

Transportation is responsible for carrying out. This rule amends 49 CFR part 1 to reflect the Secretary's delegation of authority to the Administrator, Federal Motor Carrier Safety Administration. It should be noted, however, that section 101(f) of the Motor Carrier Safety Improvement Act of 1999 gives the Secretary discretion to delegate the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture. The Secretary reserves this authority to himself until further notice.

The Administrator, Federal Motor Carrier Safety Administration, has the authority to redelegate the functions described in this document if not inconsistent with statute, departmental regulations, policies, and orders governing delegation of functions.

As the rule relates to Departmental organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). This action makes no substantive changes to the motor carrier safety regulations. It simply amends 49 CFR Part 1 to delegate to the Federal Motor Carrier Safety Administrator authorities relevant to motor carrier safety. Therefore, prior notice and opportunity to comment are unnecessary, and good cause exists to dispense with the 30-day delay in the effective date requirement so that the Federal Motor Carrier Safety Administration may operate pursuant to the changes noted above beginning January 1, 2000.

Ministerial amendments to a number of other parts in title 49 of the Code of Federal Regulations that pertain to functions of the new Administration will be issued in the near future.

#### List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

Issued this 29th day of December, 1999 at Washington, DC.

**Rodney E. Slater,**

*Secretary of Transportation.*

For the reasons set forth in the preamble, the Department of Transportation amends 49 CFR Part 1 as follows:

#### PART 1—[AMENDED]

1. Revise the authority citation for Part 1 to read as follows:

**Authority:** 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. No. 106-159, 113 Stat. 1748.

2. In § 1.2, add paragraph (k) to read as follows:

#### § 1.2 Definitions.

\* \* \* \* \*

(k) The Federal Motor Carrier Safety Administrator.

3. In § 1.3(b), add paragraph (b)(11) to read as follows:

#### § 1.3 Organization of the Department.

\* \* \* \* \*

(b) \* \* \*

(11) The Federal Motor Carrier Safety Administration, headed by the Administrator.

4. In § 1.4, add paragraph (m) to read as follows:

#### § 1.4 General Responsibilities.

\* \* \* \* \*

(b) \* \* \*

(m) *The Federal Motor Carrier Safety Administration.* Is responsible for:

(1) Managing program and regulatory activities, including administering laws and promulgating and enforcing regulations on safety matters relating to motor carrier safety;

(2) Carrying out motor carrier registration and authority to regulate household goods transportation;

(3) Developing strategies for improving commercial motor vehicle, operator, and carrier safety;

(4) Inspecting records and equipment of commercial motor carriers, and investigating accidents and reporting violations of motor carrier safety regulations; and

(5) Carrying out research, development, and technology transfer activities to promote safety of operation and equipment of motor vehicles for the motor carrier transportation program.

5. In § 1.45(c)(1), amend paragraph (c)(1) (vii) by removing the word "and"; amend paragraph (c)(1) (viii) by replacing the period with "; and"; and add paragraph (c)(1) (ix) to read as follows:

#### § 1.45 Delegations to all Administrators.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(ix) Federal Motor Carrier Safety Administration.

\* \* \* \* \*

6. Amend 1.73 as follows:

a. Revise the heading to read as set forth below.

b. Revise the introductory text to read as set forth below.

c. Amend paragraph (g) by adding before the period " , except for the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture".

d. Amend paragraph (l) by adding before the period " , except for the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture".

e. Add paragraph (o) to read as set forth below.

#### § 1.73 Delegation to the Administrator of the Federal Motor Carrier Safety Administration.

The Administrator of the Federal Motor Carrier Safety Administration is delegated authority to:

\* \* \* \* \*

(o) Carry out the functions and exercise the authority vested in the Secretary by 23 U.S.C. 502(a)(1)(A).

[FR Doc. 99-34069 Filed 12-30-99; 11:45 am]

BILLING CODE 4910-62-P

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 660

[Docket No. 991223347-9347-01; I.D. 120299C]

RIN 0648-AM21

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

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

**ACTION:** Emergency rule; 2000 groundfish fishery specifications and management measures; request for comments.

**SUMMARY:** NMFS announces the 2000 fishery specifications and management measures for groundfish taken in the U.S. exclusive economic zone (EEZ) and state waters off the coasts of Washington, Oregon, and California, as authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP). The specifications include the levels of the acceptable biological catch (ABC) and optimum yields (OYs), including the distribution between domestic and foreign fishing operations. The commercial OYs (the OYs reduced by amounts expected to be taken in tribal, recreational, and compensation fisheries) are allocated between the limited entry and open access fisheries.

The management measures for 2000 are designed to keep landings within the OYs for those species for which there are OYs and to achieve the goals and objectives of the FMP, consistent with the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the implementing national guidelines published in the **Federal Register** on May 1, 1998. The intended effect of these actions is to prevent overfishing and rebuild Pacific Coast groundfish stocks that are overfished and, for healthier stocks, to establish allowable harvest levels and implement management measures designed to achieve as much of those harvest levels as possible, while achieving the conservation requirements of the Magnuson-Stevens Act.

**DATES:** Effective 0001 hours (local time) January 1, 2000, until the 2001 annual specifications and management measures are effective, unless modified, superseded, or rescinded. The 2001 annual specifications and management measures will be published in the **Federal Register**. The emergency rule portion of this document is effective until July 3, 2000, and NMFS expects to extend it for an additional 180 days. Comments must be received no later than 5:00 p.m., local time, on February 3, 2000.

**ADDRESSES:** Written comments on these actions must be mailed to Mr. William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way N.E., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, or faxed to 206-526-6736; or Mr. Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, or faxed to 562-980-4047. Comments will not be accepted if

submitted via e-mail or Internet. Information relevant to these specifications and management measures, which include an environmental assessment (EA) and the stock assessment and fishery evaluation (SAFE) report, has been compiled in aggregate form and is available for public review during business hours at the offices of the NMFS Northwest Regional Administrator and the NMFS Southwest Regional Administrator, or may be obtained from the Pacific Fishery Management Council (Council), at 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201, phone: 503-326-6352. Additional reports referred to in this document may also be obtained from the Council.

**FOR FURTHER INFORMATION CONTACT:** Mr. William L. Robinson (Northwest Region, NMFS), phone: 206-526-6140; fax: 206-526-6736 and; e-mail: bill.robinson@noaa.gov or Mr. Svein Fougner (Southwest Region, NMFS) phone: 562-980-4000; fax: 562-980-4047 and; e-mail: svein.fougner@noaa.gov.

#### **Electronic Access**

This **Federal Register** rule also is accessible via the Internet at the Office of the Federal Register's website at <http://www.access.gpo.gov/su-docs/aces/aces140.html>.

**SUPPLEMENTARY INFORMATION:** The FMP requires that fishery specifications for groundfish be evaluated each calendar year, that OYs be specified for species or species groups in need of additional protection, and that management measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. The Magnuson-Stevens Act and the FMP require that actions be implemented to

prevent overfishing and to rebuild overfished stocks. This action announces and makes effective the final 2000 fishery specifications and the management measures designed to rebuild overfished stocks, prevent overfishing, and achieve as much of the OYs as practicable for healthier groundfish stocks managed under the FMP. These final specifications and management measures were considered by the Council at two meetings and were recommended to NMFS by the Council at its November 1999 meeting in Sacramento, CA. In addition to the annual specifications, this document incorporates an emergency rule that is needed to implement the first year of rebuilding plans, to protect other depleted stocks, and to prevent overfishing, as authorized by section 304(c) of the Magnuson-Stevens Act.

#### **I. Final Specifications**

The fishery specifications include ABCs, the designation of OYs, which may be represented by harvest guidelines (HGs) or quotas for species that need individual management, the apportionment of the OYs between domestic and foreign fisheries, and allocation of the commercial OYs between the open access and limited entry segments of the domestic fishery. As in the past, these specifications include fish caught in state ocean waters (0-3 nautical miles (nm) offshore) as well as fish caught in the EEZ (3-200 nm offshore). The OYs and ABCs recommended by the Council and announced in this document are consistent with the Magnuson-Stevens Act, the groundfish FMP, as amended, and the rebuilding plans adopted by the Council to submit for NMFS approval by March 2000.

**BILLING CODE 3510-22-P**

Table 1a. 2000 Specifications of Acceptable Biological Catch (ABC), Optimum Yields (OYs), and Limited Entry and Open Access Allocations, by International North Pacific Fisheries Commission (INPFC) areas (in metric tons)

		ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total Catch)	Allocations (total catch HGs)			
Species		Vancouver a/	Columbia	Eureka	Monte- rey	Concep- tion	Total Catch ABC			Limited Entry		Open Access	
										mt	%	mt	%
ROUND FISH:													
Lingcod a/b/		450			250		700	378	163	132	81	31	19.0
Pacific cod		3,200					3,200	na	3,200	--	--	--	--
Pacific whiting a/d/				232,000			232,000	232,000	199,500	--	--	--	--
Sablefish e/ (north of 36°)			9,692			--	9,692	7,919	6,385	5,785	90.6	600.2	9.4
(south of 36°)			--			472	472	472	472	--	--	--	--
FLATFISH:													
Dover sole f/			8,373			1,053	9,426	9,426	9,405	--	--	--	--
English sole		2,000			1,100		3,100	na	--	-	-	--	-
Petrale sole g/		1,450		500	800	200	2,950	na	-	-	--	-	-

ACCEPTABLE BIOLOGICAL CATCH (ABC)										OY	Commercial OY (Total Catch)	Allocations (total catch HGs)			
Species	Vancouver a/	Columbia	Eureka	Monte- rey	Concep- tion	Total Catch ABC				(Total catch)	(Total Catch)	Limited Entry		Open Access	
												mt	%	mt	%
Arrowtooth flounder			5,800			5,800			na	-	-	-	-	-	-
Other flatfish	700	3,000	1,700	1,800	500	7,700			na	-	-	-	-	-	-
ROCKFISH:															
Pacific ocean perch h/		713			--	713			270	270	-	-	-	-	-
Shortbelly i/			13,900			13,900			13,900	13,900	-	-	-	-	-
Widow j/			5,750			5,750			4,333	4,282	4,154	97.0	128	3.0	3.0
Canary k/			287			287			200	120	105	87.7	15	12.3	12.3
Chilipepper l/		c/		3,681		3,681			2,000	1,955	1,089	55.7	866	44.3	44.3
Bocaccio m/		c/		164		164			100	55	31	55.7	24	44.3	44.3
Splitnose n/		c/		820		820			615	615	-	-	-	-	-
Yellowtail a,o/		3,539		c/		3,539			3,539	3,449	3,163	91.7	286	8.3	8.3
Shortspine thornyhead -- north of 36° p,q/ --south of 36° q/		1,261		--	--	1,261			970	960	957	99.7	3	0.3	0.3
		--			175	-	175		175	175	-	-	-	-	-
Longspine thorny-head- -north of 36° p, r/ --south of 36° r/		4,102		--	--	4,102			4,102	4,099	-	-	-	-	-
		--			429	-	429		429	429	-	-	-	-	-
Cowcod s/		c/		19	5	24			<5	<5	-	-	-	-	-

ACCEPTABLE BIOLOGICAL CATCH (ABC)										OY (Total catch)	Commercial OY (Total Catch)	Allocations (total catch HGs)			
Species	Vancouver a/	Columbia	Eureka	Monte- rey	Concep- tion	Total Catch ABC	Limited Entry		Open Access						
							mt	%	mt			%			
Minor Rockfish-North t/	5,693			--		5,693	3,814	3,048	2,795	91.7	253	8.3			
Minor Rockfish-South u/	--			3,457		3,457	1,899	1,328	740	55.7	588	44.3			
bank	c/			81		81	--	--	--	--	--	--			
black v/	1,200			c/		1,200	--	--	--	--	--	--			
blackgill w/	c/			440		440	--	--	--	--	--	--			
bocaccio-North	424			c/		424	--	--	--	--	--	--			
chilipepper-North	43			c/		43	--	--	--	--	--	--			
darkblotched	237			19		256	--	--	--	--	--	--			
redstripe	768			c/		768	--	--	--	--	--	--			
sharpchin	409			60		469	--	--	--	--	--	--			
silvergrey	51			c/		51	--	--	--	--	--	--			
splitnose	322			c/		322	--	--	--	--	--	--			
yelloweye	39			c/		39	--	--	--	--	--	--			
yellowmouth	132			c/		132	--	--	--	--	--	--			
yellowtail-South	--			155		155	--	--	--	--	--	--			
Other rockfish x/	2,068			2,702		--	--	--	--	--	--	--			
OTHER FISH y/	2,500	7,000	1,200	2,000	2,000	14,700	--	--	--	--	--	--			

Table 1b. OYs and Harvest Guidelines for Minor Rockfish

Species	Total Catch ABC	OY (total catch)			Allocations (total catch HGs)			
		Total catch OY	Recreational estimate	Commercial OY for minor rockfish and HG for depth subgroups	Limited Entry		Open Access	
					mt	%	mt	%
Minor Rockfish North t/	5,693	3,814	766	3,048	2,795	91.7	253	8.3
Nearshore		1,072	707	365	172	na	193	na
Shelf		1,242	59	1,183	1,133	na	50	na
Slope		1,500	0	1,500	1,490	na	10	na
Minor Rockfish South u/	3,457	1,899	571	1,328	740	55.7	588	44.3
Nearshore		680	379	301	68	na	233	na
Shelf		787	192	595	337	na	258	na
Slope		432	0	432	335	na	97	na

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

<sup>b</sup>Lingcod. The ABC is based on a 1997 assessment that covered the Vancouver and Columbia areas, and a 1999 assessment that covered the Eureka, Monterey, and Conception areas. Lingcod is believed to be at 10 percent of its unfished biomass. The rebuilding analysis calculates the probability that the northern (Vancouver-Columbia) stock would rebuild within 10 years, and is based on a 60% probability of doing so. The total catch OY of 378 mt is reduced by 215 mt estimated to be taken by the recreational fishery, resulting in a commercial OY of 163 mt. No discards are assumed.

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

<sup>d</sup>Whiting. Whiting is believed to be at 37% of its unfished biomass. The US-Canada average ABC of 310,000 mt for 1999–2000 is reduced to 290,000 mt following application of the 40–10 default harvest policy, and is based on an MSY proxy of F40%. As in 1999, the total catch OY for whiting is 80% of the average US-Canada of 290,000 mt. The commercial OY for whiting is 199,500 mt (the 232,000-mt OY minus the 32,500-mt tribal allocation), and is allocated 42 percent to the shore-based sector, 24 percent to the mothership sector, and 34 percent to catcher/processors. A landed equivalent is not presented. Discards of whiting are counted toward the OY inseason based on observed amounts.

<sup>e</sup>Sablefish. North of 36° N. lat.—Sablefish is believed to be at 37% of its unfished biomass. The 9,692-mt ABC, based on F35%, is the same as in 1999. The total catch OY of 7,919 mt also is the same as in 1999, based on F35% and application of the 40–10

default harvest policy. The 7,919-mt OY is reduced by 10 percent (791 mt) for estimated trip-limit induced discards, by another 10 percent (713 mt) for the tribal set aside, and reduced by 29 mt as compensation for vessels conducting resource surveys. The remainder is the 7,177 is the commercial OY. The open access allocation percentage of 9.4% is applied to the commercial OY, to result in a landed catch open access allocation of 600 mt, and a limited entry allocation of 5,785 mt. The limited entry allocation is further allocated 58% (3,355 mt) for the trawl fishery and 42% (2,430 mt) for the nontrawl fishery. The limited entry and open access allocations for sablefish are in terms of landed catch because the discard estimate was subtracted "off the top" before the allocation percentages were applied; this differs from all other limited entry and open access allocations that are expressed as total catch. South of 36° N. lat.—The ABC and OY are based on historical landings in the Conception area of 425 mt. Ten percent (47 mt) of the total catch of 472 mt is assumed to be discarded.

