commission) regulates sport fishing in California waters. In an April 7, 1997, letter, the Commission notified the Council that it is considering an in-river sport fishery allocation within the range of 15 to 33 percent of the non-tribal allocation, higher than has existed in recent years. The Commission will set harvest levels for in-river sport fisheries at its June 13, 1997, meeting. The Klamath River Fishery Management Council considered in-river sport allocations of 15 percent and 33 percent and recommended to the Council and the Commission an in-river sport allocation of 15 percent. The Council adopted management measures based on in-river sport fishery impacts being modeled at 15 percent of the non-tribal allocation. Modeling by the STT indicates that an in-river sport harvest allocation of 15 percent, in conjunction with the management measures implemented through this notice, is predicted to achieve the natural spawner escapement floor for Klamath River fall chinook of 35,000 adults and provide for a tribal harvest of half of the available harvest. NMFS approval of the Council's recommendations is based on the assumption that the Commission will set an in-river sport harvest at 15 percent of the non-tribal allocation. Should the Commission approve an allocation higher than 15 percent, NMFS will implement adjustments to ocean fisheries that will achieve the Klamath River fall chinook spawning escapement goal and allow for a tribal harvest of half of the available harvest.

Commercial Troll Fisheries

Retention of coho salmon is prohibited in all areas south of Cape Falcon. All commercial troll fishing seasons south of Cape Falcon 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.

From Point San Pedro, CA, to the U.S.-Mexico border, the commercial fishery will open May 1 through May 31, then reopen June 23 through July 18 and September 1 through September 30.

From Point Lopez to Point Mugu, CA, the commercial fishery opened April 15 and was scheduled to continue through the earlier of April 28, but closed April 22 upon attainment of the 10,000 chinook quota.

From Point Reyes to Point San Pedro, CA, the commercial fishery will open July 1 through September 30.

From Point Arena to Point Reyes, CA, the commercial fishery will open July 16 through September 30.

From Horse Mountain to Point Arena, CA, the commercial fishery will open September 1 through September 30.

From the Oregon-California border to Humboldt South Jetty, CA, the commercial fishery will open September 1 and continue through the earlier of September 30 or attainment of the 6,000 chinook quota. Restrictions include: (1) A landing limit of no more than 30 fish per day; (2) all fish caught in this subarea must be landed within the subarea; and (3) closure of the Klamath Control Zone.

From Cape Arago, OR, to the Oregon-California border, the commercial fishery, which opened April 15, will continue through the earlier of May 31 or attainment of the 5,300 chinook quota. If sufficient quota remains after May 31, the fishery will reopen only between Cape Arago and Humbug Mountain, OR, from June 1 and continue through the earlier of June 30 or attainment of the remaining chinook quota.

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 3,000 chinook quota. The fishery will follow a cycle of 2 days open and 2 days closed. The days open may be adjusted inseason if necessary to manage the fishery. The open area is restricted to only 0-4 nm (7.4 km) of shore.

From Cape Arago to Humbug Mountain, OR, the commercial fishery will open August 1 and continue through the earlier of August 31 or attainment of the 8,800 chinook quota, then reopen September 1 and continue through the earlier of October 31 or attainment of the 10,000 chinook quota.

From Cape Falcon to Cape Arago, OR, the commercial fishery, which opened on April 15, will continue through June

27, then reopen August 1 through August 31 and September 4 through October 31.

Recreational Fisheries

Retention of coho salmon is prohibited in all areas south of Cape Falcon. All recreational fishing seasons south of Cape Falcon are restricted to all salmon species except coho salmon. North of Point Conception, persons fishing for salmon and persons fishing from a boat with salmon on board may use no more than one rod per angler. From Horse Mountain to Point Conception, CA, the following restrictions apply when fishing with bait and any combination of weights measuring 1 lb or less:

1. From May 1 through September 1.—No more than two barbless hooks may be used per line. When using two barbless hooks, the terminal (lower) hook must be no less than $\frac{3}{4}$ inch (1.9 cm) when measured from the hook point to the shank and the upper hook no less than $\frac{5}{8}$ inch (1.6 cm) when measured from the hook point to the shank; the distance between the two hooks must not exceed 5 inches (12.7 cm) when measured from the top of the eye of the top hook to the inner base of the lower hook, and both hooks must be permanently tied in place (hard tied). When using a single hook, the hook must be no less than $\frac{3}{4}$ inch (1.9 cm) from the hook point to the shank. See "exceptions" below.

