

STATUS OF IMPLEMENTATION OF COUNCIL HALIBUT RECOMMENDATIONS

Situation: The proposed rule implementing the Council's changes to the year 2000 halibut catch sharing plan and recreational fishery regulations is contained in Attachment E.1.a. Ms. Yvonne deReynier, National Marine Fisheries Service, will be available to answer any questions the Council may have on implementation of these new regulations which were adopted at the November 1999 meeting.

The primary changes to the regulations for 2000 include (1) an allocation change to meet the agreement among the states, tribes, and federal government contained in a July 1999 District Court stipulation and order (i.e., an additional 25,000 pounds to the tribal allocation), (2) a boundary and complementary allocation change between the Puget Sound and Washington North Coast recreational subareas, (3) use of the inseason management process to open the closed "hotspot" in the Washington South Coast recreational subarea, and (3) management of the inside 30 fathom recreational fishery off Oregon under one quota (Cape Falcon to Humbug Mountain).

Council Action: None.

Reference Materials:

1. Proposed rule and catch sharing plan for Pacific halibut in Area 2A (Attachment E.1.a.).

PPMC
02/22/00

Dated: December 28, 1999.

Penelope D. Dalton.

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 991220343-9343-01; I.D. 120999D]

RIN 0648-AM52

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Proposed changes to catch sharing plan and the sport fishing regulations; availability of draft environmental assessment and regulatory impact review.

SUMMARY: NMFS proposes, under authority of the Northern Pacific Halibut Act (Halibut Act), to approve and implement changes to the Area 2A Pacific Halibut Catch Sharing Plan (Plan) to accommodate, in the Plan, a court-ordered change in the allocation of Pacific halibut between treaty Indian and non-treaty fisheries and to adjust management of the halibut sport fisheries off Washington and Oregon. NMFS also proposes changes to the sport fisheries regulations to implement the Plan in 2000. Finally, NMFS announces the availability for public comment of a draft environmental assessment and regulatory impact review (EA/RIR) for this action.

DATES: Comments on the proposed changes to the Plan must be received by January 7, 2000; comments on the proposed changes to the sport fishery regulations must be received by February 11, 2000.

ADDRESSES: Send comments or requests for a copy of the Plan and/or the EA/RIR to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, Seattle, WA 98115. Electronic copies of the Plan, including proposed changes for 2000, and of the draft EA/RIR are also available at the NMFS Northwest Region website: <http://www.nwr.noaa.gov>, under "Halibut Management." Comments also may be sent via facsimile (fax) to 206-526-6736.

Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, 206-526-6140.

SUPPLEMENTARY INFORMATION: The Halibut Act, at 16 U.S.C. 773c, gives the Secretary of Commerce (Secretary) general responsibility for carrying out the Halibut Convention between the United States and Canada and requires the Secretary to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) of the Halibut Act authorizes the regional fishery management councils to develop regulations that are not in conflict with regulations adopted by the International Pacific Halibut Commission (IPHC) to govern the Pacific halibut catch that occurs in each council's region. Each year since 1988 the Pacific Fishery Management Council (Council) has developed a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-treaty harvesters and among non-treaty commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California).

In 1995, upon recommendation of the Council, NMFS implemented the Plan (60 FR 14651, March 20, 1995). In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries. The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A-1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into a directed commercial fishery that is allocated 85 percent of the commercial allocation and an incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon, and California. The Plan also divides the sport fisheries into seven geographic subareas, each with separate allocations, seasons, and bag limits.

Council Recommended Changes to the Plan

At its September 1999 public meeting, the Council adopted for public comment

the following changes to the Plan: (1) incorporation into the Plan of a court-ordered change in the Pacific halibut allocation to settle the claims of treaty tribes for an equitable adjustment to current halibut allocation that would compensate for halibut not allocated to the tribes from 1989 through 1993; (2) allowing commercial halibut fishers to also use their vessels for private (not for hire) recreational fishing; (3) a revision of the boundary between the Washington sport fishery in Puget Sound (Inside Waters) and North Coast sub-areas; (4) allowing the opening of the closed "hot spot" in the Washington sport fishery South Coast sub-area through an accelerated inseason process; and (5) combining the sub-quotas for Oregon's inside 30-fathom sport fisheries in the North Central and South Central Coast subareas.