<sup>f</sup>Dover sole. The 1997 assessment evaluated the resource north of 36° N. lat. as a unit, and provided an ABC for landed catch based on the F35% harvest rate. The

Conception area ABC is at the level established in the original FMP. The ABCs in Table 1a represent total catch, and were converted by estimating that 5 percent of the total catch is discarded. Therefore, the coastwide ABC and OY for Dover sole of 9,426 mt are for total catch, with a landed catch equivalent of 8,955 mt. The OY is reduced by 21 mt as compensation for vessels that conducted resource surveys, resulting in a commercial OY of 9,405 mt.

<sup>g</sup>Petrale sole. Petrale sole is believed to be at 42% of its unfished level, and stock size has been increasing. The 1999 assessment calculates the ABC for the Vancouver and Columbia areas at 1,447 mt, which is rounded to 1,450 mt. The coastwide ABC of 2,950 mt is the sum of the areas.

<sup>h</sup>Pacific ocean perch (POP). POP is at 13% of its unfished level and therefore is overfished. The ABC in the Vancouver, Columbia, and Eureka areas is based on the 1998 assessment for Vancouver and Columbia (695 mt) plus 18 mt for the Eureka area. The 270-mt OY is based on calculations for the first year of the rebuilding program that is designed to rebuild POP to MSY levels within 34 years. It is assumed that 16 percent of the catch will be discarded; therefore, the total catch OY of 270 mt is reduced by 43 mt

of estimated discards, to derive the landed catch equivalent of 227 mt.

<sup>1</sup> Shortbelly rockfish. Shortbelly rockfish remains a virtually unexploited stock and is difficult to assess quantitatively. The 1989 assessment provided 2 alternative yield calculations of 13,900 mt and 47,000 mt. NMFS surveys indicate poor recruitment in most years since 1989, indicating low recent productivity and a naturally declining population in spite of low fishing pressure. The ABC and OY therefore are reduced to 13,900 mt, the low end of the range in the assessment.

<sup>2</sup> Widow rockfish. Widow rockfish is believed to be at 29% of its unfished biomass. The ABC of 5,750 mt, based on the F40% MSY proxy, is unchanged from 1999. The total catch OY of 4,333 mt is more conservatively based on F45% and the 40–10 harvest policy. The OY is reduced by 51 mt of estimated recreational catch to derive the commercial OY of 4,282 mt. The open access allocation (128 mt) is determined by applying the open access percentage to the commercial OY. The limited entry allocation (4,154 mt) is determined by subtracting the open access allocation from the commercial OY. The limited entry allocation is further reduced by 300 mt for anticipated bycatch in the offshore whiting fishery, and the remainder (3,854 mt) is reduced by 16% (617 mt) to account for trip limit induced discards, resulting in a landed catch equivalent for the limited entry fishery of 3,237 mt (excluding harvest in the whiting fishery).

<sup>3</sup> Canary rockfish. Two canary rockfish assessments addressed the northern and southern portions of the stock. The combined results resulted in a biomass range estimated to be between 7% of the unfished biomass in the south to 20% of the unfished biomass in the north. Canary rockfish therefore is overfished. The coastwide ABC (287 mt) is based on the upper end of each assessment, using the Fmsy proxy of F40%. The coastwide OY is 200 mt, based on the northern assessment. The OY is higher than the default harvest policy would indicate, in recognition of small amounts of unavoidable bycatch, even with the management measures implemented in 2000 that will drastically reduce effort throughout the continental shelf. The OY is lower than ABC and therefore is not overfishing. Recreational fisheries are expected to take 80 mt of the OY in 2000. The 1999 OY applied only to the Vancouver and Columbia areas, but the OY for 2000 is coastwide. Landings have been about 1,100 mt in recent years. A rebuilding plan will be required in 2001.

<sup>4</sup> Chilipepper. In 1999, the 3,724-mt ABC and OY included 43 mt for the Eureka area, which is moved to the northern “minor rockfish” category in 2000. The 2000 ABC of 3,681 mt for the Monterey and Conception areas is based on the 1998 assessment and application of the F40% harvest rate. The stock is estimated to be above 40% of its unfished biomass so the default OY normally would equal ABC. However, the OY is set at 2,000 mt, near the recent average landed catch, to discourage effort on chilipepper which is known to have bycatch of bocaccio. The OY is reduced by 45 mt estimated to be taken in the recreational fishery, resulting in

a commercial OY of 1,955 mt. The open access percentage is applied to the commercial OY to determine the open access allocations of 915 mt. The open access allocation then is subtracted from the commercial OY to determine the limited entry allocation. No discard amount is assumed.

<sup>5</sup> Bocaccio. Bocaccio is believed to be at 2% of its unfished biomass and therefore is overfished. The 164-mt ABC is based on F40% and the 100-mt OY is based on the rebuilding analysis designed to rebuild the stock to MSY in 38 years. The OY is reduced by 55 mt for estimated recreational harvest to derive the 55-mt commercial OY. No discards of bocaccio are assumed within this OY.

<sup>6</sup> Splitnose rockfish (often called “rosefish”). A separate OY of 868 mt was established for the Eureka, Monterey, and Conception area in 1999, equal to ABC. For 2000, the southern ABC applies only to the Conception and Monterey areas. Accordingly, the southern ABC of 830 mt is derived by subtracting 48 mt for the Eureka area, and the northern ABC is increased by 48 mt. The northern ABC is 322 mt (from 274 mt in 1999). The 615-mt OY for the southern area reflects a 25% precautionary adjustment because of the less rigorous assessment for this stock. In the north, splitnose is included in the minor rockfish OY.

<sup>7</sup> Yellowtail. The ABC of 3,539 mt applies to the U.S. Vancouver, Columbia, and Eureka areas. The stock is estimated to be at 39% of its unfished biomass. The OY is based on F40% and application of the 40–10 harvest policy. The 3,539-mt OY is reduced by 90 mt estimated to be taken in the recreational fishery, to derive a commercial OY of 3,449 mt. The open access allocation is derived by applying the open access percentage to the commercial OY. The limited entry allocation is determined by subtracting the open access allocation from the commercial OY. The landed catch equivalent of 2,057 mt for the 3,163-mt limited entry allocation is derived by subtracting 16% (506 mt) for discards and 600 mt for expected catch in the at-sea whiting fishery.

<sup>8</sup> Thornyheads. The treaty tribes estimate that 8,000–10,000 lb (about 3–4 mt) of thornyheads will be taken in 2000 under a tribal trip limit of 300 lb per trip. This small amount is not subtracted from either of the thornyhead HGs at this time.

<sup>9</sup> Shortspine thornyheads. Shortspine thornyhead is estimated to be at 32% of its unfished level. The ABC (1,261 mt) for the area north of 36° N. lat. (Vancouver through Monterey areas) is the same as in 1999, calculated based on a synthesis of two stock assessments prepared in 1998 and application of the F35% harvest rate. The 970-mt OY is based on F40% and the 40–10 harvest policy. The 960-mt commercial OY is determined by subtracting 10 mt used as compensation for vessels conducting resource surveys. The limited entry allocation of 957 mt is reduced by 30% (287 mt) for estimated discards to derive the landed catch equivalent of 670 mt. A separate ABC and OY of 175 mt (based on historical) catch have been established for the part of the Conception area north of Point Conception (34°27' N. lat.). Assuming the

same 30% discard rate as the northern area, the landed equivalent for the southern OY would be 122 mt. There is no ABC or OY for the southern Conception area.

<sup>10</sup> Longspine thornyheads. The ABC (4,102 mt) north of the Conception area is the same as in 1999, based on the average of the 3-year individual ABCs at F35%. The stock is estimated to be above the 40% of its unfished biomass. The 4,099-mt commercial OY is determined by subtracting 3 mt used as compensation for vessels conducting resource surveys. There are no separate limited entry and open access allocations. The commercial OY is reduced by 9% (205 mt) to derive the landed catch equivalent of 3,894 mt. A separate ABC and OY (429 mt) (based on historical) catch have been established for the part of the Conception area north of Point Conception (34°27' N. lat.). Assuming the same 9% discard rate as the northern area, the landed equivalent for the southern OY would be 390 mt.

<sup>11</sup> Cowcod. The 1999 assessment of the Conception area indicates this stock is overfished, with abundance below 10% for the unfished biomass. The ABC in the Conception area is 5 mt, based on the assessment, and 19 mt in Monterey, based on average landings from 1983–1997. The OY for the Monterey and Conception areas combined is no more than 5 mt in 2000.

<sup>12</sup> Minor rockfish—north. This new category includes the “remaining rockfish” and “other rockfish” categories in the U.S. Vancouver, Columbia, and Eureka areas combined. The species that are listed individually would have been “remaining rockfish” which generally includes species that have been assessed by less rigorous methods than stock assessment, except for black rockfish. The “other rockfish” category includes species that do not have quantifiable assessments. The total catch OY is the sum of 75% of the listed species (formerly “remaining rockfish”) and 50% of the summed ABCs for other rockfish, with the following exceptions: the 43 mt ABC for northern chilipepper and 700 mt of the black rockfish ABC are not reduced, and the remaining 500 mt of the black rockfish OY is discounted by 50%. The reductions in the contribution of the ABCs toward OY is intended to address uncertainty in stock status due to limited information.

<sup>13</sup> Minor rockfish—south. This new category includes the “remaining rockfish” and “other rockfish” categories in the Monterey and Conception areas combined. The species that are listed individually would have been “remaining rockfish” which generally includes species that have been assessed by less rigorous methods than stock assessment. The ABC is the sum of the individual species’ ABCs in the two areas. The total catch OY is the sum of 75% of the ABCs for the listed species (formerly “remaining rockfish”) and 50% of the “other rockfish” ABC. The reductions in the contribution of the ABCs toward OY is intended to address uncertainty in stock status due to limited information.

<sup>14</sup> Black rockfish. The ABC includes 700 mt for the assessment area plus 500 mt average catch in the unassessed area. This stock contributes 950 mt towards the minor rockfish OY in the north—700 mt for the

assessed area, and half (250 mt) for the unassessed area. The 50% reduction is precautionary, consistent with other recommendations.

<sup>w</sup>Blackgill rockfish. The 1998 stock assessment estimates the Conception area stock to be at about 51% of unfished biomass with 365 mt as the ABC based on F40%. An additional 75 mt was added for the Monterey area, for a total ABC of 440 mt. If annual landings reach 300 mt, the Council will consider the need for further management and/or a stock assessment.

<sup>x</sup>Other rockfish. This group includes rockfish species listed in 50 CFR 660.302, including California scorpionfish. The ABC is based on the 1996 review of commercial Sebastes landings and includes an estimate of recreational landings. These species have never been quantifiably assessed.

<sup>y</sup>Other fish. This group includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in c/.

#### *ABC Policy/Overfishing*

Under the Magnuson-Stevens Act, the FMP must prevent overfishing, which is defined in the National Standard Guidelines (63 FR 24212, May 1, 1998) as exceeding the fishing mortality rate needed to produce the maximum sustainable yield (Fmsy). In 2000 as in 1999, the Council continued its use of default exploitation rates as a proxy for Fmsy (and thus for ABC). Therefore the 2000 ABCs are set at the maximum sustainable yield (MSY) proxy. The OYs are set equal to or less than the ABCs which is expected to prevent overfishing.

In 2000 as in 1999, in most cases, the default Fmsy proxy used for setting the ABCs was F40% for most rockfish and F35% for other groundfish species. (The thornyhead ABCs were based on F35%, although they are included as rockfish

in the definitions at 50 CFR 660.302. Further adjustments were made in setting the OYs for some species; the OY for shortspine thornyhead was more conservatively set using F40% and for widow rockfish using F45%.) "F40%" means the fishing mortality rate that reduces the spawning potential per recruit to 40 percent of the unfished condition. For faster growing stocks, or stocks with quicker recruitment, a higher fishing mortality rate may be used, such as F35%, which reduces the spawning potential to 35 percent of the unfished condition, and therefore means higher catches than F40%. Under this policy, MSY is a constant fishing mortality rate (i.e., exploitation rate) that is a limit. In other words, a constant fraction of the stock may be harvested each year. The ABC for a species generally is derived by multiplying the exploitation rate (F40% or F35%) times the current biomass estimate.

Figure 1, in the following section of the preamble, on the default OY policy illustrates the relationship between current biomass levels and recommended catch. The default exploitation rate (e.g., F35%, F40%) is represented by the line labeled "ABC." ABC is graphically determined by, first, finding the current biomass level on the horizontal axis, second, finding the corresponding point on the line labeled ABC, and, third, reading the corresponding catch off the vertical axis.

The 2000 ABCs, which are based on the best available scientific information, represent the total fishing mortality (in most cases synonymous with total catch). Stock assessment information considered in determining the ABCs is

available from the Council and was made available to the public before the Council's November 1999 meeting as stock assessment documents and reports, which are compiled into the Council's SAFE document (see **ADDRESSES**). Additional information is found in the EA prepared by the Council for this action, the SAFE document for the 2000 specifications, and in documents available at the September and November 1999 Council meetings. ABCs are expressed as total catch (landings plus discards) and apply only to U.S. waters even if the assessments included Canadian waters.

The Council's Scientific and Statistical Committee will convene a meeting in early 2000 to reevaluate the appropriate Fmsy proxies for the individual groundfish species. A number of stock assessment scientists have independently concluded that west coast groundfish stocks are not as productive or resilient to overfishing as previously thought to be, but the specific new Fmsy rates for the individual species have not yet been determined. It is likely that the Fmsy proxies and the resultant ABCs and OYs will be reduced for a number of groundfish species in 2001 based on this scientific review. In the interim, transitional adjustments were made to the OYs for shortspine thornyhead and widow rockfish in 2000.

#### *Default OY Policy*

In 1999, the Council adopted a new, precautionary policy for establishing OY, which is intended to prevent species from becoming overfished (See Figure 1).



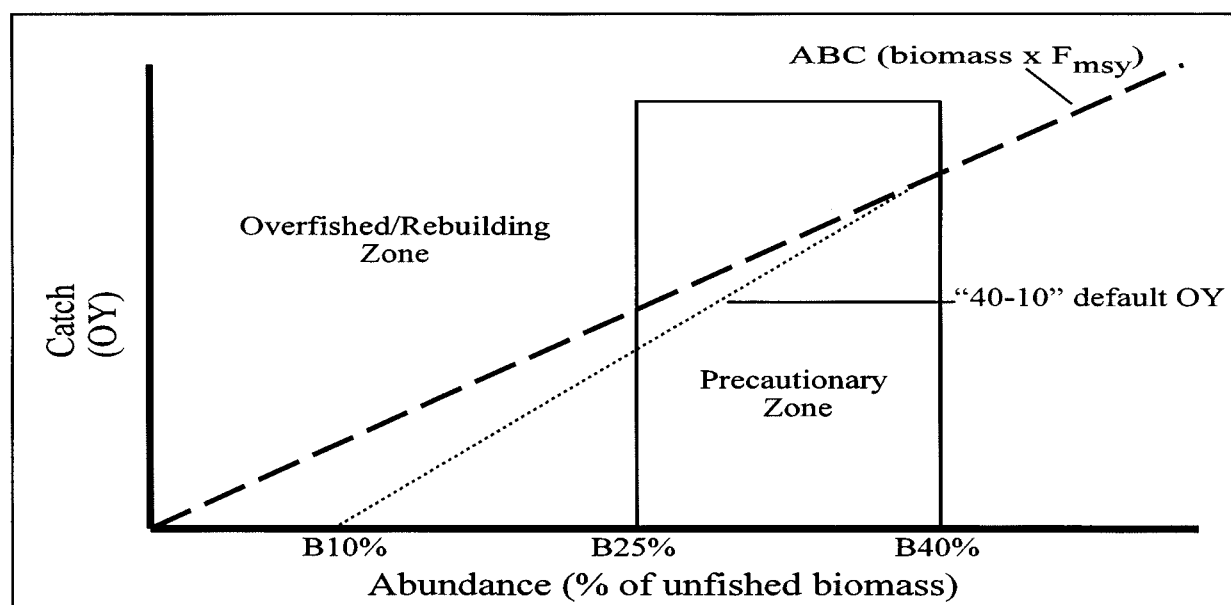


Figure 1. Illustration of default OY rule compared to ABC.