2. Beginning September 2 (and continuing into 1998).—No more than two hooks may be used per line. All hooks must be barbless "circle" hooks. A circle hook is defined as a hook with a generally circular shape, and a point that turns inward to the shank at approximately a 90 degree angle. See "exceptions" below. At the November 1997 Council meeting, these special gear restrictions will be reviewed and may be modified.

Exceptions.—Hook size and hook type restrictions do not apply when artificial lures are used except that hooks must be barbless. Artificial lures include, but are not limited to, any lure constructed with a lead head, metal bars or spoons designed to attract fish. Artificial lures do not include "J" hooks with only beads, yarn, feathers and bait attached, including scented and flavored artificial baits.

From Pigeon Point, CA, to the U.S.-Mexico border, the recreational fishery, which opened on March 15, will continue through October 19 with a two-fish daily bag limit.

From Point Arena to Pigeon Point, CA, the recreational fishery, which opened on March 29, will continue

through November 2 with a two-fish daily bag limit. Between Point Reyes and Pigeon Point, CA, from July 1 through September 1, the daily bag limit will be the first two fish (no size limit) and the special gear restrictions do not apply.

From Horse Mountain to Point Arena, CA, the recreational fishery, which opened on February 15 (the nearest Saturday to February 15), will continue through July 6 then reopen August 1 through November 16 (the nearest Sunday to November 15) with a two-fish daily bag limit for both seasons.

From Humbug Mountain, OR, to Horse Mountain, CA, the recreational fishery will open May 24 through May 30, then reopen June 17 through July 6 and August 12 through September 14. All seasons include a one-fish daily bag limit, but no more than four fish in 7 consecutive days, and closure of the Klamath Control Zone.

From Cape Falcon to Humbug Mountain, OR, the recreational fishery, which opened April 15, will continue through July 6, then reopen August 1 through October 31. Both seasons include a two-fish daily bag limit, but no more than six fish in 7 consecutive days. Legal gear is limited to artificial lures, plugs, or bait no less than 6 inches (15.2 cm) long (excluding hooks and swivels) with no more than two single point, single shank barbless hooks; divers are prohibited; flashers are prohibited until May 1 and then may only be used with downriggers.

B. North of Cape Falcon

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*.

Retention of chinook salmon in non-treaty fisheries north of Cape Falcon is allowed for the first time since 1993. All non-treaty commercial troll and recreational ocean fisheries will be limited by either an overall 16,700 chinook quota, or impacts on critical Washington coastal and Puget Sound natural stocks equivalent to the preseason coho quota of 35,000. A

preseason trade was made of 8,800 coho from the commercial troll fishery to the recreational fishery for 3,200 chinook.

Commercial Troll Fisheries

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 June 15 or attainment of the 11,500 chinook quota.

Recreational Fisheries

Recreational fisheries are divided into four subareas. Opening dates, subarea quotas, bag limits, and area and gear restrictions are described below. The fisheries in all subareas will open July 21 and continue through the earlier of September 25 or attainment of the respective subarea quota. The recreational fisheries will be limited by overall catch quotas of 5,200 chinook and 35,000 coho. Chinook guidelines for the three subareas between Cape Alava, WA, and Cape Falcon, OR, will provide a basis for inseason management measures to restrain chinook harvest but will not serve as quotas. The coho allocated to the subarea between the U.S.-Canada border and Cape Alava, WA, is being utilized for hook-and-release mortality associated with the all-salmon-except-coho fishery.