At its November 1999 public meeting, the Council considered the results of State-sponsored workshops on the proposed changes to the Plan and public comments and made final recommendations for four modifications to the Plan as follows:

(1) Revise the Plan to bring it into compliance with an allocation change agreed to by the states, tribes and Federal government that is contained in a July 7, 1999 stipulation, and ordered by the court in *United States v. Washington*, No. 9213 Phase I, Subproceeding No. 92-1 (W.D. Wash.). This stipulation settles the Tribes' claim for an equitable adjustment arising from allocations in the Pacific halibut fishery from 1989 through 1993. In 1993, the court declared that the regulatory scheme for the allocation of halibut between treaty and non-treaty fisheries in 1989 through 1993 had violated treaty rights. The parties to the stipulation (the halibut treaty tribes, the States of Washington and Oregon, and the Federal government) agreed that 25,000 lb (11.3 mt) dressed weight of halibut would be transferred from the non-treaty Area 2A halibut allocation to the treaty Indian allocation in Area 2A-1 each year for 8 years beginning in the year 2000 and ending in the year 2007, for a total transfer of 200,000 lb (90.7 mt). To accelerate the total transfer, more than 25,000 lb (11.3 mt) could be transferred in any year upon prior written agreement of the parties to the stipulation.

(2) Modify the boundary between the Puget Sound and Washington North Coast sport fishery subareas by moving it eastward from the Bonilla-Tatoosh line to the mouth of the Sekiu River. Additionally, modify the quota allocations to the two sport fishery

subareas to increase the portion of the Washington sport quota allocated to the North Coast subarea from 57.7 percent of the first 130,845 lb (59.4 mt), to 62.2 percent of the first 130,845 lb (59.4 mt). Correspondingly, reduce the quota allocated to the Puget Sound subarea from 28 percent of the first 130,845 lb (59.4 mt), to 23.5 percent of the first 130,845 lb (59.4 mt). This modification would simplify management while keeping the amount of halibut available to different ports roughly the same as in past years.

(3) Revise the management structure for the Washington South Coast subarea sport fishery to allow the opening of the South Coast subarea closed "hot spot" inseason, effective via announcement on the NMFS halibut hotline. NMFS, the Washington Department of Fish and Wildlife (WDFW), and IPHC would consult via conference call shortly after the opening of the South Coast subarea season to on the need for either maintaining the "hot spot" as a closed area or for opening the "hot spot" to fishing, as indicated by the effect of ocean and fishery conditions on meeting the season structuring objectives for this subarea.

(4) Revise the sport fishery structure for the Oregon North Central and South Central subareas to combine the subquotas for the inside 30-fathom fisheries from these two sub-areas. There would be a single sub-quota and season for the fisheries inside 30-fathoms from Cape Falcon to Humbug Mountain.

Proposed Changes to the Catch Sharing Plan

NMFS is proposing to approve the Council recommendations and to make the following changes to the Plan:

Restructure section (b) of the Plan, Allocations, as two sub-paragraphs (b)(1) and (b)(2), with the current main paragraph (b) re-designated as (b)(1) and the first sentence of that paragraph revised to read as follows "Except as provided in section (b)(2), this Plan allocates 35 percent of the Area 2A TAC to U.S. treaty Indian tribes in the State of Washington in subarea 2A-1, and 65 percent to non-Indian fisheries in Area 2A." and a new subparagraph (b)(2) added to read as follows:

"To meet the requirements of U.S. District Court Stipulation and Order (*United States v. Washington*, No. 9213, Phase I, Subproceeding No. 92-1 (W.D. Wash.) (Stipulation and Order, July 7, 1999)) 25,000 lb (11.3 mt) dressed weight of halibut will be transferred from the non-treaty Area 2A halibut allocation to the treaty allocation in Area 2A-1 each year for 8 years,

commencing in the year 2000 and ending in the year 2007, for a total transfer of 200,000 lb (90.7 mt). To accelerate the total transfer, more than 25,000 lb (11.3 mt) may be transferred in any year upon prior written agreement of the parties to the stipulation."

In section (f), Sport Fisheries, revise the first two sentences of paragraph (1)(i) to read as follows:

"This sport fishery subarea is allocated 23.5 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan.) This sub-area is defined as all waters east of the mouth of the Sekiu River, as defined by a line extending from 48°17'30" N. lat., 124°23'70" W. long. north to 48°24'10" N. lat., 124°23'70" W. long., including Puget Sound."

In section (f), Sport Fisheries, revise the first two sentences of paragraph (1)(ii) to read as follows:

"This sport fishery subarea is allocated 62.2 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan.) This sub-area is defined as all waters west of the mouth of the Sekiu River, as defined above in paragraph (f)(1)(i), and north of the Queets River (47°31'42" N. lat.)."

In section (f), Sport Fisheries, add a sentence to the end of paragraph (1)(iii) to read as follows:

"If a decision is made inseason to open this closed area to sport fishing for halibut, that decision will become effective upon announcement on the NMFS halibut hotline, at (206) 526-6667 or (800) 662-9825."

In section (f), Sport Fisheries, change the heading of paragraph (1)(v) to *Oregon north central coast subarea*, and revise the first sentence of paragraph (1)(v)(A) to read as follows:

"The first season opens on May 1, only in waters inside the 30-fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30-fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are taken, or until September 30, whichever is earlier."