According to this policy, if the stock biomass is larger than the MSY biomass ( $B_{msy}$ , i.e. B40% in Figure 1), the OY may be set equal to or less than ABC. If the stock biomass is believed to be equal to or smaller than  $B_{msy}$ , a precautionary OY threshold is established at the MSY biomass size. A stock whose current biomass is between 25 percent of the unfished level and the precautionary threshold is said to be in the "precautionary zone." The Council's default OY harvest policy (represented by the line labeled "40-10 default OY" in Figure 1) reduces the exploitation rate when a stock is at or below its precautionary threshold. The farther the stock is below the precautionary threshold, the greater the reduction in OY will be relative to the ABC, until, at B10 percent, the OY would be set at zero. This is, in effect, a default rebuilding policy that will foster quicker return to the  $B_{msy}$  level than would fishing at the ABC level. However, the Council may recommend setting the OY higher than the default OY harvest policy species, if justified and as long as the OY does not exceed the ABC ( $F_{msy}$ ) harvest rate and is consistent with the requirements of the Magnuson-Stevens Act and the NOAA National Standard Guidelines. Additional precaution may be added on a case-by-case basis at any level of current biomass and may be warranted by uncertainty in the data or by higher risks of being overfished.

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

rebuilding plan within the following year.

#### 2000 ABCs and OYs

The species that had ABCs and OYs in 1999 continue to have ABCs and OYs in 2000. New ABCs were developed for cowcod and black rockfish; the canary ABC is applied coastwide (formerly it applied only to the Vancouver and Columbia areas); the POP ABC is expanded to include the Eureka area; and chilipepper was added to the minor rockfish category north of 40°10' N. lat.

OYs for POP, bocaccio, and lingcod have been set to be consistent with the first year of rebuilding plans for those species, and canary and cowcod OYs are set at extremely low levels in anticipation of rebuilding plans that will be required in 2001. The chilipepper OY is reduced almost in half to reduce associated harvest of bocaccio, which is overfished. As a result of the constraining management measures imposed to protect and rebuild overfished species, a number of the OYs may not be achieved in 2000, particularly for those shelf rockfish species that are not overfished but that are caught with species that are overfished. There is no way to forecast what the actual catch of these relatively healthy species will be, and to lower the OYs for these species could unnecessarily constrain the fishery, particularly when midwater trawl opportunities are available that result in lower bycatch of overfished species.

Three changes have been made to the ABCs and OYs since 1999 that incorporate the results of new stock

assessments and reorganize species for the management purposes of better protecting depleted stocks and minimizing the chance of overfishing:

(1) The assessment areas have been modified in 2000 such that the ABCs and OYs apply to areas north and south of 40°30' N. lat. that are better aligned with the trip limit areas (that apply north and south of 40°10' N. lat.). In 1999, the ABCs and OYs were divided into northern and southern components at approximately 43°00' N. lat. (the Columbia/Eureka area border), whereas the trip limits differed north and south of 40°30' N. lat. (approximately Cape Mendocino, CA). (2) The rockfish species have been reorganized. The term "*Sebastes complex*," which once applied to rockfish species that were caught together, no longer is applicable and so is not used in 2000. Instead, ABCs and OYs are calculated individually for each rockfish species, where possible. The remaining species, called "remaining rockfish" and "other rockfish" species, formerly in the *Sebastes complex*. The minor rockfish species, which have rudimentary or no assessments, are divided into nearshore, shelf, and slope categories, that represent where they are predominantly caught. (See Table 2.) Inseason management actions will be taken to achieve the harvest guidelines for nearshore, shelf, and slope minor rockfish species, north and south of 40°10' N. lat., so that disproportionate harvest of some species does not occur. (3) Jack mackerel (north of 39° N. lat.) was removed from the FMP by

Amendment 11 and will be managed under the Coastal Pelagic Species Fishery Management Plan.

In 2000, as in 1999, unless otherwise specified, OYs and allocations represent total catch, and, where possible, the expected landed catch equivalent is calculated. This approach provides greater management flexibility if new information becomes available inseason because managers will then be able to modify discard estimates and management measures inseason. (Allowable harvest levels were called "harvest guidelines" or "HGs" before 1999, but, since 1999, most have been called "optimum yields" or "OYs." The new minor rockfish assemblages of nearshore, shelf, and slope are managed with harvest guidelines, which are the desired levels of harvest that management measures are designed to achieve.)

The derivation of the ABCs and OYs for the individual groundfish species are explained in detail in Council documents from their September 1999 and November 1999 meetings, in the Council's SAFE document (which includes the most recent stock assessments) and are summarized in this document, in Table 1a. Derivations of commercial OYs, limited entry and open access allocations, and landed catch equivalents appear in the footnotes to Table 1a, listed at the end of Table 1b.

#### *Determinations of Overfished, Approaching an Overfished Condition, and Overfishing*

The status of the resource is evaluated using the standards in the Magnuson-Stevens Act, its national guidelines, and the FMP. The following determinations supersede those presented in the October 1999 report to Congress.

#### *Overfished*

A species is overfished if its current biomass is less than 25 percent of the unfished biomass level. (Usually the biomass is discussed in terms of spawning potential.) The Magnuson-Stevens Act requires that a rebuilding plan be prepared within a year after the Council is notified that the species is overfished. In March 1999, NMFS notified the Council that three species were overfished—lingcod, POP, and bocaccio. NMFS has subsequently determined that two additional species are overfished—canary rockfish and cowcod—and that rebuilding plans for these two species must be prepared within a year of notification to the Council. The Council is being notified concurrent with publication of this document.

#### *Approaching an Overfished Condition*

This condition applies to those species that currently are not overfished, but are expected to be overfished in 2 years. No additional species are approaching an overfished condition in 2 years, based on stock assessments completed since Amendment 11 was approved in March 1999.

#### *Overfishing*

None of the 2000 ABCs are knowingly set higher than Fmsy or its proxy; none of the OYs are set higher than the corresponding ABCs; and the management measures announced herein are designed to prevent overfishing by keeping harvest levels within the specified OYs.

After the 1998 fishing season was completed, NMFS determined that overfishing had occurred on four species of rockfish: canary rockfish off California, darkblotched, silvergrey, and bank rockfish. Because of this information, NMFS announced that overfishing could be occurring on these species in 1999, even though management measures had been implemented in 1999 with the intent of reducing the possibility of overfishing. Preliminary data for 1999 indicate that overfishing did not occur on bank rockfish or canary rockfish in the Eureka, Monterey, and Conception management areas, but that overfishing did occur on darkblotched, silvergrey, and yelloweye rockfish.

The commercial gear regulations, recreational bag limits, and other management measures imposed on shelf rockfish should eliminate overfishing of silvergrey and yelloweye rockfish in 2000. Similarly, the division of rockfish into slope, shelf, and nearshore strategies, with separate cumulative limits for each strategy, will reduce fishing opportunities on darkblotched rockfish and should prevent overfishing of this species in 2000.

Overfishing is difficult to detect inseason for many rockfish, particularly for minor rockfish species, because most are not individually identified on landing. Species compositions, based on proportions encountered in samples of landings, are applied during the year, but final results are not available until the end of the year. The determinations made herein may change as more data become available later in the year.

#### *Rebuilding Programs*

On March 3, 1999, NMFS notified the Council that three species (lingcod, bocaccio, and Pacific ocean perch (POP)) were overfished and the Council had

one year to submit rebuilding plans for these species, as required under the Magnuson-Stevens Act.

The Council's approved rebuilding plans for each of the 3 species and the ABCs, OYs, and management actions recommended for 2000 are consistent with the FMP and the first year of rebuilding in these plans. The Council has informed NMFS, and NMFS has agreed, that the rebuilding plans will be submitted to NMFS for approval after the first of the year, and an FMP amendment will be submitted to provide a framework process for developing future rebuilding plans. The multispecies exception at 50 CFR 600.310(d)(6) that authorizes overfishing under limited conditions is not being used. The draft rebuilding plans endorsed by the Council are summarized as follows:

#### *Bocaccio*

Areas: Monterey and Conception.

Status of stock: 2.1 percent of unfished biomass.

Maximum allowable years to rebuild to MSY: approximately 38 years, assuming median recruitment.

Probability of rebuilding to MSY biomass in 38 years: 67 percent.

Expected time to rebuild: 34 years.

Fmsy proxy: F40%.

ABC in 2000: 164 mt.

OY in 2000: 100 mt.

Management measures for 2000:

Bottom trawl target opportunity for shelf rockfish is dramatically reduced. No landings of bocaccio are allowed with large footrope trawl gear (i.e. with rollers larger than 8 inches (20 cm) in diameter); small footrope bottom trawl gear may land small amounts that accommodate unavoidable bycatch; midwater trawl gear, which would have minimal bycatch of bocaccio is encouraged; the chilipepper OY is reduced almost in half due to potential bycatch of bocaccio; the commercial nontrawl gear fishery is closed 2 of the first 4 months of the year, trip limits are reduced, and set net limits are reduced to the same level as other open access nontrawl gear limits; recreational closures occur early in the year, bag limits are reduced from 15 to 10 rockfish, and a new 10-inch (25.4 cm) size limit is added for bocaccio. Additionally, bocaccio has a 3-fish sublimit. Management of bocaccio is particularly difficult because the large year class appearing in 1999 increases the need to curtail fishing effort, as bocaccio will be more available to the fishery in the next few years.

#### *Lingcod*

Areas: coastwide.

Status of stock: 10 percent of unfished biomass.

Maximum allowable years to rebuild to MSY: 10.

Probability of rebuilding to MSY biomass in 10 years: 60 percent.

Expected time to rebuild: 10 years.

Fmsy proxy: F35%.

ABC in 2000: 700 mt.

OY in 2000: 378 mt.

Management measures: In 2000, commercial landings of lingcod would be prohibited 6 months of the year (November-April), while protecting lingcod during their spawning and nesting seasons. The trip limit during the open season is designed to achieve the limited entry and open access allocations and is much lower for the limited entry trawl fishery in 2000. The size limit for lingcod is increased for fixed gear and recreational fisheries south of 40°10' N. lat. A maximum size limit is imposed in the recreational fishery off Oregon, and a new 2-fish per day bag limit is imposed off California. The recreational fishery for lingcod is closed 4 months off Washington, remains open in Oregon and California north of 40°10' N. lat., and is closed 2 of the first 4 months of the year south of 40°10' N. lat. The varying seasons, bag limits, and size limits for each state were recommended to best fit the needs of the recreational fisheries of each State, while meeting the required conservation burden. Lingcod are found predominantly on the continental shelf, and gear restrictions imposed to protect continental shelf rockfish would also benefit lingcod. Lingcod taken onboard while still living appear to have a good chance of survival if returned quickly to sea.

#### Pacific ocean perch

Areas: Vancouver and Columbia.

Status of stock: 13 percent of unfished biomass.

Maximum allowable years to rebuild to MSY: 47 years.

Probability of rebuilding to MSY biomass in 47 years: 79 percent.

Expected median time to rebuild: 43 years.

Fmsy proxy: F40%.

ABC in 2000: 713 mt.

OY in 2000: 270 mt.

Management measures: POP primarily inhabit waters of the upper continental slope and are found along the edge of the continental shelf. Therefore, POP also would benefit from the trawl gear restrictions adopted to protect continental shelf rockfish species. Relative to 1999 levels, the cumulative trip limit for POP taken in the limited entry fishery is reduced by 87 percent from May through October, and 63

percent the other 6 months. POP is not an important species for recreational or nontrawl commercial fisheries.

#### Bycatch and Discards

Stock assessments and inseason catch monitoring are designed to account for all fishing mortality, including that resulting from fish discarded at sea. Discards in the fishery for whiting are well monitored and are accounted for inseason as they occur. In the other fisheries, discards caused by trip limits have not been monitored consistently, so discard estimates have been developed to account for this extra catch. A discard level of 16 percent of the total catch, previously measured for widow rockfish in a scientific study, is assumed for the commercial fisheries for widow rockfish, yellowtail rockfish, canary rockfish, and POP. A discard estimate of 9 percent is used for longspine thornyheads, 30 percent for shortspine thornyheads, 5 percent for Dover sole, and 10 percent for sablefish.

#### Foreign and Joint Venture Fisheries

For those species that will not be fully utilized by domestic processors or harvesters and that can be caught without severely affecting species that are fully utilized by domestic processors or harvesters, foreign or joint venture operations may occur. A joint venture occurs when U.S. vessels deliver their catch to foreign processing vessels in the EEZ. A portion of the OYs for these species may be apportioned to domestic annual harvest (DAH), which in turn may be apportioned between domestic annual processing (DAP) and joint venture processing (JVP). The portion of an OY not apportioned to DAH may be set aside as the total allowable level of foreign fishing (TALFF). In January 2000, no surplus groundfish are available for joint venture or foreign fishing operations. Consequently, all the OYs in 2000 are designed entirely for DAH and DAP (which are the same in this case); JVP and TALFF are set at zero.

## II. Limited Entry and Open Access Fisheries

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

the 1984–88 limited entry window period.

The groundfish species that had limited entry and open access allocations in 1999 continue to be allocated between the 2 sectors in 2000. As in 1999, the OYs are all expressed in terms of total catch, and virtually all of the limited entry and open access allocations are expressed in terms of total catch (except for sablefish, which is explained here), and estimates of discards will be applied separately to the limited entry and open access allocations as data become available. This means that in 2000, as in 1999, estimates of trip-limit induced discards that previously were taken “off the top” before setting the limited entry and open access allocations (and so proportionally reduced both allocations), will instead be deducted only from the limited entry allocations for purposes of estimating the landed catch equivalents. Estimated bycatch of yellowtail rockfish and widow rockfish in the offshore whiting fishery are also deducted from the limited entry allocations to determine the landed catch equivalents for the target fisheries for widow and yellowtail rockfish. The landed catch equivalents are the harvest goals used when adjusting trip limits and other management measures during the season. Although this revised process complicates the calculation of the landed catch equivalents for the limited entry allocations, it is intended to more appropriately apply the discard estimates to the fleet that is responsible for them. The one exception is the limited entry sablefish fishery, which continues to be allocated as in recent years. The 10-percent discard estimate for this fishery continues to be deducted from the OY before the limited entry and open access allocations are calculated because both fisheries may experience discards and because the initial allocation was based on this process. Consequently, the open access and limited entry sablefish allocations are expressed in terms of landed catch. Discards in most open access fisheries are believed to be small, and no discard estimates are applied to the open access fishery at this time, but may be applied during the season if information becomes available.

#### Open Access Allocations

The open access fishery is composed of vessels that operate under the OYs, quotas, and other management measures governing the open access fishery, using (1) exempt gear or (2) longline or pot (trap) gear fished from vessels that do not have limited entry permits endorsed for use of that gear. Exempt gear means

all types of legal groundfish fishing gear except groundfish trawl, longline, and pots. (Exempt gear includes trawls used to harvest pink shrimp, spot, or ridgeback prawns (shrimp trawls) and, south of Pt. Arena, CA (38°57'30" N. lat.), California halibut or sea cucumbers.)

The open access allocation is derived by applying the open access allocation percentage to the OY, or, if there is a set-aside for recreational, tribal, or compensation for resource survey fishing, the set-aside is first deducted and then the percentage is applied to the commercial OY. (The commercial OY is the annual OY after subtracting any set-asides for recreational or tribal fishing or compensation for conducting resource surveys.) For those species in which the open access share would have been less than 1 percent, no open access allocation is specified unless significant open access effort is expected.

#### *Limited Entry Allocations*

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

The limited entry allocation (in total catch) is the OY reduced by (1) set-asides, if any, for treaty Indian fisheries, recreational fisheries, or compensation fishing for participation in resource surveys (which results in the commercial OY or quota); and (2) the open access allocation. (Allocations for Washington coastal tribal fisheries are discussed in section V and, for whiting, at paragraph IV.B.(3).)