From Leadbetter Point, WA, to Cape Falcon, OR, the fishery will be for all salmon with a 17,500 coho subarea quota, open Sunday through Thursday only, with a two-fish daily bag limit, but no more than four fish in 7 consecutive days, closed 0–3 miles (4.8 km) of shore north of the Columbia Control Zone, and closed in the Columbia Control Zone.

From the Queets River to Leadbetter Point, WA, the fishery will be for all salmon with a 14,000-coho subarea quota, open Sunday through Thursday only, with a two-fish daily bag limit, but

no more than four fish in 7 consecutive days, and closed 0–3 miles (4.8 km) of shore.

From Cape Alava to the Queets River, WA, the fishery will be for all salmon with a 800-coho subarea quota, open 7 days per week with a two-fish daily bag limit.

From the U.S.-Canada border to Cape Alava, WA, the fishery will be for all salmon except coho with a 550-chinook subarea quota, open seven days per week with a two-fish daily bag limit.

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 15,000 chinook and 12,500 coho. The all-salmon-except-coho seasons open May 1 and extend through June 30 if the overall harvest guideline of 7,500 chinook is not reached. The all-salmon seasons open August 1 and extend through the earliest of September 15 or attainment of the chinook or coho quotas. The minimum length restrictions for all treaty ocean fisheries, excluding ceremonial and subsistence harvest, is 24 inches (61.0 cm) for chinook and 16 inches (40.6 cm) for coho.

1998 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, 1998 fishing season openings earlier than May 1 also are established in this notification. The

Council recommended, and NMFS concurs, that the following seasons will open off California in 1998. From Point Lopez to Point Mugu, a commercial fishery for all salmon except coho will open April 15 and continue through the earlier of April 28 or attainment of the 10,000 chinook quota; all fish must be landed within the area. This fishery is intended to evaluate the relative contribution rates of Central Valley, Klamath, and southern Oregon chinook stocks to catches off southern California. The following recreational seasons have two-fish daily bag limits, a minimum size limit of 24 inches (61.0 cm) total length for chinook salmon, and the same special gear restrictions as in 1997 between Horse Mountain and Point Conception when fishing with bait and any combination of weights measuring 1 lb or less: (1) From Pigeon Point to the U.S.-Mexico border, a recreational fishery for all salmon except coho will open March 14; (2) from Point Arena to Pigeon Point, a recreational fishery for all salmon except coho will open March 28; and (3) from Horse Mountain to Point Arena, a recreational fishery for all salmon except coho will open February 14.

At its March 1998 meeting, the Council will consider inseason recommendations to open commercial and recreational seasons for all salmon except coho in areas off Oregon prior to May 1; to modify the quota or landing limits in the commercial fishery between Point Lopez and Point Mugu, CA; and to open a commercial season for all salmon except coho, under a quota, between Point San Pedro and Point Sur, CA, prior to May 1.

The following tables and text are the management measures recommended by the Council and approved by NMFS for 1997 and, as specified, for 1998:

Table 1. Commercial Management Measures for 1997 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

May 1 through earlier of June 15 or 11,500 chinook quota. All salmon except coho. Following any closure of this fishery, vessels must land and deliver the fish within 48 hours of the closure. The State of Oregon may require vessels landing fish from this fishery to the area south of Cape Falcon to notify the Newport office of the

Oregon Department of Fish and Wildlife between 8 a.m. and 5 p.m. on the day of landing, or the following weekday if such landing occurs on a weekend or outside office hours. The notification shall include the name of the vessel, port where delivery will be made and the number of chinook landed.

South of Cape Falcon

Cape Falcon to Cape Arago

April 15 through June 27, August 1 through August 31, and September 4 through October 31. All salmon except coho. See gear restriction (C.3.a.).

Cape Arago to Oregon-California Border

April 15 through earlier of May 31 or 5,300 chinook quota. All salmon except

coho. If sufficient quota remains after May 31, the fishery will reopen only between *Cape Arago and Humbug Mountain* from June 1 through the earlier of June 30 or the remaining chinook quota. See gear restriction (C.3.a.)