In section (f), Sport Fisheries, change the heading of paragraph (1)(vi) to *Oregon south central coast subarea*, and

revise the first sentence of paragraph (1)(vi)(A) to read as follows:

"The first season opens on May 1, only in waters inside the 30-fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30-fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are taken, or until September 30, whichever is earlier."

In section (f), Sport Fisheries, revise paragraph (2) to read as follows:

"Port of landing management. All sport fishing in Area 2A will be managed on a "port of landing" basis, whereby any halibut landed into a port will count toward the quota for the subarea in which that port is located, and the regulations governing the subarea of landing apply, regardless of the specific area of catch."

In section (f), Sport Fisheries, revise paragraph (5)(iv)(A) to read as follows:

"Inseason actions will be effective on the date specified in notification in the **Federal Register** or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later, except that any partial or complete inseason opening of the Washington South Coast sport fishery closed area (designated above at (f)(1)(iii)) may be made effective upon announcement on the NMFS halibut hotline."

Proposed 2000 Sport Fishery Management Measures

NMFS is proposing changes to the sport fishery regulations that are necessary to implement the Plan in 2000. The 2000 TAC is unknown at this time, but information available from the IPHC indicates that the TAC may be similar to or somewhat lower than the TAC in 1999. The final TAC will be determined by the IPHC at its annual meeting January 10-13, 2000. The proposed 2000 sport fishery regulations based on the 1999 Area 2A TAC of 760,000 lb (344.7 mt) are as follows:

Washington Inside Waters Subarea Puget Sound and Straits

This subarea would be allocated 43,808 lb (19.9 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. WDFW, NMFS and IPHC are currently discussing how to estimate season durations for the Puget Sound and North Coast subareas under the proposed changes to subarea sizes and quota allocations. According to the Plan, the structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length, with the fishery opening in May

and continuing at least through July 4. In 1999, the fishery in this subarea was 35 days long, from May 27 through July 12, held for 5 days per week (Thursday through Monday.) For the 2000 fishing season, the dates of the fishery in this subarea would be set to meet the structuring objectives described in the Plan, hopefully providing fishing opportunity at least from the Memorial Day weekend through the July 4th weekend. The final determination of the season dates would be based on the allowable harvest level, projected 2000 catch rates, and recommendations developed in a public workshop sponsored by WDFW after the 2000 TAC is set by the IPHC. The daily bag limit would be one halibut of any size per day per person.

Washington North Coast Subarea (North of the Queets River)

This subarea would be allocated 94,445 lb (42.8 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. WDFW, NMFS and IPHC are currently discussing how to estimate season durations for the Puget Sound and North Coast subareas under the proposed changes to subarea sizes and quota allocations. According to the Plan, the structuring objective for this subarea is to maximize the season length for viable fishing opportunity and, if possible, stagger the seasons to spread out this opportunity to anglers who use these remote grounds. The fishery opens on May 2, and continues for 5 days per week (Tuesday through Saturday). The highest priority is for the season to last through the end of May. If sufficient quota remains, the second priority is to establish a fishery that will be open July 1, through at least July 4. In 1999, the fishery in this subarea was 50 days long, from May 1 through July 9, held for 5 days per week (Tuesday through Saturday.) For the 2000 fishing season, the dates of the fishery in this subarea would be set to meet the structuring objectives described in the Plan. The final determination of the season dates would be based on the allowable harvest level, projected 2000 catch rates, and recommendations developed in a public workshop sponsored by WDFW after the 2000 TAC is set by the IPHC. The daily bag limit would be one halibut of any size per day per person. A portion of this subarea located about 19 nm (35 km) southwest of Cape Flattery would be closed to sport fishing for halibut. The size of this closed area is described in the Plan, but may be modified pre-season by NMFS to maximize the season length.

Washington South Coast Subarea

This subarea would be allocated 29,153 lb (13.2 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The fishery would open on May 2 (Sunday) and continue for 5 days per week (Sunday through Thursday) until 1,000 lb (0.45 mt) are projected to remain in the quota. The fishery would be open Sunday through Thursday in all areas, except where prohibited, and Friday and Saturday only in the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. When 1,000 lb (0.45 mt) are projected to remain in the quota, fishing would be allowed 7 days per week in the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. The daily bag limit would be one halibut of any size per day per person. A portion of this area would be closed to sport fishing for halibut. The closed area is a rectangle with the following dimensions: 47°19'00" N. lat., 124°53'00" W. long.; 47°19'00" N. lat., 124°48'00" W. long.; 47°16'00" N. lat., 124°53'00" W. long.; and 47°16'00" N. lat., 124°48'00" W. long. This closed area could be opened by NMFS inseason after consultation with WDFW, NMFS, and IPHC.