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

#### *Harvest Guidelines for Minor Rockfish Species*

The two minor rockfish OYs (north and south of 40°10' N. lat.) are allocated between limited entry and open access fisheries, based on the formula in the FMP and implementing regulations at 50 CFR 660.332(b). However, the Council went a step further. Recognizing that group OYs may allow disproportionate harvest of species in need of additional protection, the minor rockfish OYs are subdivided into nearshore (shallowest), shelf, and slope (deepest) categories, according to the approximate depths where those species are caught. This results in six separate harvest guidelines for minor rockfish, north and south of 40°10' N. lat. This approach is intended to enable the Council to better monitor and control the fishing strategies in these areas by assigning trip limits, size limits, gear limits, recreational bag limits, and, if necessary, seasons to encourage fishers to operate in times and areas where overfished stocks are not commonly caught and are much less likely to occur as bycatch. These new HGs are incorporated in Table 1a. The rockfish species in the nearshore, shelf, and slope categories are listed in paragraph IV.A.(20) and Table 2.

#### *Differences in Limited Entry and Open Access Management in 2000*

Although the above procedures were followed, there are major differences in management of the limited entry and open access fisheries in 2000 compared to 1999. (1) The limited entry and open access percentages have been recalculated, and are in some cases different than in 1999 for two reasons—updates in the data base, and shifting the Eureka area from the southern to the northern area for the purpose of setting ABCs and OYs (See Attachment G.4.c., September 1999, from the Council's briefing book for its September meeting). (2) The new harvest guidelines for nearshore, shelf, and slope minor rockfish result in different harvest opportunities than if rockfish remained aggregated. (3) Furthermore, the management measures designed to rebuild overfished species, or to prevent overfishing or a species from becoming overfished, may result in the inability to attain the OY or allocation for relatively healthy stocks whose harvest is restricted because it may result in bycatch of overfished species. Consequently, OYs (and their associated limited entry and open access allocations) may not be completely available to the industry.

### **III. 2000 Management Measures**

The major goal of management of the groundfish fishery has been to prevent overfishing while achieving the OYs (sometimes called harvest guidelines) and to provide year-round fisheries for the major species or species groups. However, it became apparent over the last several years that the goal of a year-round fishery was no longer achievable for a number of species. Lower OYs and growing awareness of reduced productivity of the groundfish resource, has resulted in new management strategies. In 1999, the Council recommended management measures that staggered fishing opportunities in the limited entry fishery, so that opportunities to harvest some species would be higher when other opportunities were lower. This strategy, although confounded to some extent by stormy weather in the winter, was more acceptable to the industry than tying up their boats for extended periods of time (often called "time off the water"), particularly when it meant not fishing for other, healthier species that have groundfish as bycatch. The Council recommended continuation of cumulative trip limits for most of the fleet in 1999, but abandoned its prior 60:40 policy, in which as much as 60 percent of a 2-month cumulative limit could be taken in either of the 2 months. The intent of the 60:40 policy had been to spread the catch over the 2-month period, to minimize bycatch and discards, and to simplify compliance by not adhering to a rigid, monthly limit. Instead, the Council adopted an industry request to start 1999 with a single 3-month cumulative limit, followed by 3 2-month cumulative limits, and ending the year with 3 1-month cumulative limits; the cumulative limits could be taken any time during the applicable period.

In developing management strategies for 2000, the Council was faced with even more complicated decisions. The new legislative mandates under the Magnuson-Stevens Act (as amended by the Sustainable Fisheries Act in 1996) gave highest priority to preventing overfishing and rebuilding overfished stocks to their MSY levels. The National Standard Guidelines at 50 CFR 600.310 interpreted this as "weak stock management," which means that harvest of healthier stocks must be curtailed if necessary to prevent overfishing or to rebuild overfished stocks. Only under a rare exception, which is not being used in the Pacific groundfish fishery, would overfishing of minor species in a mixed stock fishery be allowed to continue.

Three FMP species were declared overfished in March 1999 (POP, lingcod, and bocaccio), which required rebuilding plans to be submitted within 1 year, and two more species are being declared overfished concurrent with publication of this notice (canary rockfish and cowcod). Of the five species, canary rockfish is the most constraining, as its OY was reduced from 1,045 mt in 1999 to 200 mt in 2000, and it is found coastwide on the continental shelf. Consequently, preventing overfishing and rebuilding overfished species will hinder achievement of the previous goal of providing a year-round fishery. The primary strategy the Council chose to rebuild these overfished species is to divert effort off the sea floor of the continental shelf, where lingcod, bocaccio, canary rockfish, cowcod, and, to a lesser extent, POP occur. The management strategy for 2000 attempts to do this, while providing fishing opportunities for some, but not all, groundfish species throughout the year.

Normally, this annual notice in the **Federal Register** would review the prior year's OYs, management measures (trip limits), and relate that experience to the next year's management recommendations. This history is not included here because it is largely inapplicable to the different type of management used in 2000. (The history of management in 1999 is documented in the Council's SAFE document, and the actual **Federal Register** notices are available from the Government Printing Office (GPO) or NMFS home pages listed under Electronic Access.)

In establishing priorities for management in 2000, the following goals were used by the Council's Groundfish Management Team (Supplemental GMT Report G.7.(3)., November 1999): (1) Prevent overfishing, especially of depleted and overfished groundfish stocks; (2) manage consistent with rebuilding bocaccio, lingcod, and POP; (3) maximize harvest opportunities for non-depleted stocks while minimizing, to the extent practicable, the discard mortality of species of concern; (4) provide equitable harvest opportunity for both recreational and commercial sectors; and (5) maintain year-round commercial groundfish fishing opportunities to the extent possible.

A number of assumptions and considerations were involved in developing the management recommendations for 2000. Dover and petrale sole move into deeper water during the winter and can be harvested with minimal bycatch of bocaccio, canary rockfish, and other shelf species

during those months. It is possible to catch widow rockfish, or a mix of widow and yellowtail rockfish, with minimal bycatch of canary rockfish if midwater trawl gear is used. If a vessel fishes for widow or yellowtail rockfish with bottom trawl gear (as specified at 50 CFR 660.302 and 660.322 before any distinction was made for footrope size), there will be greater incidental catch of canary rockfish. Therefore, it is neither possible to maintain a year-round fishery with bottom trawl gear for all groundfish species without an unacceptable level of bycatch, nor is it possible to maintain a year-round commercial fishery if all (or even most) limited entry vessels participate all year. Similarly, recreational effort needs reduction to achieve a year-round fishery. By promoting different fishing strategies at different times of the year, some bycatch can be avoided, but to accomplish this, trip limits, bag limits, size limits or gear restrictions for several additional species and/or species groups are required in 2000. The Council also abandoned the January-March 3-month cumulative trip limit period because it attracted additional effort on some species at the beginning of the year. Instead, it adopted 2-month and 1-month cumulative trip limit periods. The 2-month periods are intended to provide a reasonable target opportunity for healthier stocks, whereas the small, 1-month cumulative trip limits are intended to provide for landings of unavoidable incidental catch and/or increased flexibility in changing limits at the end of the year.

The lack of current discard information, which results from the lack of an at-sea monitoring program, makes it difficult to assess the success or failure of the proposed management measures. The Council is taking steps to improve its ability to assess bycatch by designing an at-sea observer program that can be implemented as soon as funding becomes available. In the meantime, the Council must use the best information available to it. As in past years, an estimate of discards (as described above in Section I) is subtracted from applicable allocations (generally limited entry allocations), and inseason management is designed to achieve a landed-catch equivalent that is lower than the allocation.

After hearing the GMT's proposals, the advice of its advisory subpanels, and considerable public testimony at its November 1999 meeting, the Council recommended the following actions for management in 2000.

#### *Limited Entry Trawl*

For the limited entry trawl fishery, the Council recommended a suite of season, gear and cumulative trip limits, designed to encourage fishing with gear in times and areas where bycatch of overfished or depleted species will be minimized. The Council recommendations introduce differential trip limits for limited entry trawlers operating with different trawl gear configurations: bottom trawl with footropes greater than 8 inches (20.5 cm) in diameter; bottom trawl with footropes smaller than 8 inches (20.5 cm) in diameter; and midwater or pelagic trawl. Trawling with footropes that have roller gear or other large gear designed to bounce over tough rockpiles tends to allow those vessels greater access to areas where several of the overfished species congregate. Therefore, landings of shelf rockfish are prohibited if large footrope trawls (roller gear) are used; small amounts of shelf rockfish bycatch may be landed if small footrope trawls are used; and, targeting healthy shelf rockfish stocks is encouraged only if midwater trawls are used. Fishers testified at the November 1999 Council meeting that, for a vessel owner using footrope with rollers and bobbins greater than 8 inches (20.5 cm) in diameter, it would not be difficult or costly to modify the gear to get an overall footrope diameter smaller than 8 inches (20.5 cm). The Council initially discussed limiting the small footrope diameter to 7 inches (18 cm) rather than 8 inches (20 cm), but adopted 8 inches (20 cm) in recognition of the variability in producing 7-inch (18 cm) rollers and bobbins. However, because this tolerance is built in, there will be no exceptions to the 8-inch (20 cm) diameter requirement—the footrope must not exceed 8 inches (20 cm) anywhere along its length.

The Council also prohibited the use of chafing gear on the body of small footrope trawls. Chafing gear protects the net from snagging when it drags against rock piles or the sea floor. The prohibition against chafing gear makes the net more vulnerable to tears, and so encourages fishers to operate in less damaging areas.

Trawl vessels using large footrope gear (with footropes greater than 8 inches (20 cm) in diameter) are prohibited from landing nearshore and shelf rockfish and most flatfish species because their ability to fish in rocky areas would result in high incidental catch of species that are depleted or that cannot withstand additional fishing effort. Although vessels are not prohibited from using large footropes in

nearshore and continental shelf areas, they are not allowed to retain and sell most of the fish they could catch there, which should act as a significant disincentive to operate in those areas. Large footrope trawls may still be used on deepwater species of the continental shelf and slope, primarily Dover and rex soles, thornyheads, sablefish, and deepwater rockfish, because they encounter fewer of the species needing protection in these areas. Part of the year, predominantly winter months, large footrope trawls may also be used to harvest arrowtooth flounder and petrale sole, but small footrope trawls are required the rest of the year (Table 3). In addition, new trip limits are imposed for arrowtooth flounder from January–April and from November–December to discourage targeting on POP. The lingcod trawl fishery is closed during those same months, January–April and November–December, with only a bycatch level trip limit (400 lb (181 kg) per month) available from May–October, and an increased size limit (from 24 inches (61 cm) to 26 inches (66 cm) south of 40°10' N. lat. The lingcod closures in the winter will reduce the overall harvest and will protect spawning fish and males guarding their nests.

Another part of the strategy to allow harvest of relatively abundant stocks without affecting depleted ones involves the use of midwater trawl gear, which is effective at harvesting species above the ocean floor, with little or no bycatch of bottom-dwelling species such as canary rockfish. The Council believes the only way the widow rockfish OY may be reached without affecting canary rockfish is with midwater trawl gear. This gear may also be the best way to harvest chilipepper and yellowtail rockfish without catching canary rockfish. Consequently, larger 2-month cumulative trip limits are provided for vessels using midwater trawl gear to harvest widow, yellowtail, and chilipepper rockfish. If a fisher chooses to carry more than one type of trawl gear on board, the landing will be attributed to the gear on board with the most restrictive limit. To land the maximum amounts of widow, yellowtail and chilipepper rockfish, vessels will be required to have only midwater trawl gear onboard.

The industry is forewarned that there is no guarantee that these higher midwater trawl limits will be available throughout the year, or in future years, and cautions fishers to consider before purchasing new gear whether investing in new midwater trawl gear is cost effective. The review of groundfish

productivity is expected to indicate lower OYs in 2001 and beyond.

#### *Limited Entry Fixed Gear*

The limited entry fixed gear fishery starts the year with the same limits as the limited entry trawl fishery when there is no distinction based on type of trawl gear. It has the same limits as the small footrope trawl fishery when there is a trawl gear distinction, except for shortspine thornyheads, sablefish and nearshore rockfish coastwide and shelf rockfish south of 40°10' N. lat. In fact, the fixed gear cumulative trip limits for minor shelf rockfish, canary rockfish, yellowtail rockfish, and bocaccio are the same as for the small footrope trawl fishery except for the closed periods for the fixed gear fishery south of 40°10' N. lat.

The higher midwater trawl limits are not appropriate for fixed gear. Midwater trawls can be used to selectively harvest relatively large quantities of widow, yellowtail, and chilipepper rockfishes above the sea floor, with minimal incidental catch of overfished species and at levels far exceeding recent landings by most fixed gear. There are no comparable and enforceable ways to modify fixed gear to keep it off the bottom and away from overfished species on the continental shelf.

The fixed gear fishery for widow rockfish is provided with a cumulative trip limit of 3,000 lb (1,361 kg) per month in 2000, between the 30,000-lb (13,608 kg) 2-month midwater trawl limit and the 1,000-lb (454 kg) per month small footrope trawl cumulative limit, but the limit is higher than the actual amount landed by most fixed gear vessels in 1999. From January–July 1999, only 3 of 120 limited entry fixed gear vessels landed more than 1,000 lb (454 kg) per month of widow rockfish, and so were not constrained by the much higher cumulative trip limits.

The fixed gear limit for yellowtail rockfish in 2000 kept at the same level as for small footrope trawl gear, 1,500 lb (680 kg) per month, with the intent that this limit will accommodate incidental catch rather than a target fishery. This limit will restrict the fixed gear fleet somewhat. From January–July 1999, 8 of 76 limited entry fixed gear vessels landed more than 1,400 lb (635 kg) of yellowtail rockfish in a month.

The 2000 chilipepper limit of 2,000 lb (907 kg) per month is maintained at a lower level than trawl gear, consistent with recent landings, because bocaccio are caught in fixed gear fisheries for chilipepper.

The fixed gear fishery for shortspine thornyheads is maintained at the same 1,000 lb (454 kg) per month limit year

round, whereas the trawl fishery allows for higher catches in the winter (averaging 1,500 lb (680 kg) per month) when the deepwater Dover sole, sablefish, thornyhead fishery occurs, and smaller catch in the summer (averaging 500 lb (227 kg) per month) when the Dover sole fishery also is curtailed. However, if the monthly averages are compared, both the fixed gear and trawl fisheries have the same average cumulative trip limit amount of 1,000 lb (454 kg) per month.

The fixed gear sablefish fishery is managed under regulations at 50 CFR 660.323(a)(2) that provide for 2 seasons (the regular and mop-up seasons) during which cumulative trip limits apply. The rest of the year is designated for the “daily trip limit” (DTL) fishery, which is restricted by the pounds of sablefish that may be landed in each day (300 lb (136 kg) north of 36° N. lat., and 350 lb (159 kg) south of 36° N. lat.; daily trip limits may not be exceeded. However, they also are counted toward a 2-month cumulative limit of 2,100 lb (953 kg). An option was added for the fishery south of 36° N. lat., in which a fisher could opt to make one landing above 350 lb (159 kg) but no more than 1,050 lb (476 kg) in a week. This option continues in 2000, and a new option is also provided for the fishery north of 36° N. lat., but only through April 30, 2000. Instead of taking 300 lb (136 kg) per day, not to exceed 2,100 lb (953 kg) per 2 months, a fisher may choose to make one landing above 300 lb (136 kg) but less than 600 lb (272 kg) per week, which will count toward an 1,800 lb (816 kg) 2-month cumulative limit. This northern option will end on April 30, 2000, and will be reevaluated but will not be reinstated before July 1, 2000.