Cape Arago to Humbug Mountain

August 1 through earlier of August 31 or 8,800 chinook quota, and September 1 through earlier of October 31 or 10,000 chinook quota. All salmon except coho. See gear restriction (C.3.a.).

Sisters Rocks to Mack Arch

August 1 through earlier of August 31 or 3,000 chinook quota. All salmon except coho. Season to follow a cycle of 2 days open/2 days closed (August 1–2; 5–6; 9–10; 13–14; 17–18; 21–22; 25–26; 29–30) and may be modified inseason. Open only 0 to 4 nautical miles (7.4 km) of shore. All salmon must be landed and delivered to Gold Beach, Port Orford or Brookings within 24 hours of each closure. See gear restriction (C.3.a.).

Oregon-California Border to Humboldt South Jetty

September 1 through earlier of September 30 or 6,000 chinook quota. All salmon except coho. Landing limit of no more than 30 fish per day. All fish caught in this subarea must be landed within the subarea. Klamath Control Zone closed (C.7.). See gear restriction (C.3.b.).

Horse Mountain to Point Arena

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

Point Arena to Point Reyes

July 16 through September 30. All salmon except coho. See gear restriction (C.3.b.).

Point Reyes to Point San Pedro

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

Point San Pedro to U.S.-Mexico Border

May 1 through May 31, June 23 through July 18, and September 1 through September 30. All salmon except coho. See gear restriction (C.3.b.).

Point Lopez to Point Mugu

April 15 through April 28, closed April 22 upon attainment of the 10,000 chinook quota. All salmon except coho. All fish must be landed within the area. See gear restriction (C.3.b.).

Point Lopez to Point Mugu in 1998

April 15 through earlier of April 28 or 10,000 chinook quota. All salmon except coho. All fish must be landed within the area. See gear restriction (C.3.b.). In 1998, same restrictions as prescribed in this Table 1, or as modified by inseason action at the March 1998 Council meeting.

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	—	—	None.
Cape Falcon to Oregon-California Border	*26.0	*19.5	—	—	None.
South of Oregon-California Border	26.0	19.5	—	—	None.

* Chinook between 26 inches (19.5 inches head-off) and 28 inches (21.5 inches 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 inches=71.1 cm, 26.0 inches=66.0 cm, 21.5 inches=54.6 cm, 19.5 inches=49.5 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, 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*—A vessel is exempt from meeting the landing requirements for the season north of Cape Falcon if it is prevented by unsafe weather conditions or mechanical problems from meeting landing restrictions, and it complies with the State of Washington requirement to notify the U.S. Coast Guard and receives acknowledgment of such notification prior to leaving the area where landing is required. 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.

C.7. *Klamath Control Zone*—The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nautical miles [11.1 km] north of the Klamath River mouth), on the west by 124°23'00" W. long. (approximately 12 nautical miles [22.2 km] of shore), and on the south by 41°26'48" N. lat. (approximately 6 nautical miles [11.1 km] south of the Klamath River mouth).

C.8. *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; At the March 1998 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, (2) modify the quota or landing limits (based on the results of the 1997 fishery) for the trial season off California between Point Lopez and Point Mugu, and (3) open an all-salmon-except-coho fishery, under a quota, between Point San Pedro and Point Sur prior to May 1.