Columbia River Subarea

This subarea would be allocated 4,249 lb (1.9 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The fishery would open on May 1 and continue for 7 days per week until the quota is reached or September 30, whichever occurs first. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Oregon North Central Coast Subarea

This subarea would be allocated 130,877 lb (59.4 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The May all-depth season would be allocated 88,996 lb (40.4 mt). Based on an observed catch per day trend in this fishery, an estimated 20,000 lb (9.1 mt) would be caught per day in 2000, resulting in a 4-day fixed season. In accordance with the Plan, the season dates would be May 12, 13, 19, and 20. If the quota is not taken, an appropriate number of fishing days would be scheduled for late May or early June. The restricted depth fishery inside 30 fathoms, which would be combined in 2000 and beyond with the restricted depth fishery in the Oregon south central coast subarea, would be allocated 11,234 lb (5.1 mt) and would be open starting May 1 through September 30 or until the TAC is

attained, whichever occurs first. The August coastwide all-depth fishery (Cape Falcon to Humbug Mountain) would be allocated 32,719 lb (14.8 mt), which may be sufficient for a 1 day opening on August 4, based on the expected catch per day. If sufficient quota remains after this season for additional days of fishing, the dates for an all-depth fishery would be in mid-August. The final determination of the season dates will be based on the allowable harvest level, projected catch rates, and recommendations developed in a public workshop sponsored by ODFW after the 2000 TAC is set by the IPHC. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Oregon South Central Coast Subarea

This subarea would be allocated 10,363 lb (4.7 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The May all-depth season would be allocated 8,290 lb (3.8 mt) and, based on observed catch per day trend in this fishery, an estimated 2,200 lb (1.0 mt) would be caught per day in 2000, resulting in a 3- to 4-day fixed season. In accordance with the Plan, the season dates would be May 11, 12, 13, 19, and 20. If the quota is not taken, an appropriate number of fishing days would be scheduled for late May or early June. The restricted depth fishery inside 30 fathoms, which would be combined in 2000 and beyond with the restricted depth fishery in the Oregon south central coast subarea, would be allocated 11,234 lb (5.1 mt) and would be open starting May 1 through September 30 or until the TAC is attained, whichever occurs first. The August coastwide all-depth fishery (Cape Falcon to Humbug Mountain) may open for 1-day on August 4, if sufficient quota is available. If sufficient quota remains for additional fishing days after this season, the dates for an all-depth fishery would be in mid-August. The final determination of the season dates would be based on the allowable harvest level, projected catch rates, and recommendations developed in an ODFW-sponsored public workshop after the IPHC sets the 2000 TAC. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Humbug Mountain, OR, through California Subarea

This subarea would be allocated 4,460 lb (2.0 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The proposed 2000 sport season for this subarea would be the same as last year, with a May 1 opening

and continuing for 7 days per week until September 30. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

NMFS requests public comments on the Council's recommended modifications to the Plan and the proposed changes to the sport fishing regulations. The Area 2A TAC will be set by the IPHC at its annual meeting on January 10–13, 2000, in Lynnwood, WA. NMFS requests comments on the proposed changes to the Plan by January 7, 2000. NMFS requests comments on the proposed changes to the sport fishing regulations by February 11, 2000, after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments on the proposed sport fishing regulations. The States of Washington and Oregon will conduct public workshops shortly after the IPHC meeting to obtain input on the sport season dates. After the Area 2A TAC is known, and after NMFS reviews public comments and comments from the States, NMFS will issue final rules for the Area 2A Pacific halibut sport fishery concurrent with the IPHC regulations for the 2000 Pacific halibut fisheries.

Classification

NMFS has prepared a draft EA/RIR on the proposed changes to the Plan. Copies of the "Draft Environmental Assessment and Regulatory Impact Review of Changes to the Catch Sharing Plan for Pacific Halibut in Area 2A" are available from NMFS (see ADDRESSES). Comments on the EA/RIR are requested by January 19, 2000.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the changes to the Plan would not have a significant economic impact on a substantial number of small entities as follows:

The proposed action to move the borderline between the Washington sport fishery Puget Sound and North Coast subareas is expected to result in either no change or in a positive change in halibut fishing opportunity for individual halibut anglers. This proposed change will reclassify halibut landings made in the area from the Sekiu River west to Neah Bay as North Coast subarea landings, rather than as Puget Sound subarea landings. Sport fishing for halibut in this western Strait of Juan de Fuca area is more similar in character (fast-paced, high landings) to the North Coast fishery than to the rest of the Puget Sound fishery. For halibut anglers who remain in the Puget Sound subarea fishery, the overall season length may increase as a result of reduced

competition with their more aggressive western straits counterparts. For halibut anglers in the new, larger North Coast subarea, the quota has been increased to account for the addition of new waters and anglers, so season length is not expected to be affected by the proposed changes.