For commercial fisheries, direct targeting and opportunities to take overfished species as bycatch will be severely curtailed. Nontrawl gear generally has greater access than trawl gear to rockfish living on and around high relief rockpiles. To prevent commercial nontrawl gear vessels from fishing on nearshore rockfish, shelf rockfish, and lingcod during periods when the recreational fisheries for those species are closed, the Council recommended also closing commercial fixed gear fishing for those species during the same areas and periods—all limited entry fixed gear (pot and longline) south of 40°10' N. lat. will be prohibited from landing any nearshore and shelf rockfish for 2 of the first 4 months of the year (January–February south of 36° N. lat., and March–April from 40°10' N. lat. to 36° N. lat.). Concurrent closures are expected to achieve the conservation goals while

reducing the competitive hostility that sometimes occurs when one gear type is allowed to fish while the other gear type is not. The Council expects that these commercial closures will also reduce the chance that a commercial vessel could take advantage of the recreational closure to target known rockfish hotspots available only to nontrawl gear.

*Open Access (Hook-and-Line, Troll, Pot, Setnet, Trammel Net)*

As in 1999, the open access fishery is managed separately from the limited entry fixed gear fishery. As in the past, open access cumulative trip limits continue to be applied mostly to 1-month periods, and thornyheads may not be taken and retained north of 36° N. lat. However, some significant changes also occur in 2000. Nearshore and shelf rockfish taken with nontrawl open access gear (hook-and-line, troll, pot, setnet and trammel net) south of 40°10' N. lat., may not be possessed or landed for 2 of the first 4 months of the year (January-February south of 36° N. lat., and March-April from 40°10' N. lat. to 36° N. lat.), concurrent with limited entry fixed gear and recreational rockfish closures in the same areas and for the same reasons mentioned above for limited entry nontrawl fisheries. Similarly, the lingcod fishery for all open access nontrawl gears is subject to the same closure, size limits, and cumulative trip limits as limited entry fixed gear. A provision was designed for open access vessels fishing for minor nearshore rockfish north of 40°10' N. lat. The Council wanted to provide a continued opportunity to nearshore fishers to selectively harvest black and blue rockfish, while discouraging excessive harvest of other nearshore species. This is intended to correct the trend of increased effort on other nearshore rockfish in recent years. Consequently, the cumulative trip limit provides for landings of 1,000 lb (454 kg) per month of nearshore rockfish, of which no more than 500 lb (227 kg) may be species other than black or blue rockfish.

In 1998 and previous years, most open access limits were linked to (and could not exceed) limited entry limits, so that the open access monthly cumulative limits for most species were 50 percent of the limited entry 2-month cumulative limits for those species. Since 1999, open access cumulative limits are no longer linked to limited entry cumulative limits. Open access cumulative limits may exceed those for limited entry. In 2000, NMFS clarifies that if a vessel with a limited entry permit uses open access gear (including exempted trawl gear) and the open

access cumulative limit is larger, the vessel will be constrained by the smaller, limited entry cumulative limit for the entire cumulative period.

*Open Access Exempted Trawl Gear*

Open access exempted trawl gear (used to harvest spot and ridgeback prawns, California halibut, sea cucumbers, or pink shrimp) is managed with both "per trip" limits and cumulative trip limits. These trip limits are the same as in 1999, except there are no special sublimits for sablefish, and the other open access limits apply but cannot exceed the overall groundfish limits. The limits are 500 lb (227 kg) of groundfish per day, not to exceed 2,000 lb (907 kg) per trip in the pink shrimp fishery, and 300 lb (136 kg) per trip by the other exempted trawl gears. The trip limits for the pink shrimp fishery will be reconsidered at the March or April Council meeting.

*Recreational Fishery*

The recreational fishery is also restricted for conservation reasons, particularly for lingcod and bocaccio that have significant recreational catches. Washington, Oregon, and California each proposed, and the Council recommended, different combinations of seasons, bag limits and size limits to best fit the needs of their recreational fisheries, while meeting the required conservation burden.

For lingcod, Washington closed the recreational fishery for 5 months (January-March, November-December) and lowered the bag limit from two to one fish, while maintaining the 24-inch (61 cm) minimum size limit. Oregon maintained its two lingcod bag limit and 24-inch (61 cm) size limit, but added a 34-inch (86 cm) maximum size limit. California also maintained its two lingcod bag limit, but increased the minimum size to 26 inches (66 cm) and closed the lingcod season January-February south of 36° N. lat. and March-April from 40°10' N. lat. to 36° N. lat. As recently as 1998, all three states had three lingcod bag limits and lacked closed seasons for this species. The recreational harvest off California is expected to be reduced by 22 percent as a result of the higher minimum size limit for lingcod.

To prevent overfishing and rebuild overfished rockfish, the states took a number of additional actions. Washington maintained its 10 rockfish bag limit, but added that no more than 2 could be canary rockfish and no more than 2 could be yelloweye rockfish, a species on which overfishing occurred in 1999. (Yelloweye are not common in trawl catches.) Oregon reduced its 15

rockfish bag limit to 10, of which no more than 3 may be canary rockfish. California reduced its rockfish bag limit from 15 to 10, maintained its canary rockfish sublimit of 3 fish, and also maintained its bocaccio sublimit of 3 fish, but imposed a new 10-inch (25 cm) minimum size limit for bocaccio, and limited cowcod to one fish per landing, not to exceed two per boat. California also recommended a 3-hook per pole limit for rockfish and lingcod. For bocaccio, the 10-inch (25 cm) minimum size off California was adopted to discourage the targeting of young fish off piers and jetties. Bocaccio smaller than 10 inches (25 cm) are particularly available to this shallow water fishery during their first year of life, before they have had an opportunity to mature and spawn. The strong year class seen in 1999 and expected in 2000 is of particular concern. However, fish caught off piers and jetties do not suffer from decompression and are expected to have high survival if returned quickly to sea.

To assist in species identification, the entire skin must remain on rockfish filets. This requirement provides a more effective means of enforcing reductions in bag limits for rockfish, in general, and for bocaccio, cowcod, and canary rockfish, in particular, because it is difficult to accurately distinguish among rockfish species unless the entire skin is attached.

Size limits are imposed on the following three species that had not been individually managed under the FMP to protect young fish in nearshore waters off California: cabezon, 14 inch (36 cm) size limit; kelp greenling, 12 inch (30 cm) size limit; and California scorpionfish (also called "sculpin"), 10 inch (25 cm) size limit. The new, or increased, recreational size limits apply to species that are of commercial and recreational importance and for which there is a need for conservation. Furthermore, these species are harvested in waters that are shallow enough to ensure a high likelihood of survival following capture and release. For cabezon, greenling, and California scorpionfish, the minimum size limits are intended to provide at least 50 percent of adult females of each species with an opportunity to spawn at least once. Identical commercial size limits were adopted by the California in 1999 for these three species.

Different season closures were chosen for the Monterey and Conception areas in order to maximize benefits to bocaccio and canary rebuilding, while limiting disruption to the overall recreational fishery to 2-month periods. Over 40 percent of annual recreational



landings of bocaccio in southern California occur during January and February, so prohibiting rockfish landings during those months has the highest potential benefit for bocaccio. In the Monterey area, about 25 percent of the annual canary rockfish landings occur during March and April, which is a greater proportion than during any other 2-month period. March–April also accounts for a comparatively high proportion of the bocaccio catch in the Monterey area. Consequently, season closures were chosen to correspond with the 2-month periods of greatest benefit for bocaccio and canary rockfish in the Conception and Monterey areas. Furthermore, season closures allow for modestly higher trip and bag limits than otherwise would be possible under year-round fishing, which is expected to result in fewer discards than otherwise would occur. Concurrent seasons for recreational and commercial nontrawl fisheries are more cost effective to enforce than staggered seasons and minimize conflicts between commercial nontrawl and recreational fishers that fish for nearshore and shelf rockfish.

#### *Other Provisions*

Other provisions for the 1999 fisheries not explicitly addressed above remain in effect and are repeated in paragraph IV. of this document. For example, the optional platooning system that was initiated in 1997 remains in effect that enables the limited entry trawl fleet to provide a more consistent supply of fish to processors. The choice of platoon applies to the permit for the entire calendar year, even if the permit is sold, leased, or otherwise transferred. The platoon system is experimental and, although it is continued in 2000, it may not be continued in the future if the Council decides that the benefit does not outweigh technical and administrative burdens.

Harvest rates and landings will be monitored throughout the year and cumulative limits may be raised or lowered to provide access to the OYs, allocations, and harvest guidelines, but only if consistent with the management measures implemented to protect and rebuild overfished species.

The management measures for the limited entry fishery are found in Section IV. Most cumulative trip limits, size limits, and seasons for the limited entry fishery are explained in Tables 3 and 4 of section IV. However, the limited entry nontrawl sablefish fishery, the midwater trawl fishery for whiting, and the hook-and-line fishery for black rockfish off Washington are managed separately from the majority of the groundfish species and are not fully

discussed in the tables. Their framework management structure has not changed since 1999, except for the level of trip limits for sablefish and whiting, and is described in paragraphs IV.B.(2)–(4) of section IV.

#### *Reducing Bycatch*

The Magnuson-Stevens Act defines bycatch as “fish which are harvested in a fishery, which are not sold or kept for personal use, and include economic discards and regulatory discards.” In the Pacific Coast groundfish fishery and in many other fisheries, the term bycatch is commonly used to describe nontargeted species that are landed and sold or used, and the term “discard” is used to describe those that are not landed or used. Bycatch (as defined by the Magnuson-Stevens Act) information in the groundfish fishery is scarce. However, the groundfish management measures include provisions to reduce trip limit induced bycatch and to account for that bycatch when establishing ABCs and monitoring harvest levels.

Based on limited studies in the mid-1980s and information on species compositions in landings, the Council has developed assumed discard rates for sablefish, longspine and shortspine thornyheads, widow rockfish, canary rockfish, yellowtail rockfish, Dover sole, and lingcod (see I. Final Specifications). These discard rates are used to calculate an amount of assumed discard that is subtracted from the annual total catch OY to yield a landed catch equivalent. Although there is no exact measure of bycatch amounts in most fisheries, the assumed amounts are taken into account in this way to prevent total landings from exceeding the ABC. Certain species are also managed within mixed-stock groups, like the “DTS complex” of Dover sole, thornyheads, and sablefish. For groundfish multispecies management, trip limits are set to match the known species catch proportions, which may mean reducing trip limits on some of the more abundant species to prevent bycatch of less abundant species, or setting trip limits at levels that vary throughout the year according to when particular stocks are most aggregated. The cumulative trip limit system is designed to encourage fishers to direct effort on particular species when those species are aggregated or when bycatch species are less available. Longer cumulative limit periods than in 1998 when no more than 60 percent of a 2-month cumulative limit could be taken in either of the months, coupled with trip limits that recognize species distribution throughout the fishing year, will also reduce the opportunities for

discarding groundfish in excess of trip limits. In addition, the new trawl-gear specific trip limits discussed elsewhere will also reduce bycatch.

#### *Fishing Communities and Impacts*

The Magnuson-Stevens Act requires that actions taken to implement FMPs be consistent with 10 national standards, one of which requires that conservation and management measures “take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.” Commercial and recreational fisheries for Pacific coast groundfish contribute to the economies and shape the cultures of numerous fishing communities in Washington, Oregon, and California. In setting this year's specifications and management measures, the Council took several steps to accommodate the needs of those communities within the constraints of requirements to rebuild overfished stocks and to prevent overfishing. In general, the Council allows the largest harvest possible, consistent with conservation needs of the fish stocks.

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



some groundfish species and by adopting trawl gear restrictions. These gear restrictions through operational and economic incentives, will prevent bottom trawl fishing with roller gear for some species and encourage use of midwater trawl and small footrope trawls on the continental shelf where most overfished species occur. These strategies were developed by a group of industry participants and representatives in consultation with the GMT as to achieve conservation goals while minimizing impacts on the industry and coastal communities.

Nonetheless, the impacts on some fishers and communities will be severe, particularly those without alternative opportunities. New, lower harvest levels will cause economic hardship in many Pacific Coast fishing communities. Depending on the base year(s) of comparison (1999 or 1995–97), the estimates of loss in ex-vessel revenues for the year 2000 range from something greater than \$3 million to at least \$15 million. Doubling these figures would provide a reasonable approximation of loss in income to fishing communities. A study sponsored by the Oregon suggests that Oregon fishing communities will suffer a loss in income of about 33 percent (about \$20 million) in the year 2000 compared to their income in 1995. Although, the estimates assume that OYs of all managed species will be entirely harvested, this is unlikely to occur. If all OYs are not fully harvested, the above values probably underestimate the economic impact of the 2000 management measures. Some amounts of healthy stocks will not be fully harvested because their harvest will be constrained by regulations designed to protect co-occurring overfished species. Participation in the fishery may also decline in response to more restrictive management measures, but we cannot predict how participation might change and how much harvest might be reduced by that change. The distribution of the economic impact will depend on how well the user groups can adapt to the restrictions. In some instances some user groups, particularly those able to use midwater trawl gear, will have a greater opportunity to harvest in the year 2000 than in 1999, because the Council recommended new gear restrictions encouraging fishers to use gear that reduces incidental catch of the depleted rockfish. Other fishers will not be able to maintain a viable operation at the reduced harvest levels. The Council prepared a draft Community Impact Assessment document which was available for

public review at the November Council meeting, and the EA/RIR prepared for this action also discusses the economic and social effects on coastal communities (see **ADDRESSES**).

#### *Designated Species B Permits*

Designated species B permits may be issued if the limited entry fleet will not fully utilize the OY for Pacific whiting or shortbelly rockfish. Whiting is clearly fully utilized by the limited entry fishery, and has been for years. Shortbelly rockfish and whiting are taken predominantly with limited entry trawl gear. The open access fishery is prohibited from using trawl gear to target groundfish. Therefore the likelihood of interest in, or issuance of, Designated Species B permits for an open access fishery for whiting or shortbelly rockfish is remote. NMFS has determined that the limited entry fleet intends to use the entire OY for Pacific whiting and shortbelly rockfish, and, therefore, NMFS does not expect to issue Designated Species B permits in 1999.

#### *Summary of Management Changes in 2000*

Section IV below incorporates the regulatory text that applies to fishers operating in the Pacific coast groundfish fishery in 2000. Many provisions are the same as in 1999, but a number of revisions and format changes have been made. New cumulative trip limit periods are announced at IV.A.(1)(c), that apply to both limited entry and open access fisheries, as applicable. Explanations of size limit measurements and conversions for sablefish and lingcod are moved into paragraph IV.A.(6), although the actual size limits appear in Tables 3–5. Paragraph IV.A.(11) is revised to clarify how cumulative trip limits are applied for a limited entry vessel operating in the open access fishery if the open access limit is larger than the limited entry limit. Paragraph IV.A.(13) is expanded to include a list of species that must be sorted. New gear restrictions for the limited entry fishery appear in paragraph IV.A.(14); cumulative trip limits differ for many species depending on the type of trawl gear used. The first day of the major cumulative limit periods, that establish when limited entry permit transfers must be completed, is announced in paragraph IV.A.(15). Platooning dates for the year 2000 are listed in paragraph IV.A.(16). The geographic coordinates in paragraph (19) are updated by adding the new cumulative trip limit management line (the “north/south line”) at 40°10′ N. lat. New classifications of nearshore, shelf, and

slope rockfish are added at paragraph IV.A.(20), and minor rockfish species are listed in Table 2. The trip limits have been converted from text into tables, with explanations in Section IV. However, the industry is cautioned not to rely on the tables alone. The text in Section IV. provides cumulative trip limit definitions and periods, size limit definitions and conversions, and other information that cannot be readily included in a table but must be understood in order to use the tables correctly. The sablefish allocations and nontrawl sablefish management, Pacific whiting allocations and seasons, and “per trip” limits for black rockfish off Washington State are still presented in text in paragraphs IV.B. Discussion of trip limits for exempted trawl gear in the open access fishery (paragraph IV.C.), recreational management measures (paragraph IV.D.), and tribal allocations and management measures (paragraph V.) also still remain in text.

#### *How to Use the Trip Limit Tables*

Cumulative trip limits are applied during the time periods indicated in Tables 3–5 of Section IV. The cumulative trip limit may be taken at any time within the applicable cumulative trip limit period. All cumulative trip limit periods start at 0001 hours, local time, on the specified beginning date, except for “B” platoon trawl vessels whose limits start on the 16th of the month (see paragraph IV.A.(16)).

