

fishermen who have been severely restricted (no fishing in 1994) during the last few years. At the same time, the Council assumed that the majority of benefits would accrue to spawning escapements, especially for wild coho salmon stocks.

Before taking any action, the Regional Director consulted, as required by the implementing regulations, with the Council Chairman, the States of Washington and Oregon, and most of the affected northwest treaty Indian tribes. Under the authority of 50 CFR part 661, NMFS is increasing the non-treaty coho salmon ocean quota north of Cape Falcon, OR, by 25,000 fish, from 75,000 to 100,000 fish, and the treaty Indian coho salmon ocean quota by 5,000 fish, from 25,000 to 30,000 fish. The overall non-treaty increase is distributed between the commercial troll and recreational fisheries, with the troll fishery quota increasing from 18,750 to 25,000 fish, and the recreational fishery quota increasing from 56,250 to 75,000 fish. The recreational quota increases are further distributed between the four subareas north of Cape Falcon, with the quota in the subarea from Cape Falcon, OR, to Leadbetter Point, WA, increasing from 28,125 to 37,500 fish; the quota in the subarea from Leadbetter Point to the Queets River, WA, increasing from 20,800 to 28,600 fish; the quota in the subarea from the Queets River to Cape Alava, WA, increasing from 1,460 to 1,800 fish; and the quota in the subarea from Cape Alava to the U.S.-Canadian border increasing from 5,850 to 7,100 fish.

The best available analysis of impacts on wild coho salmon escapements in Puget Sound and Washington coastal rivers indicated that, compared with assumptions and predictions made when the annual management measures were approved, wild coho salmon spawning escapements will increase significantly in all major streams, and all escapement floors for Washington coastal streams will be exceeded, even with these and other modest increases to U.S. fisheries in State waters. In addition, overall harvest impacts on Oregon coastal natural coho salmon, which have been proposed for listing as "threatened" under the Endangered Species Act and which make up a small portion of the harvest north of Cape Falcon, have decreased slightly.

The States of Oregon and Washington will manage the fisheries in State waters adjacent to this area of the exclusive economic zone in accordance with this Federal action.

Because of the need for immediate action to relieve a restriction, NMFS has

determined that good cause exists for this action to be issued without affording a prior opportunity for public comment and without a delayed effectiveness period. This action does not apply to other fisheries that may be operating in other areas.

Classification

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

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

Dated: August 2, 1995.

Richard W. Surdi,

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

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50 CFR Part 662

[Docket No. 950801198-5198-01; I.D. 072795B]

RIN 0648-XX26

Northern Anchovy Fishery; Quotas for the 1995-96 Fishing Year

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

ACTION: Final quotas.

SUMMARY: NMFS announces the estimated spawning biomass and final harvest quotas for the northern anchovy fishery in the exclusive economic zone south of Point Reyes, CA, for the 1995-96 fishing season. These quotas may only be adjusted if inaccurate data were used or if errors were made in the calculations. Comments on these two points are invited. The intended effect of this action is to establish allowable harvest levels of Pacific anchovy.

DATES: Effective on August 1, 1995. Comments will be accepted until September 5, 1995.

ADDRESSES: Submit comments on the final quotas to Ms. Hilda Diaz-Soltero, Regional Director, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Administrative Report LJ-95-11 is available from this same address.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, (310) 980-4036.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and the NMFS Southwest Fisheries Science Center, the Director of the Southwest Region, NMFS, (Regional Director) has

estimated that the 1995-96 spawning biomass of the central subpopulation of northern anchovy, *Engraulis mordax*, is 388,000 mt. The biomass estimate is derived from a stock assessment model using spawning biomass estimated by five indices of abundance.

Documentation of the spawning biomass is contained in Administrative Report LJ-95-11, published by the Southwest Fisheries Science Center, NMFS (see ADDRESSES). This report and the determination of harvest quotas were provided to the Pacific Fishery Management Council (Council).

According to the formula in the Fishery Management Plan for the Northern Anchovy Fishery (FMP), the U.S. optimum yield (OY) is 61,600 mt (70 percent of the biomass above 300,000), which is allocated to reduction fisheries, plus 4,900 mt for non-reduction fisheries. There is no agreement with Mexico on the management of northern anchovy; a portion of the biomass (30 percent) above 300,000 mt is designated as the amount to account for this unregulated harvest. Any portion of the U.S. OY not used by U.S. fishermen is identified as total allowable level of foreign fishing (TALFF) and available to foreign fishing.

Estimates for the amount of anchovy that will be used by the U.S. fishing industry is based, usually, on the largest amount of reduction and non-reduction processing in the previous 3 years; however, the spawning biomass has been below 300,000 mt for the last 3 years and no reduction fishing has been permitted by the FMP. At a meeting of the Council's Coastal Pelagics Planning Team and Advisory Subpanel held in Long Beach, CA, on June 21, 1995, NMFS requested estimates of domestic processing needs from the fishing industry so that a basis could be established for setting annual quotas. Comments also were received at the June 26-29 meeting of the Council. From the information available, NMFS estimates that approximately 13,000 mt will be used by the U.S. reduction fishery in the 1995-96 season. Future estimates of domestic processing will be based on performance during the 1995-96 season.