The proposed action to bring the Plan into compliance with the court-ordered allocation of halibut between treaty and non-treaty fisheries would result in the reallocation of approximately 3.3% of the Area 2A TAC. For allocations between non-treaty fisheries, the Council has recommended retaining the current allocation scheme. Thus, the effect of the reduction in the non-treaty allocation will be proportionately shared by all non-treaty fisheries, with the deepest cuts in halibut poundage occurring in the largest fisheries. For most fisheries, the change in available halibut poundage will not be noticeable. However, for the directed commercial fishery, for the Washington North Coast subarea sport fishery, and for the Oregon North Central Coast subarea sport fishery, the change in halibut poundage may have some effect on fishery durations.

Although the directed commercial fishery for halibut is one of the larger non-treaty halibut fisheries by weight, the duration and average halibut harvest per licensed vessel is primarily affected by the number of participants in the fishery. Over the 1997 through 1999 period, the average amount of halibut taken per licensed vessel has increased, because the number of licensed vessels has decreased while the overall commercial quota has remained fairly constant. Although the overall amount of halibut available to the directed commercial fishery would decrease under the allocation shift from non-treaty to treaty fisheries, the change is not enough to have a greater effect on the average amount of halibut taken per licensed participant than the effect of the number of participants in the fishery on the average amount of halibut taken per licensed vessel.

In the non-treaty sport fisheries, the Washington North Coast subarea and Oregon North Central Coast subarea take the largest halibut allocations, and will likely be most affected by the allocation shift from non-treaty to treaty fisheries. In the Washington North Coast subarea, assuming a catch rate similar to 1999 of 1,766 lb (0.8 mt) per day, the season could be reduced from 50 to 47 fishing days as a result of the approximately 4,700 lb (2.1 mt) shift in allocation from non-treaty to treaty fisheries. For this particular subarea, the effects of the allocation shift may be mitigated by the proposed changes to Washington sport fishery subarea management that shift the borderline and quota between the Puget Sound and North Coast subareas.

In the Oregon North Central Coast subarea, assuming a catch rate for the all-depth fishery similar to 1999 of 19,270 lb (8.7 mt) per day, the season could be reduced from 7 to 6 fishing days as a result of the approximately 7,000 lb (3.2 mt) shift in allocation from non-treaty to treaty fisheries. The reduction in the quota available to the Oregon all-depth fishery could alternatively result in an inseason quota shift from the nearshore sport fisheries to the all-depth sport fisheries.

The proposed actions to bring the Plan into compliance with the court-ordered allocation of halibut between treaty and non-treaty fisheries, and the restructuring of the Washington sport fisheries in the Puget Sound and North Coast subareas will not affect sport fishing opportunity for bottomfish, salmon, and other species that account for a much greater proportion of the sport fishing opportunity in Washington and Oregon. In addition to these two changes to the Plan, the Council has recommended changes to: (1) the inseason management structure for the Washington South Coast subarea "hot spot," and (2) the subarea quota structuring for the Oregon North Central and South Central fisheries inside 30 fathoms. These additional proposed changes to the Plan have far less effect on small entities than either of the proposed changes discussed above, and are expected to result in either no impact at all, or a modest increase in fishery and regulatory convenience. Consequently, changes to the Plan are not expected to have a significant economic effect on a substantial number of small entities. The proposed sport management measures for 2000 merely implement the Plan at the appropriate level of TAC; their impacts are within the scope of the impacts analyzed for the Plan.

Therefore, a regulatory flexibility analysis was not prepared.

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

Dated: December 28, 1999.

Penelope D. Dalton,

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

[FR Doc. 00–86 Filed 1–3–00; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 991228355–9355–01; I.D. 110999C]

RIN 0648–AM50

Fisheries of the Northeastern United States; Proposed 2000 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Quahogs

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

ACTION: Proposed 2000 fishing quotas for Atlantic surf clams, ocean quahogs, and Maine mahogany quahogs; request for comments.

SUMMARY: NMFS issues proposed quotas for the Atlantic surf clam, ocean quahog, and Maine mahogany quahog fisheries

PACIFIC HALIBUT MANAGEMENT
RESULTS OF THE INTERNATIONAL PACIFIC HALIBUT COMMISSION ANNUAL MEETING

The 2000 International Pacific Halibut Commission (IPHC) recommendation was to provide 67.5 million pounds of halibut to the governments of Canada and the United States (see attached news release).

Area 2A Specifics

Stock assessment results indicated a higher exploitable biomass in Area 2A than in the past. Surveys in 1995 and 1997 showed about 8% of the biomass in Area 2A. In 1999, due to a low catch per unit of effort in Area 2B, the survey indicated 16% in Area 2A. An average of 11% was used as a working value to calculate exploitable biomass in Area 2A. The resulting quota recommendations were:

	Quotas for 2000	Quotas for 1999
Area 2A	830,000	760,000
Area 2B	10,600,000	12,100,000

Area 2A representatives to the Conference Board were treaty Indian tribes and Washington recreational interests. These representatives, Council members, and National Marine Fisheries Service-Washington Department of Fish and Wildlife-Oregon Department of Fish and Wildlife met with Commissioner Ralph Hoard. We discussed the Commissioner's concerns regarding the Neah Bay Canadian halibut catch issue regarding whether halibut catch was in United State's waters or not, the issue regarding the large composition of Canadian recreational catch, and the issue regarding the halibut bycatch in Area 2A.