- C.9. *Incidental Halibut Harvest*—The operator of a vessel that has been issued an incidental halibut harvest license by the International Pacific Halibut Commission (IPHC) 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 IPHC (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. A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not in both. The following landing restrictions govern the incidental harvest: License holders may land no more than 1 halibut per each 10 chinook, except 1 halibut may be landed without meeting the ratio requirement, and no more than 20 halibut may be landed per trip. Halibut retained must meet the minimum size limit of 32 inches (81.3 cm). The Oregon Department of Fish and Wildlife and the Washington Department of Fish and Wildlife will monitor landings and if they are projected to exceed the 21,635 pound (9.8 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 through a notice published in the **Federal Register**.
- C.10. Consistent with Council management objectives, the State of Oregon may establish additional late-season, chinook-only fisheries in state waters.
- C.11. For the purposes of California Department of Fish and Game Code, Section 8232.5, the definition of the Klamath management zone 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 16,700 chinook and 35,000 coho. Preseason species trade of 8,800 coho to the recreational fishery for 3,200 chinook to the commercial fishery. Therefore, the troll fishery will be limited by overall catch quotas of 11,500 chinook and 0 coho.
- D.2. *Cape Arago to Oregon-California Border*—The troll fishery will be limited by a catch quota of 5,300 chinook. Any chinook quota remaining on June 1 is restricted to the area between Cape Arago and Humbug Mountain.
- D.3. *Cape Arago to Humbug Mountain*—The troll fishery in August will be limited by a catch quota of 8,800 chinook; the troll fishery in September and October will be limited by a catch quota of 10,000 chinook.
- D.4. *Sisters Rocks to Mack Arch*—The troll fishery will be limited by a catch quota of 3,000 chinook.
- D.5. *Oregon-California Border to Humboldt South Jetty*—The troll fishery will be limited by a catch quota of 6,000 chinook.
- D.6. *Point Lopez to Point Mugu*—The troll fishery in April 1997 was limited by a catch quota of 10,000 chinook. The troll fishery in April 1998 will be limited by a catch quota of 10,000 chinook.

Table 2. Recreational management measures for 1997 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

July 21 through earlier of September 25 or 550 chinook subarea quota. All salmon except coho. Open 7 days per week. 2 fish per day. Inseason management (C.8.) may be used to sustain season length.

Cape Alava to Queets River

July 21 through earlier of September 25 or 800 coho subarea quota. All salmon. Open 7 days per week. 2 fish per day. Inseason management (C.8.) may be used to sustain season length and keep harvest within a guideline of 150 chinook.

Queets River to Leadbetter Point

July 21 through earlier of September 25 or 14,000 coho subarea quota. All salmon. Open Sunday through Thursday only. 2 fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore. Inseason management (C.8.) may be used to sustain season length and keep harvest within a guideline of 3,000 chinook.

Leadbetter Point to Cape Falcon

July 21 through earlier of September 25 or 17,500 coho subarea quota. All salmon. Open Sunday through Thursday only. 2 fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore north of the Columbia Control Zone and closed within the Columbia Control Zone (C.5.). Inseason management (C.8.) may be used to sustain season length and keep harvest within a guideline of 1,500 chinook.

South of Cape Falcon

Cape Falcon to Humbug Mountain

April 15 through July 6, and August 1 through October 31. All salmon except coho. 2 fish per day. No more than 6 fish in 7 consecutive days. Legal gear limited to: artificial lures, plugs or bait no less than 6 inches (15.2 cm) long (excluding hooks and swivels) with no more than 2 single point, single shank barbless hooks; divers are prohibited; flashers are prohibited until May 1 and then may only be used with downriggers.

In 1998, the season does not open until May 1, or another date specified in the 1998 management measures, unless it is opened by inseason management (C.8.).

Humbug Mountain to Horse Mountain

May 24 through May 30, June 17 through July 6, and August 12 through September 14. All salmon except coho. 1 fish per day. No more than 4 fish in 7 consecutive days. Klamath Control Zone closed (C.6.). See rod restriction (C.2.).

Horse Mountain to Point Arena

February 15 (nearest Saturday to February 15) through July 6, and August 1 through November 16 (nearest Sunday to November 15). All salmon except coho. 2 fish per day. Chinook minimum size limit of 24 inches. See rod and special gear restrictions (C.2. and C.3.).

In 1998, the season will open February 14 (nearest Saturday to February 15) through April 30 for all salmon except coho; 2 fish per day; chinook minimum size limit of 24 inches; see rod and special gear restrictions (C.2. and C.3.).

