

(e) Plans for effective preventive and outage maintenance of baseload generation units,

(f) Capital and operating cost increases necessary to achieve improved productivity from baseload units,

(g) Demonstrated current activity to obtain cost-effective power transactions,

(h) Specific plans for decreased use of scarce fuels,

(i) Analysis of fuel cost implications of meeting environmental standards, e.g., low sulfur coal versus high sulfur coal with scrubbers based on minimum present worth of life cycle revenue requirements,

(j) Demonstrations that purchased power displaced higher cost self-generation, particularly that using scarce fuels, as a condition of recovering the total cost of such purchases, and

(k) Demonstrations that power purchases, for reasons other than displacement of higher cost self-generation, were prudent and justified as a condition of recovering the excess of the total cost of such purchases over the fuel cost component.

Reliance on after-the-fact reviews places a burden on the regulatory authority to determine whether a utility is fully identifying and exploiting cost-effective opportunities for increasing the performance of baseload generation. In addition, regulatory authorities will also need to be able to differentiate between situations in which an unplanned outage is due to events beyond the utility's control and those in which it is not. Authorities will likely have to increase their expertise in the area of powerplant performance and maintenance in order to determine the level of expenditures which is in the best interest of utility customers.

(3) Incorporation of Fuel Adjustment Charges Into the Rate Structure. The economical use of electric power by end-users can be affected by the way base period fuel costs are incorporated into rate structures. Fuel adjustment charges should be incorporated into rate structures in such a manner as to least distort the incentives for conservation.

Automatic adjustment clauses have generally been designed to track changes in average fuel costs because, like rates in general, they must conform to a revenue requirement based on average total costs. However, rates provide the best incentives for end-use efficiency (conservation) and for efficient use of utility resources when they reflect marginal costs rather than average costs. Special attention must, therefore, be given to the way in which fuel adjustment surcharges affect the

rate structure of an electric utility, to ensure that fuel adjustments do not unnecessarily distort incentives for energy conservation that have been incorporated into that rate structure.

The maintenance of appropriate onpeak/offpeak price differential where time-varying rates are in effect is a specific problem that arises in this regard. The problem is likely to be greatest where the onpeak rate reflects the costs of oil-fired generation and the offpeak rate does not. If oil prices increase more rapidly than the prices for coal or nuclear fuel, then the onpeak/offpeak rate differential should widen. The challenge is to develop a fuel adjustment procedure that comes as close as possible to capturing the proper differentials in both fuel prices and generation mix used in different time periods.

Automatic adjustment surcharges should be small; the basic rate structure should be readjusted when fuel cost changes become large. Rate structures with zero-based fuel costs, where the entire fuel expense is covered in the adjustment surcharge, are generally inappropriate and misleading to the consumer.