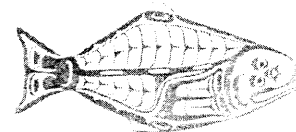
Area 2A Bycatch

Bycatch of halibut in Council-managed waters continued to be of deep concern to Commissioners. Council Chairman Jim Lone provided the Commissioners an update on the 1999 bycatch effort in Council waters, (1) Observer Program, (2) trawl effort hours recalculation, (3) use of bycatch reduction devices in trawl gear, and (4) enhanced data collection program. Mr. Phil Anderson provided the Commissioners the detail regarding 2000 trawl regulations and the expected decrease in halibut bycatch. Please review the memorandum from Mr. Gregg Williams, IPHC staff.

PPMC
01/27/00

INTERNATIONAL PACIFIC HALIBUT COMMISSION

News Release



January 14, 2000

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P.O. BOX 95009, SEATTLE, WASHINGTON 98145-2009

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HALIBUT COMMISSION COMPLETES 2000 ANNUAL MEETING

The International Pacific Halibut Commission completed its 76th Annual Meeting in Lynnwood, Washington, with Steven Pennoyer of Juneau, Alaska presiding as Chairman. The Commission is recommending to the governments of Canada and the United States catch limits for 2000 totaling 67,500,000 pounds, compared to 74,060,000 pounds in 1999.

The Commission staff reported on the assessment of the Pacific halibut stock in 1999. The only major change in the assessment this year was a lowering of the pre-1993 IPHC setline survey catch rates to account for a bait change, which reduced the population estimates by 20-30% in the eastern and central Gulf of Alaska (Areas 2 and 3A). A continuing decline in size at age has also affected the estimated biomass in Area 2C and Area 3A. The assessment estimates a low recruitment in Area 3A in recent years, implying a rapidly declining biomass in that area. However, trawl surveys indicate a relatively high abundance of sublegal fish in that area, so the assessment may be overly pessimistic. Nevertheless, it is clear that recruitment in all areas has declined from the high levels of 1985-1995. Farther west in Areas 3B and 4, size at age and recruitment have also declined but the lower exploitation rate in those areas has moderated the decline in biomass relative to the central Gulf of Alaska.

Seasons and Catch Limits

The Commission received regulatory proposals for 2000 from the scientific staff, Canadian and United States fishermen and processors, and other fishery agencies. The Commission will recommend to the governments the following catch limits for 2000 in Area 2A (California, Oregon, and Washington), Area 2B (British Columbia), Area 2C (southeastern Alaska), Area 3A (central Gulf), Area 3B (western Gulf), Area 4A (eastern Aleutians), Area 4B (western Aleutians), Area 4C (Pribilof Islands), Area 4D (northwestern Bering Sea), and Area 4E (Bering Sea flats):

2000 Catch Limits

Area	Catch Limit (pounds)
2A Non-treaty directed commercial (south of 2A-1) fisheries	138,632
2A Non-treaty incidental catch in salmon troll	24,464
2A Treaty Indian commercial	305,000
2A Treaty Indian ceremonial and subsistence (year-round)	10,500
2A Sport - North of Columbia River	188,307
<u>2A Sport - South of Columbia River</u>	<u>163,097</u>
Area 2A total	830,000
2B	10,600,000
2C	8,400,000
3A	18,310,000
3B	15,030,000
4A	4,970,000
4B	4,910,000
4C	2,030,000
4D	2,030,000
<u>4E</u>	<u>390,000</u>
<u>Area 4 total</u>	<u>14,330,000</u>
Total	67,500,000

The catch limits for Regulatory Areas 4C, 4D, and 4E reflect the catch-sharing plan implemented by the North Pacific Fishery Management Council (NPFMC). The NPFMC catch sharing plan in Area 4 allows the Commission to set biologically-based catch limits for Areas 4A, 4B, and a combined Area 4C-D-E. The catch limits for the fisheries in Area 2A reflect the catch-sharing plan implemented by the Pacific Fishery Management Council (PFMC).

The staff reported to the Commission on its investigation of the biological, regulatory, enforcement, and logistical considerations associated with an extended halibut fishing season. Based primarily on concerns about interceptions of migrating fish from different regulatory areas during winter fishing and administrative concerns identified by the Parties, the staff recommended no change to the existing March 15-November 15 season. The Commission therefore made no changes to the existing season for individual quota fishing. However, industry groups presented the Commission with a list of items concerning a potential season extension that they wished to have investigated by Commission staff. The Commission staff will consider these items, in consultation with industry, during the design of its research programs and report to the Commission at its next annual meeting on its progress.