Point Arena to Pigeon Point

March 29 through November 2. All salmon except coho. 2 fish per day. Chinook minimum size limit of 24 inches. See rod and special gear restrictions (C.2. and C.3.). Between *Point Reyes and Pigeon Point*, from July 1 through September 1, the daily bag limit will be the first 2 fish, you may not release any salmon except coho; no size limits apply; special gear restriction (C.3.) does not apply.

In 1998, the season will open March 28 through April 30 for all salmon except coho; 2 fish per day; chinook minimum size limit of 24 inches; see rod and special gear restrictions (C.2. and C.3.). The Sacramento Control Zone (C.7.) will be closed from March 28 through March 31.

Pigeon Point to U.S.-Mexico Border

March 15 through October 19. All salmon except coho. 2 fish per day. Chinook minimum size limit of 24 inches. See rod and special gear restrictions (C.2. and C.3.).

In 1998, the season will open March 14 (nearest Saturday to March 15) through April 30 for all salmon except coho; 2 fish per day; chinook minimum size limit of 24 inches; see rod and special gear restrictions (C.2. and C.3.).

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	—	None, except 20.0 off California.
South of Horse Mountain*	*24.0	—	20.0.

*Except July 1 through September 1 from Point Reyes to Pigeon Point—no minimum size limit (i.e., first 2 fish).

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

Metric equivalents for coho: 16.0 inches=40.6 cm.

Metric equivalents for pink: 20.0 inches=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 (34°27'00" N. lat.).

C.2. *Restriction on Number of Fishing Rods 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.

C.3. *Special Gear Restrictions Between Horse Mountain and Point Conception, California, When Fishing With Bait and Any Combination of Weights Measuring 1 Pound (454 gm) or Less:*

From May 1 through September 1—You may not fish with more than 2 barbless hooks per line and the following additional restrictions apply: When using 2 barbless hooks, the terminal (lower) hook must be no less than $\frac{3}{4}$ inch (1.9 cm) when measured from the hook point to the shank and the upper hook no less than $\frac{5}{8}$ inch (1.6 cm) when measured from the hook point to the shank; the distance between the 2 hooks must not exceed 5 inches (12.7 cm) when measured from the top of the eye of the top hook to the inner base of the lower hook, and both hooks must be permanently tied in place (hard tied). When using a single hook, the hook must be no less than $\frac{3}{4}$ inch (1.9 cm) when measured from the hook point to the shank. See "exceptions" below.

Beginning September 2 (and continuing in 1998)—You may not fish with more than 2 hooks per line. All hooks must be barbless "circle" hooks. A circle hook is defined as a hook with a generally circular shape, and a point that turns inward to the shank at approximately a 90 degree angle. See "exceptions" below. Note: At the November 1997 Council meeting, these special gear restrictions will be reviewed and may be modified.

Exceptions: Hook size and hook type restrictions do not apply when artificial lures are used except that hooks must be barbless. Artificial lures include, but are not limited to, any lure constructed with a lead head, metal bars or spoons designed to attract fish. Artificial lures do not include "J" hooks with only beads, yarn, feathers and bait attached, including scented and flavored artificial baits.

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. *Columbia Control Zone*—The ocean area at the Columbia River mouth bounded by a line extending for 6 nautical miles (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.

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

C.7. *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.) is closed from the opening of the season in 1998 through March 31.

C.8. *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 March 1998 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.9. *Additional Seasons in State Territorial Waters*—Consistent with Council management objectives, the states of Washington and Oregon may establish limited seasons in state waters. Fisheries in Oregon state waters are limited to chinook salmon.