The TALFF depends on that portion of the U.S. OY that will not be used by U.S. fishermen, minus the amount of harvest by Mexican vessels that is in excess of the average Mexican harvest (calculated according to the formula in the FMP), like the estimates of U.S. harvest. The estimates of Mexican excess harvest is based, generally, on the largest harvest in the last 3 years; however, the biomass has been so low

during this time that there has been no significant fishery off Mexico. Historically, the Mexican fishery has been based on availability and not on abundance. When the biomass was of a similar level in 1987, Mexico harvested 124,475 mt. The biomass dropped approximately 45 percent the next year and another 26 percent the following year, yet Mexico harvested approximately 80,000 mt in each of those 2 years. Recent harvests are not a reliable predictor of Mexican harvest under conditions of sudden increased abundance. The issue of uncertainty about the performance of the domestic industry and the intent of Mexican harvesters was discussed by the Council, which recommended that the portion allocated to TALFF be held in reserve. This action would have protected the domestic industry and helped assure that OY will not be exceeded; however, the FMP does not allow for a deviation from the designated formula.

The Regional Director has made the following determinations for the 1995-96 fishing season by applying the formulas in the FMP and in 50 CFR Part 662.20.

1. The total U.S. OY for northern anchovy is 66,500 mt, plus an unspecified amount for use as live bait.
2. The total U.S. harvest quota for reduction purposes is 13,000 mt.
 - a. Of the total reduction harvest quota, 1,300 mt is reserved for the reduction fishery in Subarea A (north of Pt. Buchon). The FMP requires that 10 percent of the U.S. reduction quota or 9,072 mt, whichever is less, be reserved for the northern fishery. This is not a special quota, but only a reduction in the amount allocated to the southern fishery south of Pt. Buchon (Subarea B). After the northern fishery has harvested 1,300 mt, any unused portion of the Subarea B allocation may also be harvested north of Pt. Buchon.
 - b. The reduction quota for subarea B (south of Pt. Buchon) is 11,700 mt.
3. The U.S. harvest quota for non-reduction fishing (i.e., fishing for anchovy for use as dead bait or human consumption) is 4,900 mt (as set by § 662.20).
4. There is no U.S. harvest limit for the live bait fishery.
5. The domestic annual processing capacity (DAP) is 13,000 mt.
6. The amount allocated to joint venture processing (JVP) is zero, because there is no history of, nor are there applications for, joint ventures.
7. Domestic annual harvest capacity (DAH) is 13,000 mt. DAH is the sum of DAP and JVP.
8. The TALFF is 48,600 mt.

The fishery will be monitored during the year and evaluated with respect to the OY and the estimated needs of the fishing industry. Adjustments may be made to comply with the requirements of the FMP and its implementing regulations.

This action is authorized by 50 CFR part 662 and is exempt from review under E.O. 12866.

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

Dated: August 2, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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50 CFR Parts 672, 675, and 676

[Docket No. 950414104-5183-02; I.D. 110194B]

RIN 0648-AF53

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Maximum Retainable Bycatch Amounts

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

ACTION: Final rule and correcting amendments.

SUMMARY: NMFS is revising the regulations setting forth the standards for determining when a fishing vessel operator is engaged in directed fishing in the groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI). This rule replaces the existing species-, gear-, and management-goal specific standards with specific retainable percentages for deriving the maximum amount of fish species or species group that may be retained as bycatch in fisheries that are closed to directed fishing. Retention of more than this amount constitutes directed fishing. The changes made by this rule are expected to promote compliance with groundfish regulations and to facilitate enforcement efforts. This action is intended to further the objectives of the fishery management plans (FMPs) for the groundfish fisheries of Alaska.

EFFECTIVE DATE: August 2, 1995.

ADDRESSES: Individual copies of the environmental assessment/regulatory impact review prepared for this action may be obtained from Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone (EEZ) of the GOA and the BSAI are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620.

This rule revises regulations at 50 CFR 672.20(g) and 675.20(h), which specify a large number of species-, area-, gear-, and management goal-specific standards for the GOA and BSAI, respectively, for determining when a vessel operator is engaged in directed fishing in the groundfish fisheries of GOA and BSAI. These directed fishing standards were intended to reduce harvest rates of groundfish species when their total allowable catch (TAC) limits are being approached, while, at the same time, reducing waste and minimizing the need to discard fish at sea by allowing retention of incidental groundfish bycatch, after closure of the directed fishery until the TAC limit is achieved.

In spite of increased specificity, the directed fishing standards often failed to prevent overharvest or underharvest of groundfish. Furthermore, the standards have not resulted in eliminating undesirable fishing practices, such as covert targeting on high value species after fishery closures or wasteful discarding.

A proposed rule addressing these concerns was published in the **Federal Register** on April 28, 1995 (60 FR 20952). Public comment was invited through May 30, 1995. Three letters of comments supporting the proposed rule, with some modifications, were received within the comment period and are summarized and responded to below in the "Response to Comments" section.

The final rule implements the following modifications to the directed fishing standards:

1. Usage of the term directed fishing standards is eliminated. Instead, "directed fishing" is defined as any fishing activity that results in the retention of an amount of fish species or species subgroup on board a vessel that