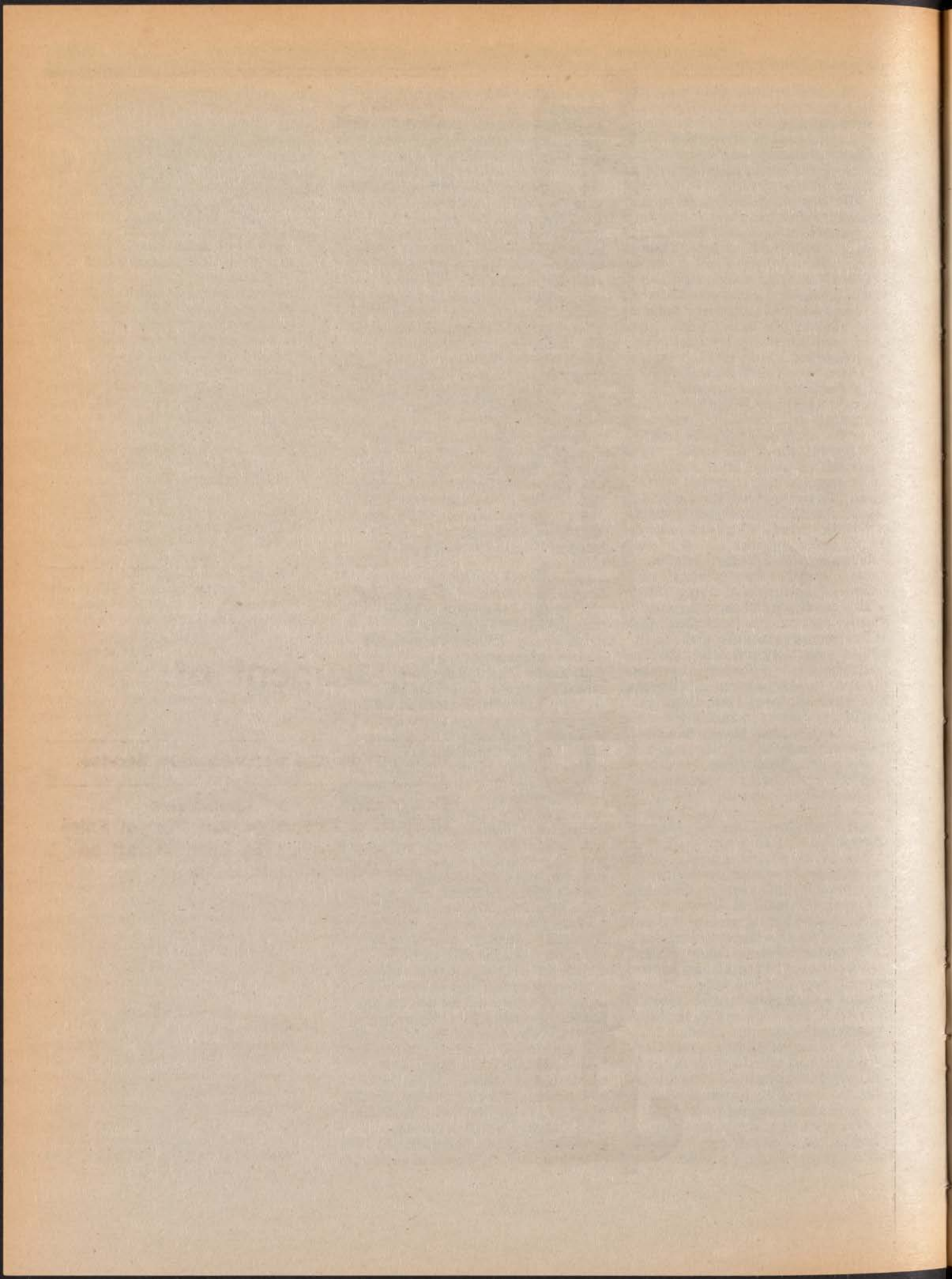
(4) *Incentives for Displacement of Scarce Fossil Fuels in the Generation Mix.* By allowing a utility to pass through fuel price increases automatically, automatic adjustment clauses reduce incentives for replacement of oil and gas-fired capacity with new coal or nuclear capacity. Utility decisions to invest in new generation sources which use alternative fuels and which displace uneconomic uses of oil and gas can reduce the total revenues (and present value of life-cycle revenue requirements) collected from utility customers over the operating life of a new plant using coal, nuclear, or renewable energy resources.

Automatic adjustment clauses directly limit the timing and level of recovery of fuel costs and can bias decisions involving the replacement of oil and gas in the generation mix with coal and nuclear. The large capital costs of new baseload powerplants may result in cash flow problems even with adjustment clauses that permit complete recovery of all fuel expenses. Where automatic adjustment clauses contain financial penalties, they may impede a utility's ability to undertake construction programs which would replace scarce fossil fuels with coal, nuclear, or renewable resources in the generation mix. Conversely, automatic flowthrough of fuel costs may also dissuade utilities from investing in capital intensive generating capacity. In the consideration of the standard, the impact of any clause

on a utility's ability and incentive to implement a system generation plan which minimizes total generation costs over time should receive careful analysis, including periodic reviews of system expansion plans, to establish that the long-term system fuel mix is economically justified.

[FR Doc. 80-13436 Filed 4-30-80; 8:45 am]