D. Quotas

D.1. *North of Cape Falcon*—All non-treaty troll and recreational ocean fisheries will be limited by overall quotas of either 16,700 chinook and 35,000 coho. Preseason species trade of 3,200 chinook to the commercial fishery for 8,800 coho to the recreational fishery. Therefore, the recreational fishery will be limited by overall catch quotas of 5,200 chinook and 35,000 coho. Note: The coho allocation for the subarea from the U.S.-Canada border to Cape Alava is 2,700 coho. This amount of fish is barely sufficient to allow for a 1-day fishery. Therefore, this coho allocation is being utilized as hook-and-release mortality to access the subarea quota of 550 chinook.

Table 3. Treaty Indian management measures for 1997 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	Salmon species	Minimum size limit (inches*)		Special restrictions by area
			Chinook	Coho	
<i>Makah</i> —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 overall 7,500 chinook guideline. August 1 through earliest of September 15 or chinook or coho quota.	All except coho All.	24 24	— 16	Barbless hooks. No more than 8 fixed lines per boat or no more than 4 hand-held lines per person.
<i>Quileute</i> —That portion of the FMA between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River) east of 125°44'00" W. long.	May 1 through earlier of June 30 or overall 7,500 chinook guideline. August 1 through earliest of September 15 or chinook or coho quota.	All except coho All.	24 24	— 16	Barbless hooks. No more than 8 fixed lines per boat.
<i>Hoh</i> —That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) east of 125°44'00" W. long.	May 1 through earlier of June 30 or overall 7,500 chinook guideline. August 1 through earliest of September 15 or chinook or coho quota.	All except coho All.	24 24	— 16	Barbless hooks. No more than 8 fixed lines per boat.
<i>Quinault</i> —That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis) east of 125°44'00" W. long.	May 1 through earlier of June 30 or overall 7,500 chinook guideline. August 1 through earliest of September 15 or chinook or coho quota.	All except coho All.	24 24	— 16	Barbless hooks. No more than 8 fixed lines per boat.

* Metric equivalents: 24 inches=61.0 cm, 16 inches=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 inches (45.7 cm) for chinook and 12 inches (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 inches in total length may be retained per day. Chinook less than 24 inches total length may be retained.
- B.3. The areas 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 15,000 chinook and 12,500 coho. These quotas include troll catches by the S'Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 30. The all-salmon-except-coho fishery will be limited by an overall harvest guideline of 7,500 chinook. The remainder of the quota will be available for the all-salmon fishery beginning in August.

Halibut Retention

In accordance with the Northern Pacific Halibut Act, regulations governing the Pacific halibut fishery were published in the **Federal Register** on March 18, 1997 (62 FR 12759), under 50 CFR part 300. The regulations state that vessels participating in the salmon troll fishery in Area 2A (all waters off the States of Washington, Oregon, and California), that 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 troller may participate in the 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 that 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 and after July 31 if halibut quota remains. License holders may land no more than 1 halibut per each 10 chinook, except 1 halibut may be landed without meeting the ratio requirement, and no more than 20 halibut may be landed per trip. Halibut retained must meet the minimum size limit of 32 inches (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 21,635-pound (9.8-mt) pre-season 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 gear restrictions shown in Tables 1, 2, and 3 of this preamble, the following gear definitions and restrictions will be in effect.

Troll Fishing Gear

Troll fishing gear for the FMA is defined as one or more lines that drag hooks behind a moving fishing vessel.

In that portion of the 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 not 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 lb (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 of shore" are used in this rule, the distance is measured from the baseline from which the territorial sea is measured.

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

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.
Cape Arago	43°18'20" N. lat.
Humboldt Mountain	42°40'30" N. lat.
Sisters Rocks	42°35'45" N. lat.
Mack Arch	42°13'40" 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.
Point Reyes	37°59'44" N. lat.
Point San Pedro	37°35'40" N. lat.
Pigeon Point	37°11'00" N. lat.
Point Lopez	36°01'15" N. lat.
Point Conception	34°27'00" N. lat.
Point Mugu	34°05'12" 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

These management measures have been determined to be not significant for the purposes of E.O. 12866.