Therefore, the treaty Indian commercial fishery in Area 2A, the Canadian Individual Vessel Quota (IVQ) fishery in Area 2B, and the United States Individual Fishing Quota (IVQ)

fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will all commence at 12 noon local time on March 15 and terminate at 12 noon local time on November 15.

In Area 2A, six 10-hour fishing periods for the non-treaty directed commercial fishery are recommended for July 5, July 19, August 2, August 23, September 6, and September 20. All fishing periods will begin at 8:00 a.m. and end at 6:00 p.m. local time, and will be further restricted by fishing period limits. Fishing dates for an incidental commercial catch halibut fishery will be established under United States domestic regulations established by National Marine Fisheries Service (NMFS), and will be concurrent with salmon troll fishing seasons in Area 2A. The remainder of the Area 2A catch-sharing plan, including sport-fishing seasons, will be determined under regulations promulgated by NMFS.

Regulatory Changes and Issues

The Area 2A licensing regulations remained the same as in 1999. The Commission will issue vessel licenses for the sport charter halibut fishery, the directed commercial halibut fishery, and the incidental commercial halibut fishery. The deadline dates for receiving license applications remain the same: April 30 for the directed commercial fishery and March 31 for the incidental commercial fishery. A vessel that has a commercial halibut license cannot be used for sport fishing for halibut.

The Commission changed the regulations applicable to the United States to make the operator or owner of the vessel responsible for offloading all halibut from the vessel once offloading commences. Previously, the processor or buyer was responsible.

The Commission reauthorized for another two years the regulation allowing Community Development Quota (CDQ) fishers in Area 4E to retain undersized halibut caught with commercial gear for personal use (not to sell or barter the halibut). The regulations again require the managers of the authorized CDQ organization that allows persons to harvest halibut in Area 4E CDQ fishery to report annually the total number and weight of undersized halibut to the Commission. The report must include the methodology on how the data were collected and be received by IPHC prior to December 1.

A proposal by the industry to allow filleting on board a vessel of the retained fish for personal use from the IFQ fishery was not adopted by the Commission. NMFS Enforcement, and therefore the Commission, remained concerned that if fillets were allowed on board the vessel as proposed enforcement could be compromised. NMFS Enforcement was asked to work with the industry and IPHC to see if a viable regulation change could be agreed upon and presented at next year's Annual Meeting.

The Commission held extensive discussions on the present and future status of landing and holding live halibut for subsequent sale after the halibut fishing season closes. Although a Commission regulation requiring that fish be offloaded with gills and entrails removed effectively prohibits live fish landing. Canada has specifically chosen to reject this regulation. The existing Commission regulation was implemented to improve fish quality and address

sampling concerns, rather than to prohibit live fish landing. The Commission will continue to examine the issue of live fish landing but made no changes to its existing regulation requiring the dressing of fish prior to offloading. The Commission staff will work with Canadian government authorities to ensure that the live fish holding operations in Canada meet Commission requirements concerning conservation and data capture.

Other Actions

The recommended regulations for the 2000 halibut fishery will become official as soon as they are approved by the Canadian and United States Governments. The Commission will publish and distribute regulation pamphlets.

The next Annual Meeting of the Commission will be held in Vancouver, BC. from January 22 to 25, 2001. The Canadian Government commissioner, Richard Beamish, was elected Chairman for the coming year. The United States Government commissioner, Steven Pennoyer, was elected as Vice Chairman. Other Canadian commissioners are Kathleen Pearson and John Secord. The other United States commissioners are Ralph Hoard and Andrew Scalzi. Dr. Bruce Leaman is the Director of the Commission.

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Memorandum

To: Director, Commissioners
From: Gregg Williams
Re: Status of Area 2A bycatch estimates

Summary

This year's assessment uses an estimate of 614,000 pounds, which is based on 1995 fishery and survey information. Estimates for 1998 totaled 316,000 pounds and would have been used in this year's assessment but were not received until after the assessment was completed. NMFS and the Oregon Department of Fish and Wildlife (ODFW) also provided an estimate for 1998 of 911,000 pounds based on the recently completed Oregon Enhanced Data Collection Program (EDCP). While the EDCP-based estimate incorporates more recent data obtained from the fishery, we are awaiting a review of the EDCP results by the Pacific Fishery Management Council's Scientific and Statistical Committee (SSC) before being used, following a policy established several years ago when bycatch in Area 2A was first estimated.

Status of Area 2A Bycatch Estimates

Bycatch mortality in the groundfish trawl fishery is the chief component of bycatch in Area 2A and is estimated using a model developed by Dr. E. Pikitch which utilizes effort extracted from fishery logbooks and bycatch rates from gear studies in the mid-1980s scaled by halibut catch rates from the NMFS West Coast trawl survey (Williams et al. 1998).