Example 1: Line 2 of Table 3 for the limited entry trawl fishery means—North of 40°10′ N. lat., the cumulative trip limit for minor slope rockfish is 3,000 lb (1,361 kg) per 2-month period; the 2-month periods are January 1–February 29 and March 1–April 30.

Example 2: The trip limits for bocaccio on Table 4 for limited entry fixed gear mean: From January 1 through February 29, the trip limit for bocaccio between 40°10′ N. lat. and 36° N. lat. is 300 lb (136 kg) each month. However, the fishery for bocaccio is closed from March 1–April 30, which means bocaccio may not be taken, retained, possessed or landed between 40°10′ N. lat. and 36° N. lat. during that time period. The cumulative trip limit increases to 500 lb (227 kg) per month on May 1, but a fisher may not fish ahead on that amount (see paragraph IV.A.(2)). Bocaccio taken and retained north of 40°10′ N. lat. are not explicitly mentioned in the table, which means they are included in the trip limit for “minor shelf rockfish-north” (see footnote 6 of Table 4).

### Emergency Rule

In the past, annual management measures have been primarily set through "routine" management procedures which consisted of adjusting commercial trip limits and recreational bag limits. For most species, the limited entry commercial trip limit did not vary with the type of gear used. However, because of the drastic reductions in harvest limits for many species and the multispecies characteristic of the fishery, the existing routine management measures will not produce sufficient and appropriately targeted harvest reductions. Therefore, the emergency authority at section 305(c) of the Magnuson-Stevens Act must be used to tailor the management measures to the needs of the stocks, while allowing as much access to healthy stocks as possible.

The emergency authority is being used to implement and designate as routine the following management measures. The new routine measures for the commercial fishery include limited entry trip limits that may be different based on type of gear used and closed seasons for lingcod and rockfish. The new routine management measures for the recreational fishery include size limits for canary rockfish, bocaccio, cabezon, kelp greenling, and sculpin; closures for rockfish and lingcod; boat limits for cowcod; a requirement to keep the skin on rockfish; a prohibition on filleting cabezon; and hook limits. These new measures will be used for the same purposes as the existing routine measures set out at 50 CFR 660.323(b) and, in addition, for the purposes achieving the rebuilding plans, reducing bycatch, preventing overfishing, allowing the harvest of healthy stocks as much as possible while protecting and rebuilding overfished and depleted stocks, and equitably distributing the burdens of rebuilding among the sectors. The more specific reasons behind the specific management measures are addressed elsewhere in this notice. This emergency rule is effective for 180 days, July 3, 2000. NMFS anticipates extending the rule for an additional 180 days in order for it to cover the entire 2000 fishing season. During 2000, NMFS plans to amend the existing groundfish regulations in order to implement rebuilding plans and to provide the type of flexibility provided here.

### IV. NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurs with the Council's

recommendations and announces the following management actions for 2000, including those that are the same as in 1999.

#### A. General Definitions and Provisions

The following definitions and provisions apply to the 2000 management measures, unless otherwise specified in a subsequent notice:

(1) *Trip limits*. Trip limits are used in the commercial fishery to specify the amount of fish that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

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

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

(c) *A cumulative trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 0001 hours and end at 2400 hours (local time), are as follows, unless otherwise specified:

(i) The 2-month periods are: January 1–February 29, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and, November 1–December 31.

(ii) One-month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

(2) *Fishing ahead*. Unless the fishery is closed, a vessel that has landed its cumulative, or daily limit may continue to fish on the limit for the next legal period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next legal period. As stated at 50 CFR 660.302 (in the definition of "landing"), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing. Fishing ahead is not

allowed during or before a closed period (see paragraph IV.A.(7)).

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

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

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

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

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

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

(c) *Sablefish size and weight limit conversions*. The following conversions apply to both the limited entry and open access fisheries when size and trip limits are effective for those fisheries. For headed and gutted (eviscerated) sablefish:

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

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

(d) *Lingcod size and weight conversions*. The following conversions

apply in both limited entry and open access fisheries.

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

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

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

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

(7) *Closure.* "Closure," when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes. [Note: Special provisions are made for an at-sea closure at the end of the regular season for the sablefish limited entry fishery. See 50 CFR 660.323(a)(2).] The provisions at paragraph IV.A.(2) for fishing ahead do not apply during a closed period. It is unlawful to transit through a closed area with the prohibited species on board, no matter where that species was caught.

(8) *Fishery management area.* The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nm offshore, or landed in, Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) *Routine and emergency management measures.*

(a) *Routine management measures.* Most trip and bag limits in the groundfish fishery have been designated "routine," which means they may be changed rapidly after a single Council meeting. (See 50 CFR 660.323(b).)

(b) *Emergency regulations.* Management measures not previously designated routine under 50 CFR 660.323(b) are implemented in this rule and temporarily designated routine by this emergency rule, for the reasons specified in 50 CFR 660.323(b) and for the purpose of achieving the rebuilding plans, reducing bycatch, preventing overfishing, allowing the harvest of healthy stocks as much as possible while protecting overfished and depleted stocks, and equitably distributing the burdens of rebuilding among the sectors. The new routine measures for the commercial fishery include limited entry trip limits that may be different based on type of gear used and closed seasons for lingcod and rockfish. The new routine management measures for the recreational fishery include size limits for canary rockfish, bocaccio, cabezon, kelp greenling, sculpin; closures for rockfish and lingcod; boat limits for cowcod; a requirement to keep the skin on rockfish; a prohibition on filleting cabezon; and hook limits.

(c) *Inseason changes.* Inseason changes to routine (including emergency) management measures are announced in the **Federal Register**. Information concerning changes to routine management measures is available from the NMFS Northwest and Southwest Regional Offices (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

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

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another

type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open access gear, and the open access limit is smaller than the limited entry limit, then the open access limit cannot be exceeded and counts toward the limited entry limit. If a vessel has a limited entry limit and uses open access gear, and the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear. In short, a vessel with a limited entry permit that uses both limited entry and open access gear is constrained by the smaller of the two limits during the entire cumulative trip limit period.

(12) *Operating in areas with different trip limits.* Trip limits for a species or species group may differ in different geographic areas along the coast. The following "crossover" provisions apply to vessels operating in different geographical areas that have different cumulative or "per trip" trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see 50 CFR 660.323(a)(1)). In 2000, the cumulative trip limit periods for the limited entry and open access fisheries are specified in paragraph IV.A(1)(c), but may be changed during the year if announced in the **Federal Register**.

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

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit for that trip limit period.

(13) *Sorting.* It is unlawful for any person to "fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or harvest guideline, if the vessel fished or landed in an area during a

time when such trip limit, size limit, harvest guideline, or quota applied." This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h), effective July 27, 1998.) The following species must be sorted in 2000:

(a) For vessels with a limited entry permit:

(i) Coastwide—widow rockfish, canary rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyheads, Dover sole, arrowtooth flounder, lingcod, sablefish, and Pacific whiting;

(ii) North of 40°10' N. lat.—Pacific ocean perch, yellowtail rockfish, and, for fixed gear, black rockfish and blue rockfish;

(iii) South of 40°10' N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish, cowcod.

(b) For open access vessels (vessels without a limited entry permit):

(i) Coastwide—widow rockfish, canary rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, arrowtooth flounder, other flatfish, lingcod, sablefish, and Pacific whiting;

(ii) North of 40°10' N. lat.—Black rockfish, blue rockfish, Pacific ocean perch, yellowtail rockfish;

(iii) South of 40°10' N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish, cowcod;

(iv) South of Point Conception—thornyheads.

(14) *New Limited Entry Trawl Gear Restrictions in 2000.* Limited entry trip limits may vary depending on the type of trawl gear that is onboard a vessel during a fishing trip: large footrope, small footrope, or midwater trawl gear.

(a) *Types of trawl gear.*

(i) *Large footrope trawl gear* is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope).

(ii) *Small footrope trawl gear* is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope), except chafing gear may be used only on the last 50 meshes of a small footrope trawl, running the length of the net from the terminal (closed) end of the codend.

(iii) *Midwater trawl gear* is pelagic trawl gear, as specified at 50 CFR 660.302 and 660.322(b)(2). The footrope of midwater trawl gear may not be

enlarged by encircling it with chains or by any other means.

(b) *Cumulative trip limits and prohibitions.*

(i) *Large footrope trawl.* It is unlawful to take and retain, possess or land the following species from a fishing trip if large footrope gear is onboard and the trip is conducted at least in part during the following periods: any species of shelf or nearshore rockfish (defined at IV.A.(20) and Table 2 to Section IV), January 1–December 31; any species of flatfish (as listed at 50 CFR 660.302 under the definition of groundfish), January 1–December 31, with the following exceptions—large footrope trawl gear may be used to take and retain Dover sole and rex sole year-round, petrale sole from January 1–February 29 and November 1–December 31, and arrowtooth flounder from January 1–April 30 and November 1–December 31, but these exceptions apply only on a trip that is conducted entirely during the periods in which use of large footrope gear is authorized. (See Table 3). The presence of rollers or bobbins larger than 8 inches (20 cm) in diameter on board the vessel, even if not attached to a trawl, will be considered to mean a large footrope trawl is on board. Dates will be adjusted for the "B" platoon.

(ii) *Small footrope or midwater trawl gear.* Cumulative trip limits for canary rockfish, widow rockfish, yellowtail rockfish, bocaccio, chilipepper, minor shelf rockfish, minor nearshore rockfish, and lingcod, and the "per trip" limit for cowcod, as indicated in Table 3 to Section IV, are allowed only if small footrope gear or midwater trawl gear is used, and if that gear meets the specifications in paragraphs IV.A.(14).

(iii) *Midwater trawl gear.* Higher cumulative trip limits are available for limited entry vessels using midwater trawl gear to harvest widow, yellowtail, or chilipepper rockfish. Each landing that contains widow, yellowtail, or chilipepper rockfish is attributed to the gear on board with the most restrictive trip limit for those species. Landings attributed to small footrope trawl must not exceed the small footrope limit, and landings attributed to midwater trawl must not exceed the midwater trawl limit. If a vessel has landings attributed to both types of trawls during a cumulative trip limit period, landings attributed to small footrope gear are counted toward the cumulative limit for midwater trawl gear. [Example: The cumulative trip limit for widow rockfish is 30,000 lb (13,608 kg) per 2 month period, of which no more than 1,000 lb (454 kg) per month may be attributed to landings by small footrope trawl gear.]

(iv) *More than one type of trawl gear on board.* The cumulative trip limits in Table 3 of section IV must not be exceeded. It is legal to have more than one type of limited entry trawl gear on board, but the most restrictive trip limit associated with the gear on board will apply for that trip, and will count toward the cumulative trip limit for that gear. [Example: If a vessel has large footrope gear on board, it cannot land chilipepper, even if the chilipepper is caught with a small footrope trawl. If a vessel has both small footrope trawl and midwater trawl gear onboard, the landing is attributed to the more restrictive small footrope trawl limit, even if midwater trawl gear was used.]

(c) *Measurement.* The footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(d) *State landing receipts.* Washington, Oregon, and California have indicated that they will require the type of trawl gear on board with the most restrictive limit to be recorded on the State landing receipt(s) for each trip, or an attachment to the State landing receipt.

(e) *Gear inspection.* All trawl gear and trawl gear components, including unattached rollers or bobbins, must be readily accessible and made available for inspection at the request of an authorized officer. All footropes shall be uncovered and clearly visible except when in use for fishing.

(15) *Permit transfers.* Limited entry permit transfers are to take effect only on the first day of a major cumulative limit period (50 CFR 660.333(c)(1)), those days in 2000 are January 1, March 1, May 1, July 1, September 1, and November 1, and are delayed by 15 days (starting on the 16th of a month) for the "B" platoon.

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

(a) For a vessel in the "B" platoon, cumulative trip limit periods begin on the 16th of the month at 0001 hours, local time, and end on the 15th of the month. Therefore, the management

(c) Slope rockfish consists of Pacific ocean perch, splitnose rockfish, and the minor slope rockfish species listed in Table 2.

(North of 40°10' N. lat.)	(South of 40°10' N. lat.)
<b>NEARSHORE</b>	
black, <i>Sebastes melanops</i> ..... black and yellow, <i>S. chrysomelas</i> ..... blue, <i>S. mystinus</i> ..... brown, <i>S. auriculatus</i> ..... calico, <i>S. dalli</i> ..... China, <i>S. nebulosus</i> ..... copper, <i>S. caurinus</i> ..... gopher, <i>S. carnatus</i> ..... grass, <i>S. rastrelliger</i> ..... kelp, <i>S. atrovirens</i> ..... olive, <i>S. serranoides</i> ..... quillback, <i>S. maliger</i> ..... treefish, <i>S. serriceps</i> .....	black, <i>Sebastes melanops</i> . black and yellow, <i>S. chrysomelas</i> . blue, <i>S. mystinus</i> . brown, <i>S. auriculatus</i> . calico, <i>S. dalli</i> . California Scorpionfish. <i>Scorpaena guttata</i> . China, <i>S. nebulosus</i> . copper, <i>S. caurinus</i> . gopher, <i>S. carnatus</i> . grass, <i>S. rastrelliger</i> . kelp, <i>S. atrovirens</i> . olive, <i>S. serranoides</i> . quillback, <i>S. maliger</i> . treefish, <i>S. serriceps</i> .
<b>SHELF</b>	
bronzespotted, <i>S. gilli</i> ..... bocaccio, <i>S. paucispinis</i> ..... chameleon, <i>S. phillipsi</i> ..... chilipepper, <i>S. goodei</i> ..... cowcod, <i>S. levis</i> ..... dwarf-red, <i>S. rufinanus</i> ..... flag, <i>S. rubrivinctus</i> ..... freckled, <i>S. lentiginosus</i> ..... greenblotched, <i>S. rosenblatti</i> ..... greenspotted, <i>S. chlorostictus</i> ..... greenstriped, <i>S. elongatus</i> ..... halfbanded, <i>S. semicinctus</i> ..... honeycomb, <i>S. umbrosus</i> ..... Mexican, <i>S. macdonaldi</i> ..... pink, <i>S. eos</i> ..... pinkrose, <i>S. simulator</i> .....	bronzespotted, <i>S. gilli</i> . chameleon, <i>S. phillipsi</i> . dwarf-red, <i>S. rufinanus</i> . flag, <i>S. rubrivinctus</i> . freckled, <i>S. lentiginosus</i> . greenblotched, <i>S. rosenblatti</i> . greenspotted, <i>S. chlorostictus</i> . greenstriped, <i>S. elongatus</i> . halfbanded, <i>S. semicinctus</i> . honeycomb, <i>S. umbrosus</i> . Mexican, <i>S. macdonaldi</i> . pink, <i>S. eos</i> . pinkrose, <i>S. simulator</i> . pygmy, <i>S. wilsoni</i> . redbanded, <i>S. babcocki</i> . redstriped, <i>S. prorier</i> .

TABLE 2.—MINOR ROCKFISH SPECIES (EXCLUDES THORNYHEADS)—Continued

(North of 40°10' N. lat.)	(South of 40°10' N. lat.)
pygmy, <i>S. wilsoni</i> .....	rosethorn, <i>S. helvomaculatus</i> .
redbanded, <i>S. babcocki</i> .....	rosy, <i>S. rosaceus</i> .
redstriped, <i>S. proriger</i> .....	silvergrey, <i>S. brevispinis</i> .
rosethorn, <i>S. helvomaculatus</i> .....	speckled, <i>S. ovalis</i> .
rosy, <i>S. rosaceus</i> .....	squarespot, <i>S. hopkinsi</i> .
silvergrey, <i>S. brevispinis</i> .....	starry, <i>S. constellatus</i> .
speckled, <i>S. ovalis</i> .....	stripetail, <i>S. saxicola</i> .
squarespot, <i>S. hopkinsi</i> .....	swordspine, <i>S. ensifer</i> .
starry, <i>S. constellatus</i> .....	tiger, <i>S. nigrocinctus</i> .
<b>SLOPE</b>	
aurora, <i>S. aurora</i> .....	aurora, <i>S. aurora</i> .
bank, <i>S. rufus</i> .....	bank, <i>S. rufus</i> .
blackgill, <i>S. melanostomus</i> .....	blackgill, <i>S. melanostomus</i> .
darkblotched, <i>S. crameri</i> .....	darkblotched, <i>S. crameri</i> .
rougheye, <i>S. aleutianus</i> .....	Pacific ocean perch, <i>S. alutus</i> .
sharpshin, <i>S. zacentrus</i> .....	rougheye, <i>S. aleutianus</i> .
shortraker, <i>S. borealis</i> .....	sharpshin, <i>S. zacentrus</i> .
splitnose, <i>S. diploproa</i> .....	shortraker, <i>S. borealis</i> .
yellowmouth, <i>S. reedi</i> .....	yellowmouth, <i>S. reedi</i> .