The Pacific Fishery Management Council prepared an environmental assessment (EA) for the 1997 fisheries as governed by their recommended management measures (See **ADDRESSES**). Based on the EA, the Assistant Administrator found that fisheries to be conducted under the 1997 ocean salmon regulations would not significantly affect the quality of the human environment in ways that have not already been contemplated in the supplemental environmental impact statement for the framework amendment.

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.

Because many ocean salmon seasons are scheduled to start May 1, the management measures must be in effect by this date. Each year, the schedule for establishing the annual management measures begins in February with the compilation and analysis of biological and socio-economic data for the previous year's fishery and salmon stock abundance estimates for the current year. The Council makes these documents available and distributes them to the public for review and comment. Two meetings of the Council follow, one each in March and April. These meetings are open to the public and public comment on the salmon management measures is encouraged. In 1997, the Council recommended management measures near the conclusion of its meeting on April 11, which resulted in a short time frame for implementation.

In some areas, the season that started May 1 in 1996 is starting later than May 1 in 1997, the season starts on May 1 in 1997 where no season existed in 1996, or the season started before May 1 in 1997 and continuing regulations are required to prevent disruption of the fishery. A delay in implementation of the management measures would allow inappropriate openings or closures in some areas, thereby disregarding the needs of the various stocks and causing adverse impacts not contemplated in the design of the 1997 management measures. In light of the limited available time and the adverse effect of delay, it is contrary to the public interest to delay implementation of the management measures. Therefore, NMFS has determined that good cause exists to waive the requirements of 50 CFR 660.411 and 5 U.S.C. 553(b) for prior notice and opportunity for prior public comments. For the same reasons, NMFS has determined that good cause exists to waive the 30-day delay in effectiveness required by 5 U.S.C. 553(d). For this action, NMFS is receiving public comments for 30 days from publication of the action.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

The public had opportunity to comment on these management measures during their development. The public participated in the March and April Council, STT, and Salmon Advisory Subpanel meetings, and in public hearings held in Washington, Oregon, and California in late March and early April that generated the management actions recommended by the Council and approved by NMFS. The Council invited written public comments between the March and April Council meetings. However, at the April meeting the Council directed the STT to implement changes to certain parameters of the Klamath Ocean Harvest Model that resulted in seasons substantially reduced from options developed at the March meeting. In addition, Snake River fall chinook base year data inputs to the Snake River Impact Model were corrected. Persons objecting to modifications in harvest models made at the April Council meeting may still submit comments to

NMFS during the 30-day comment period provided herein (See **DATES** above). As a result of those comments, NMFS will determine if adjustments to the management measures are appropriate.

On March 8, 1996, NMFS issued a biological opinion that considered the effects of the FMP on listed salmon species. On February 18, 1997, NMFS issued an addendum to the biological opinion. The biological opinion concluded that fisheries conducted under the FMP are likely to jeopardize the continued existence of Sacramento River winter chinook and Snake River fall chinook, but provided RPAs to avoid jeopardy. These management measures comply with the RPAs as well as the incidental take conditions contained in the biological opinion as amended. The biological opinion also concluded that fisheries conducted under the FMP are not likely to jeopardize the continued existence of Snake River wild sockeye salmon and Snake River wild spring and summer chinook. Since completion of the biological opinion, additional species have been listed including central California coast coho, southern Oregon/northern California coast coho, and Umpqua River searun cutthroat trout, and additional species are being considered for listing including a number of steelhead populations. These management measures comply with the guidance NMFS provided in a February 26, 1997, letter on harvest management criteria for these stocks.

NMFS concluded in an April 30, 1997, supplemental biological opinion that incidental fishery impacts that occur in the ocean salmon fishery proposed for the period from May 1, 1997, through April 30, 1998 (or until the effective date of the 1998 management measures), will not jeopardize the continued existence of central California coast coho, southern Oregon/northern California coast coho, Umpqua River searun cutthroat trout, or any of the populations of steelhead proposed for listing.

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

Dated: April 30, 1997.

Gary C. Matlock,

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National Marine Fisheries Service.*

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