We are currently using an estimate for Area 2A bycatch mortality of 614,000 pounds (Table 1). This estimate is based on 1995 fishery and survey information. Updates are done every three years, coinciding with the NMFS trawl survey. Consequently, we expected to update the 1995 estimate for this year's assessment with information from 1998.

NMFS and the Oregon Department of Fish and Wildlife (ODFW) provided IPHC with the 1998 update in early December shortly after the completion of this year's assessment. The 1998 estimate is 316,000 pounds, a 50% reduction from the 1995 estimate. The primary reasons for the reduction are two-fold: a 12% decline in trawl effort from 1995 to 1998, and a roughly 40% decrease in the bycatch rates for 1998 compared to those used for the 1995 estimate. Because we did not receive the 1998 estimate until December, it is not incorporated into this year's assessment or staff recommendations.

NMFS and ODFW also provided another estimate of halibut bycatch in the groundfish fishery based on bycatch rates derived from a preliminary examination of the 1996-1998 Oregon

Enhanced Data Collection Program (EDCP). The estimate for 1998 was 911,000 pounds (Table 1), substantially higher than the 1995 and 1998 estimates generated from the Pikitch model.

The EDCP data set potentially represents an improvement over the Pikitch model in that fishery-based data are used and are from a more recent time period. However, the EDCP results need to be reviewed by the Pacific Fishery Management Council's Scientific and Statistical Committee (SSC) before being used, following a policy established several years ago when bycatch in Area 2A was first estimated. NMFS and ODFW have also indicated that further analysis of the EDCP data set may lead to a better approach for estimating bycatch. Therefore, the staff is not using the EDCP-based estimate until an SSC review is completed during 2000.

Table 1. Bycatch mortality estimates (thousands of pounds, net weight) for Area 2A.

Fishery	Pikitch Model					EDCP
	1987	1990	1992	1995	1998	1998
Joint Venture	1	1	0	0	0	0
Groundfish Trawl	307	309	385	548	274	869
Shrimp Trawl	82	82	43	50	26	26
Hook & Line	16	16	16	16	16	16
Total	406	408	444	614	316	911
Legal Fraction	0.620	0.620	0.620	0.620	0.620	0.466
Setline CEY Deduction	252	253	275	381	196	425

References

- Williams, G. H., G. Stauffer, H. Weeks, M. Saelens, J. Scordino, D. Bodenmiller, and T. Northup. 1998. Pacific halibut bycatch in Area 2A: Bycatch rates and current estimates of bycatch mortality. Int. Pac. Halibut Comm. Rep. of Assess. and Res. Activ. 1998: 269-282.

PROPOSED INCIDENTAL HALIBUT CATCH IN THE TROLL SALMON FISHERY

Situation: Regulations governing the incidental harvest of halibut in the salmon troll fishery require the Council to adopt recommended halibut landing restrictions to allow incidental harvest while assuring the quota is not exceeded.

The halibut regulations allocate 15% of the non-Indian commercial halibut allocation in Area 2A to the salmon troll fishery as an incidental catch during May and June (with provision for later harvest if quota remains after the July directed fishery). The table below provides the number of licenses, allocation, harvest, and landing restrictions for the incidental halibut fishery since the initial season in 1995. The Council has successfully used landing ratios and a total trip limit to assure a manageable progression of the fishery in past years. By the April meeting, the Council should have a good estimate of the number of trollers with incidental harvest permits (applications for a permit must be postmarked no later than March 31, 2000). The landing restrictions may be modified during the season if necessary.

Incidental Halibut Fishery in Area 2A

Year	Licenses Issued ^{1/}					Pounds of Halibut			Restriction	
	WA	OR	CA	AK-2A	Total	Allocation	May-June Harvest	Total Harvest	Halibut per Chinook	Trip Limit
1995	-	-	-	-	124	16,068	2,125	2,125	1 per each 20	none
1996	22	74	4	14	114	16,068	9,521	9,521	1 + 1 per each 15	20
1997	57	184	10	20	271	21,635	17,570	17,570	1 + 1 per each 10	20
1998	42	188	15	18	263	25,344	9,123	13,124	1 + 1 per each 8	25
1999	54	197	12	25	288	23,490	9,955	9,955	1 + 1 per each 5	35
2000	-	-	-	-	-	24,464	-	-	-	-

Council Action: Adopt a range of landing restrictions for halibut caught incidentally in the May/June troll season to match with the troll salmon management options and assure a reasonable utilization of the incidental catch while not exceeding the quota.

Reference Materials: None.

PPMC
02/22/00

i/ Licenses are issued by vessel number in the following order: AK, WA, OR, CA (i.e., if a vessel has both Alaska and Washington vessel numbers, the licensed would be issued to the Alaska vessel number.