*B. Limited Entry Fishery*

(1) *General.* Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(c), size limits (see paragraph IV.A.(6)), and seasons (see paragraph IV.A.(7)), and the trawl

fishery has new gear requirements and trip limits that differ by the type of trawl gear on board (see paragraph IV.A.(14)). Most of the management measures for the limited entry fishery are listed above and in Tables 3 and 4, and may be changed during the year by announcement in the **Federal Register**.

However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following Tables 3 and 4.

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Table 3. 2000 Trip Limits 1/ and Gear Requirements 2/ for Limited Entry Trawl Gear  
**Read Section IV. A. NMFS Actions before using this table.**

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	<b>Minor slope rockfish</b>						
2	North	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
3	South	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
4	<b>Splitnose-South</b>	8,500 lb / 2 months		14,000 lb / 2 months			4,000 lb / month
5	<b>Pacific ocean perch</b>	500 / month		2,500 lb / month			500 lb / month
6	<b>Sablefish</b>	7,000 lb / 2 months 22-inch size limit 3/		10,000 lb / 2 months 22-inch size limit 3/			3,500 lb / month 22-inch size limit 3/
7	<b>Longspine thornyhead</b>	12,000 lb / 2 months		4,000 lb / 2 months			6,000 lb / month
8	<b>Shortspine thornyhead</b>	3,000 lb / 2 months		1,000 lb / 2 months			1,500 lb / month
9	<b>Dover sole</b>	55,000 lb / 2 months		20,000 lb / 2 months			20,000 / month
10	<b>Arrowtooth flounder</b>	10,000 lb / trip		No pound limit , but small footrope required 2/			10,000 lb / trip
11	<b>Petrale sole</b>	No restriction	No pound limit , but small footrope required 2/				No restriction
12	<b>Rex sole</b>		No limit				
13	<b>All other flatfish 4/</b>		No pound limit , but small footrope required 2/				
14	<b>Whiting shoreside 5/</b>	20,000 lb / trip before primary season		Primary season			20,000 lb / trip after primary season
15							
16	<b>Use of small footrope bottom trawl or midwater trawl required for landing all the following species 6/:</b>						
17	<b>Minor Shelf rockfish</b>						
18	North	300 lb / month		1,000 lb / month			300 lb / month
19	South	500 lb / month		1,000 lb / month			500 lb / month
20	<b>Canary rockfish</b>	100 lb / month		300 lb / month			100 lb / month
21	<b>Widow rockfish</b>						
22	mid-water trawl	30,000 lb / 2 months		30,000 lb / 2 months			30,000 lb / 2 months
23	small footrope trawl	1,000 lb / month		1,000 lb / month			1,000 lb / month
24	<b>Yellowtail-North 7/</b>						
25	mid-water trawl	10,000 lb / 2 months		30,000 lb / 2 months			10,000 lb / 2 months
26	small footrope trawl	1,500 lb / month		1,500 lb / month			1,500 lb / month
27	<b>Bocaccio-South 7/</b>	300 lb / month		500 lb / month			300 lb / month
28	<b>Chilipepper-South 7/</b>						
29	mid-water trawl	25,000 lb / 2 months		25,000 lb / 2 months			25,000 lb / 2 months
30	small footrope trawl	7,500 lb / 2 months		7,500 lb / 2 months			7,500 lb / 2 months
31	<b>Cowcod - South 7/</b>	1 fish per landing		1 fish per landing			1 fish per landing
32	<b>Minor Nearshore rockfish</b>						
33	North	200 lb / month		200 lb / month			200 lb / month
34	South	200 lb / month		200 lb / month			200 lb / month
35	<b>Lingcod</b>	CLOSED		400 lb / month; 24-inch size limit 8/			CLOSED

1/ These trip limits apply coastwide unless otherwise specified. North means 40° 10' N. lat. to the US-Canada border. "South" means 40° 10' N. lat. to the US-Mexico border. 40° 10' N. lat. is about 20 nautical miles south of Cape Mendocino CA.

2/ Gear requirements and prohibitions are explained at paragraph IV.A.(14).

3/ No more than 500 lbs (227 kg) per trip may be sablefish smaller than 22 inches (56 cm) total length, which counts toward the cumulative limit.

4/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 3 with a trip limit.

5/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb / trip throughout the year (See IV.B.(3)(c)).

6/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. Midwater gear also may be used; the footrope must be bare. See paragraph IV.A.(14).

7/ Yellowtail rockfish in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area. See Table 2.

8/ Lingcod must be greater than or equal to 24 inches (61 cm) total length. See IV.A.(6).

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4. 2000 Trip Limits 1/ for Limited Entry Fixed Gear

*Read Section IV. A. NMFS Actions before using this table.*

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JULY-AUG	SEP-OCT	NOV-DEC
1	<b>Minor slope rockfish</b>						
2	North	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
3	South	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
4	<b>Splitnose-South</b>	8,500 lb/2 mo.		14,000 lb / 2 months			4,000 lb / month
5	<b>Pacific ocean perch</b>	500 lb / month		2,500 lb / month			500 lb / month
6	<b>Sablefish (daily trip limit fishery) 2/</b>						
7	North of 36° N. lat.	300 lb / day, 2,100 lb / 2 months or 1 landing above 300 lb but less than 600 lb/week, less than 1,800 lb / 2 mo		300 lb / day, 2,100 lb / 2 months (option to make one landing per week above 300 lb removed May 1; may be reinstated in July)			300 lb / day, 2,100 lb / 2 months
8							
9							
10	South of 36° N. lat.	350 lb / day or 1 landing above 350 lb per week, up to 1,050 lb		350 lb / day or 1 landing above 350 lb per week, up to 1,050 lb			350 lb / day or 1 landing above 350 lb per week, up to 1,050 lb
11							
12							
13	<b>Longspine thornyhead</b>	12,000 lb / 2 months		4,000 lb / 2 months			6,000 lb / month
14	<b>Shortspine thornyhead</b>	1,000 lb / month		1,000 lb / month			1,000 lb / month
15	<b>Dover sole</b>	55,000 lb / 2 months		20,000 lb / 2 months			20,000 / month
16	<b>Arrowtooth flounder</b>	10,000 lb / trip		No restriction			10,000 lb / trip
17	<b>Petrale sole</b>	No restriction		No restriction			No restriction
18	<b>Rex sole</b>	No restriction		No restriction			No restriction
19	<b>Other flatfish 3/</b>	No restriction		No restriction			No restriction
20	<b>Shoreside whiting 4/</b>	20,000 lb / trip		Open			20,000 lb / trip
21	<b>Minor Shelf rockfish</b>						
22	North	300 lb / month		1,000 lb / month			300 lb / month
23	South						
24	40°10'-36°00' N. lat.	500 lb / month	CLOSED 5/	1,000 lb / month			500 lb / month
25	South of 36°00' N. lat.	CLOSED	500 lb / month	1,000 lb / month			500 lb / month
26	<b>Canary-Coastwide</b>						
27	North	100 lb / month		300 lb / month			100 lb / month
28	South						
29	40°10'-36°00' N. lat.	100 lb / month	CLOSED	300 lb / month			100 lb / month
30	South of 36°00' N. lat.	CLOSED	100 lb / month	300 lb / month			100 lb / month
31	<b>Widow rockfish-Coastwide</b>						
32	North	3,000 lb / month		3,000 lb / month			3,000 lb / month
33	South						
34	40°10'-36°00' N. lat.	3,000 lb/month	CLOSED	3,000 lb / month			3,000 lb / month
35	South of 36°00' N. lat.	CLOSED	3,000 lb/month	3,000 lb / month			3,000 lb / month
36	<b>Yellowtail-North 6/</b>	1,500 lb / month		1,500 lb / month			1,500 lb / month
37	<b>Bocaccio-South 6/</b>						
38	40°10'-36°00' N. lat.	300 lb / month	CLOSED	500 lb / month			300 lb / month
39	South of 36°00' N. lat.	CLOSED	300 lb / month	500 lb / month			300 lb / month
40	<b>Chilipepper-South 6/</b>						
41	40°10'-36°00' N. lat.	2,000 lb/month	CLOSED	2,000 lb / month			2,000 lb / month
42	South of 36°00' N. lat.	CLOSED	2,000 lb/month	2,000 lb / month			2,000 lb / month
43	<b>Cowcod - South 6/</b>						
44	40°10'-36°00' N. lat.	1 fish per landing	CLOSED	1 fish per landing			1 fish per landing
45	South of 36°00'	CLOSED	1 fish per landing	1 fish per landing			1 fish per landing
46	<b>Minor Nearshore rockfish</b>						
47	North	2,400 lb/2 months, of which no more than 1,200 lb may be species other than black or blue rockfish 7/		2,400 lb/2 months, of which no more than 1,200 lb may be species other than black or blue rockfish 7/			2,400 lb/2 months, of which no more than 1,200 lb may be species other than black or blue rockfish 7/
48							
49							
50	South						
51	40°10'-36°00' N. lat.	1,000 lb / 2 months	CLOSED	1,000 lb / 2 months			1,000 lb / 2 months
52	South of 36°00' N. lat.	CLOSED	1,000 lb / 2 months	1,000 lb / 2 months			1,000 lb / 2 months
53	<b>Lingcod 8/</b>	CLOSED		400 lb / month, size limit 24 inches north, 26 inches south			CLOSED

1/ Trip limits apply coastwide unless otherwise specified. North means 40° 10' N. lat. to the US-Canada border. "South" means 40° 10' N. lat. to the US-Mexico border.

2/ The sablefish size limit does not apply during the daily trip limit fishery, but does apply during the "regular" and mop-up" seasons north of 36° N. lat. See IV.B.(2).

3/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 4 with a trip limit.

4/ The whiting "per trip" limit in the Eureka area for catch inside 100 fathoms is 10,000 lb / trip throughout the year.

5/ Closed means it is prohibited to take and retain, possess, or land the designated species in the time or area indicated (see IV.A.(7)).

6/ Yellowtail rockfish in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.

7/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

8/ The size limit for lingcod is 24 inches (61 cm) in the north and 26 inches (66 cm) in the south, total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.



(2) *Sablefish*. The limited entry sablefish allocation is further allocated 58 percent to trawl gear and 42 percent to nontrawl gear. See footnote e/ of Table 1a.

(a) *Trawl trip and size limits*. Management measures for the limited entry trawl fishery for sablefish are listed in Table 3.

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

(i) *Regular and mop-up seasons*. Starting and ending dates for the regular and mop-up seasons, and the size of the cumulative trip limits for the regular and mop-up seasons (see 50 CFR 660.323(a)(2)) will be announced later in the year.

(ii) *Daily trip limit*—The daily trip limit, which is listed in Table 4 and which applies to sablefish of any size, is in effect north of 36° N. lat. until the closed periods before or after the regular season as specified at 50 CFR 660.323(a)(2), between the end of the regular season and the beginning of the mop-up season, and after the mop-up season. The daily trip limit for sablefish taken and retained with nontrawl gear south of 36° N. lat. also is listed in Table 4, and continues throughout the year unless otherwise announced in the **Federal Register** because the regular and mop-up seasons do not apply south of 36° N. lat.

(iii) *Limit on small fish*. During the “regular” and “mop-up” seasons, there is a trip limit in effect for sablefish smaller than 22 inches (56 cm) total length, which may comprise no more than 1,500 lb (680 kg) or 3 percent of all legal sablefish 22 inches (56 cm) (total length) or larger, whichever is greater. (See paragraph IV.A.(6) regarding length measurement.) This trip limit counts toward any other cumulative trip limit that may be in effect. The size limit does not apply during the daily trip limit

fishery outside the regular and mop-up seasons north of 36° N. lat., nor does it apply at any time south of 36° N. lat.

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

(a) *Allocations*. The nontribal allocations are HGs, based on percentages that are applied to the commercial OY of 199,500 mt in 2000 (see 50 CFR 660.323(a)(4)), as follows:

(i) *Catcher/processor sector*—67,830 mt (34 percent);

(ii) *Mothership sector*—47,880 mt (24 percent);

(iii) *Shore-based sector*—83,790 mt (42 percent). No more than 5 percent (4,190 mt) of the shore-based whiting allocation may be taken before the shore-based fishery begins north of 42° N. lat.

(iv) *Tribal allocation*—See paragraph V.

(b) *Seasons*. The 2000 primary seasons for the whiting fishery start on the same dates as in 1999, as follows (see 50 CFR 660.323(a)(3)):

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

(ii) *Mothership sector*—May 15;

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

(c) *Trip limits*.

(i) *Before and after the regular season*. The “per trip” limit for whiting before and after the regular season for the shore-based sector is announced in Table 3, as authorized at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka area.

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

(4) *Black rockfish*. The regulations at 50 CFR 660.323(a)(1) state: “The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear

between the U.S.-Canada border and Cape Alava (48°09'30" N. lat.) and between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.” These “per trip” limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures listed in Tables 4 and 5 of Section IV. The crossover provisions at paragraphs IV.A. (12) do not apply to the per trip limits.

### C. Trip Limits in the Open Access Fishery

Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), set net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: pink shrimp or prawns, and, south of Pt. Arena, CA (38°57'30" N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. The application of trip limits for vessels operating in both limited entry and open access fisheries has been clarified (paragraph IV.A.(11)). The crossover provisions at paragraph IV.A.(12) that apply to the limited entry fishery apply to the open access fishery as well. The cumulative limit periods initially are the same as for the limited entry fishery (see paragraph IV.A.(1)(c)) but may be changed during the year.

(1) *All open access gear except exempt trawl gear*. The trip limits, size limits, seasons, and other management measures for open access groundfish gear, except exempted trawl gear, are listed in Table 5. The trip limit at 50 CFR 660.323(a)(i) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph IV.B.4.)

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Table 5. 2000 Trip Limits 1/ for All Open Access Gear except Exempted Trawl Gear

**Read Section IV. A. NMFS Actions before using this table.**

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JULY-AUG	SEP-OCT	NOV	DEC
1	Minor slope rockfish							
2	North	500 lb / 2 months		500 lb / 2 months			500 lb / 2 months	
3	South	500 lb / 2 months		500 lb / 2 months			500 lb / 2 months	
4	Splitnose-South	200 lb / month		200 lb / month			200 lb / month	
5	POP	100 lb / month		100 lb / month			100 lb / month	
6	Sablefish 2/							
7	North of 36 °	300 lb / day, but no more		300 lb / day, but no more			300 lb / day, but no more	
8		than 2,100 lb / 2 months		than 2,100 lb / 2 months			than 2,100 lb / 2 months	
9	South of 36 °	350 lb / day		350 lb / day			350 lb / day	
10	Thornyheads (longspine and shortspine combined)							
11	North of Pt. Conception	CLOSED 3/		CLOSED			CLOSED	
12	South of Pt. Conception	50 lb / day		50 lb / day			50 lb / day	
13	Arrowtooth	200 lb / month		200 lb / month			200 lb / month	
14	Dover sole			(included in "other" flatfish limit)				
15	Petrale sole			(included in "other" flatfish limit)				
16	Near-shore flatfish			(included in "other" flatfish limit)				
17	"Other" flatfish 4/	300 lb / month		300 lb / month			300 lb / month	
18	Shoreside whiting	300 lb / month		300 lb / month			300 lb / month	
19	Minor Shelf Rockfish							
20	North	100 lb / month		100 lb / month			100 lb / month	
21	South							
22	40°10'-36°00' N. lat.	200 lb / month	CLOSED	200 lb / month			200 lb / month	
23	South of 36°00' N. lat.	CLOSED	200 lb / month	200 lb / month			200 lb / month	
24	Canary							
25	North	50 lb / month		50 lb / month			50 lb / month	
26	South							
27	40°10'-36°00' N. lat.	50 lb / month	CLOSED	50 lb / month			50 lb / month	
28	South of 36°00' N. lat.	CLOSED	50 lb / month	50 lb / month			50 lb / month	
29	Widow							
30	North	3,000 lb / month		3,000 lb / month			3,000 lb / month	
31	South							
32	40°10'-36°00' N. lat.	3,000 lb / month	CLOSED	3,000 lb / month			3,000 lb / month	
33	South of 36°00' N. lat.	CLOSED	3,000 lb / month	3,000 lb / month			3,000 lb / month	
34	Yellowtail-North 5/	100 lb / month		100 lb / month			100 lb / month	
35	Bocaccio - South 5/							
36	40°10'-36°00' N. lat.	200 lb / month	CLOSED	200 lb / month			200 lb / month	
37	South of 36°00' N. lat.	CLOSED	200 lb / month	200 lb / month			200 lb / month	
38	Chillipepper-South 5/							
39	40°10'-36°00' N. lat.	2,000 lb / month	CLOSED	2,000 lb / month			2,000 lb / month	
40	South of 36°00' N. lat.	CLOSED	2,000 lb / month	2,000 lb / month			2,000 lb / month	
41	Cowcod - South 5/							
42	40°10'-36°00' N. lat.	1 fish per landing	CLOSED	1 fish per landing			1 fish per landing	
43	South of 36°00' N. lat.	CLOSED	1 fish per landing	1 fish per landing			1 fish per landing	
44	Minor Nearshore Rockfish							
45	North	1,000 lb / 2 months, of which no more than 500 lb may be species other than black or blue rockfish 6/		1,000 lb / 2 months, of which no more than 500 lb may be species other than black or blue rockfish 6/		1,000 lb / 2 months, of which no more than 500 lb may be species other than black or blue rockfish 6/		
46								
47								
48	South							
49	40°10'-36°00' N. lat.	550 lb / 2 months	CLOSED	550 lb / 2 months			550 lb / 2 months	
50	South of 36°00' N. lat.	CLOSED	550 lb / 2 months	550 lb / 2 months			550 lb / 2 months	
51	Lingcod 7/	CLOSED		400 lb / month		size limit 24 inches north, 26 inches south		
						CLOSED		

1/ Trip limits apply coastwide unless otherwise specified. North means 40° 10' N. lat. to the US-Canada border.

"South" means 40° 10' N. lat. to the US-Mexico border.

2/ There is no size limit for sablefish taken and retained with nontrawl gear in the open access fishery.

Management of the nontrawl sablefish fishery is described at paragraph IV.B.(2).

3/ Closed means it is prohibited to take and retain, possess, or land the designated species in the time or area indicated (see IV.A.(7)).

4/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 5 with a trip limit.

5/ Yellowtail rockfish in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.

6/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

7/ The size limit for lingcod is 24 inches (61 cm) in the north and 26 inches (66 cm) in the south, total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

(2) *Groundfish taken by exempted trawl gear* (e.g., by vessels engaged in fishing for spot and ridgeback prawns, California halibut, and sea cucumbers.

(a) *Trip limits.* No more than 300 lb (136 kg) of groundfish may be taken per vessel per fishing trip. Limits and closures in Table 5 also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by a vessel engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish (*Squalus acanthias*) landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb (136 kg) per trip overall groundfish limit. The daily trip limits for sablefish and thornyheads south of Pt. Conception, and the overall groundfish "per trip" limit may not be multiplied by the number of days of the fishing trip.

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

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

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

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

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: "No California halibut may be taken, possessed or sold which measures less than 22 inches (56 cm) in total length, unless it weighs 4 pounds or more in the round, 3 and one-half pounds or more dressed with the head on, or 3 pounds or more dressed with the head off. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail."

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

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

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

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

(3) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp.* The trip limit for a vessel engaged in fishing for pink shrimp is 500 lb (227 kg) of groundfish per day, multiplied by the number of days of the fishing trip, but not to exceed 2,000 lb (907 kg) of groundfish per trip. In any landing by vessels engaged in fishing for pink shrimp, the amount of groundfish landed may not exceed the amount of pink shrimp landed. Retention of thornyheads and lingcod is prohibited in months when the open access fishery for these species is closed. [This limit may be revised before the pink shrimp fishery starts its next season in April 2000.]

#### D. Recreational Fishery

(1) *California.* For each person engaged in recreational fishing seaward of California, the following seasons and bag limits apply:

(a) *Rockfish.*

(i) *Seasons.* South of Cape Mendocino and north of 36° N. lat., recreational fishing for rockfish is closed from March 1 through April 30. South of 36° N. lat., recreational fishing for rockfish is closed from January 1 through February 29.

(ii) *Bag limits, boat limits, hook limits.* In times and areas when the recreational season for rockfish is open, there is a 3-hook limit per fishing line, and the bag limit is 10 rockfish per day (excluding California scorpionfish), of which no more than 3 may be bocaccio (*Sebastes paucispinis*), no more than 3 may be canary rockfish (*S. pinniger*), and no more than 1 may be cowcod (*S. levis*). There is a per-boat limit of 2 cowcod. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iii) *Size limits.* The following rockfish size limits apply: bocaccio may be no smaller than 10 inches (25 cm), cabezon (*Scorpaenichthys marmoratus*) may be no smaller than 14 inches (36 cm), kelp greenling (*Hexagrammos decagrammus*) may be no smaller than 12 inches (30 cm), and California scorpionfish (*Scorpaena guttata*) may be no smaller than 10 inches (25 cm).

(iv) *Dressing/Fileting.* Rockfish skin may not be removed when fileting or otherwise dressing rockfish taken in the recreational fishery. Cabezon taken in the recreational fishery may not be fileted at sea.

(b) *Lingcod.* South of Cape Mendocino and north of 36° N. lat., recreational fishing for lingcod is closed from March 1 through April 30. South of 36° N. lat., recreational fishing for lingcod is closed from January 1 through February 29. In times and areas when the recreational season for lingcod is open, there is a 3-hook limit per fishing line, and the bag limit is 2 lingcod per day, which may be no smaller than 26 inches (66 cm) TL. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(2) *Oregon.* The bag limits for each person engaged in recreational fishing seaward of Oregon are: 1 lingcod per day, which may be no smaller than 24 inches (61 cm) and no larger than 34" (86 cm) TL; and 10 rockfish per day, of which no more than 3 may be canary rockfish.

(3) *Washington.* For each person engaged in recreational fishing seaward of Washington, the following seasons and bag limits apply:

(a) *Rockfish.* There is a rockfish bag limit of no more than 10 rockfish per day, of which no more than 2 may be canary rockfish and no more than 2 may be yelloweye rockfish (*S. ruberrimus*).

(b) *Lingcod.* Recreational fishing for lingcod is closed between January 1, 2000 and March 31, 2000, and between November 1, 2000 and December 31, 2000. When the recreational season for lingcod is open, there is a bag limit of 1 lingcod per day, which may be no smaller than 24 inches (61 cm) TL.

#### V. Washington Coastal Tribal Fisheries

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

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

The tribal allocation for black rockfish is the same in 2000 as in 1999. The tribal allocation for sablefish remains at 10 percent of the landed catch OY and is the same as in 1999 at 713 mt.

The tribal allocation for Pacific whiting is 32,500 mt for the year 2000. Initially for 2000, the Makah proposed 32,500 mt for the Makah tribe alone, which was based on a long-term proposal developed by the tribe in 1998, which had varying levels of Makah allocation based on the level of the whiting OY. In addition, the Hoh tribe proposed 2,000 mt of whiting for a Hoh fishery. In subsequent discussions with a representative of the Makah tribe, the Makah representative indicated that the tribe is not fully certain that it will harvest the entire 32,500 mt in 2000. This is because the Makah allocation in 1999 was larger than the 1998 allocation and the tribe did not take the entire amount. In addition, because the Hoh fishery is new, and questions have been raised about it, it is uncertain how much of the 2,000 mt requested would actually be harvested. Therefore, NMFS believes the 32,500 mt should be adequate for the two tribes in the transitional year of 2000.

The Council recommended adopting a 32,500 mt tribal whiting set aside, the same amount as set aside in 1999. Some members of the industry continue to oppose a tribal whiting allocation, or oppose the level of allocation proposed by the tribes. NMFS, however, must provide an appropriate tribal whiting allocation.

NMFS believes that Washington coast treaty tribes have treaty rights to harvest half of the harvestable surplus of whiting found in their respective usual and accustomed fishing areas, in accordance with the legal principles elaborated in *U.S. v. Washington*. Under the legal principles of that case, the question becomes one of attempting to determine what amount of fish constitutes half the harvestable surplus of Pacific whiting in the usual and accustomed fishing areas, determined according to the conservation necessity principle. The conservation necessity principle means that the determination of the amount of fish available for harvest must be based solely on resource conservation needs. This determination is difficult because, with the exception of a case regarding Pacific halibut (*Makah v. Brown*, Civil No. C-85-1606R and *U.S. v. Washington*, Civil No. 9213-Phase I, Subproceeding No. 92-1 (W.D. Wash.)) most of the legal and technical precedents are based on the biology, harvest, and conservation requirements for Pacific salmon and shellfish, which are very different from those for Pacific whiting. Quantifying the tribal right to whiting is also complicated by data limitations and by the uncertainties of Pacific whiting biology and conservation requirements.

In 1996 the Makah instituted a subproceeding in *U.S. v. Washington*, Civil No. 9213-Phase I, Subproceeding No. 96-2, regarding their treaty right to whiting, including the issue of the appropriate quantification of that right. The quantification issue has not yet been resolved through litigation or settlement. Taking into account the existing case law in *U.S. v. Washington*, the proposal and supporting arguments of the Makah tribe, the Hoh proposal, the comments from the Council and the public, and the existing uncertainty surrounding the appropriate quantification described above, NMFS is allocating 32,500 mt again in 2000 to the coastal tribes. NMFS anticipates that, based on the tribal proposals, the Hoh tribe will harvest up to 2000 mt and the Makah tribe will harvest the remainder of the allocation. This 2000 amount of 32,500 mt is not intended to set a precedent regarding either quantification of the Makah or Hoh treaty rights or future allocations. NMFS will continue to attempt to negotiate a settlement in *U.S. v. Washington* regarding the appropriate quantification of the treaty right to whiting. If an appropriate methodology or allocation cannot be developed through negotiations, the allocation will ultimately be resolved through litigation.

For some species on which the tribes have a modest harvest, no specific allocation has been determined. Rather than try to reserve specific allocations for the tribes, which may not be needed by the tribes, NMFS is establishing trip limits recommended by the tribes and the Council to accommodate modest tribal fisheries. For lingcod, all tribal fisheries will be restricted to 300 lb (126 kg) per trip. Tribal fisheries are not expected to take more than 2 mt of lingcod in 2000. For the *Sebastes* complex and other rockfish species, the 2000 tribal longline and trawl fisheries will operate under trip and cumulative limits. Tribal fisheries will operate under 300 lb (136 kg) "per trip" limits each for canary rockfish and for thornyheads, and under the same trip limits as the limited entry fisheries for all other rockfish. A 300 lb (136 kg) canary rockfish trip limit is expected to result in landings of 10,000-15,000 lb (5-7 mt). A 300 lb (136 kg) thornyhead limit is expected to result in landings of 9,000-10,000 lb (4-5 mt). Because of the small expected tribal groundfish catch, it is not anticipated that tribal trip limits will be reduced during the year unless OY's are achieved, or unless inseason catch statistics demonstrate that the tribes have taken half of the available

harvest in the tribal U and A fishing areas.

The Assistant Administrator (AA) announces the following tribal allocations for 2000, including those that are the same as in 1999. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations:

#### A. Sablefish

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

#### B. Rockfish

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

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

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

(4) As published in this notice. The limits will not change unless the tribal limits are separately changed.

#### C. Lingcod

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

#### D. Pacific whiting

The tribal allocation is 32,500 mt.

#### Classification

The final specifications and management measures for 2000 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act and 50 CFR parts 600 and 660 subpart G (the regulations implementing the FMP).

This package of specifications and management measures is a delicate balance designed to allow as much harvest of healthy stocks as possible, while protecting overfished and other depressed stocks. Delay in implementation of the measures could upset that balance and cause harm to some stocks and it could require unnecessarily restrictive measures later in the year to make up for the late implementation. Much of the data necessary for these specifications and management measures came from the current fishing year. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, and the need to have these specifications and management measures in effect at the beginning of the 2000 fishing year, the AA has

determined that there is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment for the specifications and management measures. Amendment 4 to the FMP, implemented on January 1, 1991, recognized these timeliness considerations and set up a system by which the interested public is notified, through **Federal Register** publication and Council mailings, of meetings and of the development of these measures and is provided the opportunity to comment during the Council process. The public participated in GMT, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in September and November 1999 where these recommendations were formulated. Additional public comments on the specifications and management measures, including the emergency rule will be accepted for 30 days after publication of this document in the **Federal Register**.

There is no time burden for the public to come into compliance with the harvest specifications and most management measures designed to achieve those specifications that are announced by this rule. Although some fishers may need to obtain some new gear components in order to access some species, other species are available using gear as currently configured. In addition, the Council was advised that the industry should be able to obtain the necessary gear in a timely manner. As described above, the interested public has participated in the Council process to formulate these regulations. The Council has provided information to the industry on the above management measures and specifications through the newsletters that it sends to fishery participants, and NMFS has provided

notice through the U.S. Coast Guard Notice to Mariners, and Washington, Oregon, and California also disseminate information. Therefore, the AA finds, under 5 U.S.C. 553(d)(3), as applicable, that it would be unnecessary or contrary to the public interest to delay for 30 days the effective date of the specifications and management measures.

The AA also finds that meeting rebuilding goals for overfished stocks constitutes good cause to waive the requirement to provide prior notice and the opportunity for public comment, pursuant to authority set forth at U.S.C. 553(b)(B), as such procedures would be impracticable. Similarly, the need to implement the emergency regulations portions of this document in a timely manner to coincide with the start of the 2000 fishing season on January 1, constitutes good cause under authority contained in 5 U.S.C. 553(d)(3), not to delay for 30 days the effective date of the emergency regulations.

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

Because prior notice and opportunity for public comment are not required for the annual specifications and management measures, or for the emergency rule portion of this action 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 not applicable.

NMFS issued Biological Opinions (BOs) under the Endangered Species Act on August 10, 1990, November 26, 1991, August 8, 1992, September 27, 1993, and May 14, 1996, and a new BO was forwarded for signature along with this action, and was signed on December 15, 1999. This action pertains to the effects of the groundfish fishery on chinook

salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley, California coastal), chum salmon (Hood Canal, Columbia River), sockeye salmon (Snake River, Ozette Lake), steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California, south-central California, southern California), and Umpqua River cutthroat trout. The BOs have concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. This action is within the scope of these consultations.

An Environmental Impact Statement (EIS) was prepared for the FMP in 1982 and Supplemental EISs were prepared for Amendments 4 (1990) and 6 (1992) in accordance with the National Environmental Policy Act (NEPA). The alternatives considered and the environmental impacts of the actions in this notice are not significantly different than those considered in either the EIS or SEISs for the FMP, and the actions fall within the scope of these analyses. An environmental assessment (EA) prepared by the Council for the 2000 annual specifications and management measures was the basis for this conclusion.

Dated: December 23, 1999.

**Penelope D. Dalton,**

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

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