BILLING CODE 6450-02-M



Federal Register

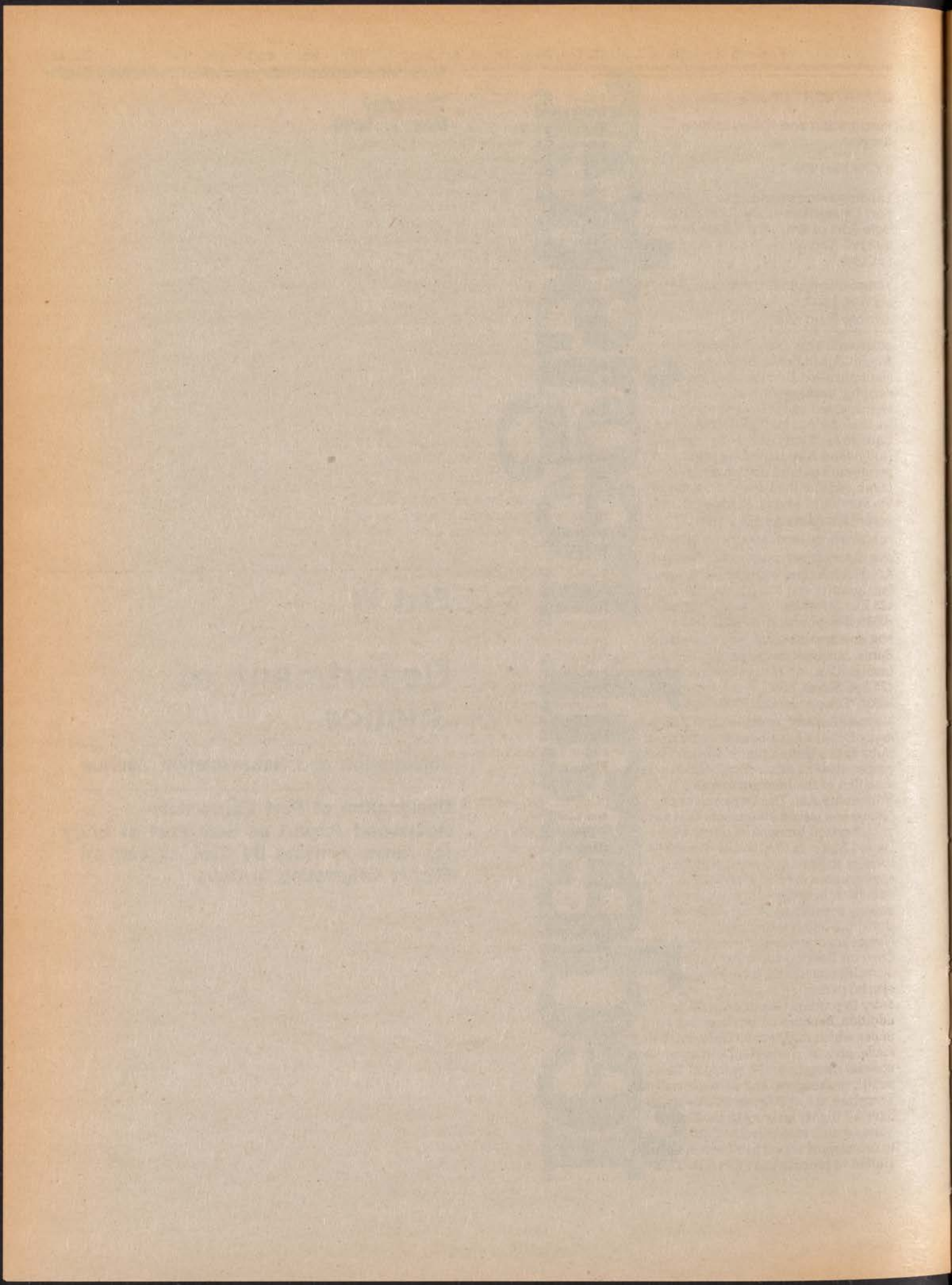
Thursday
May 1, 1980

Part VI

Department of Justice

Immigration and Naturalization Service

**Designation of Fort Lauderdale-
Hollywood Airport as Sole Port of Entry
for Aliens Arriving By Civil Aircraft on
Flights Originating in Cuba**



DEPARTMENT OF JUSTICE

Immigration and Naturalization
Service

8 CFR Part 239

**Landing Requirements; Designation of
Fort Lauderdale-Hollywood Airport as
Sole Port of Entry for Aliens Arriving
by Civil Aircraft on Flights Originating
in Cuba**

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations of the Immigration and Naturalization Service requires aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act on flights originating in Cuba to land only at Fort Lauderdale-Hollywood Airport, unless prior permission to land elsewhere is obtained from the District Director of the Service in Miami, Florida.

EFFECTIVE DATE: April 28, 1980.

FOR FURTHER INFORMATION CONTACT:

FOR GENERAL INFORMATION: Stanley J. Keiszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-3048.

FOR SPECIFIC INFORMATION: Edward K. Burns, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-3996.

SUPPLEMENTARY INFORMATION: Recently many Cubans have been brought from Cuba to the United States without proper visas or other documentation in violation of the Immigration and Nationality Act. The Department of Justice has issued statements that such unauthorized bringing of aliens to the United States is illegal and will subject carriers to fines and seizure of the conveyances used in such illegal activities. In order to provide for an orderly processing of arrivals from Cuba, the Immigration and Naturalization Service, along with the Customs Service and other Federal agencies concerned, have assigned special personnel to certain ports of entry to process Cuban arrivals. In addition, because of the conditions under which flights from Cuba are being made, arrival of such flights may present unusual dangers to the safety of the public, passengers, and crews involved. Therefore, it has become necessary to have all flights arriving in the United States which originated in Cuba, report to one airport which has been specially staffed to process such arrivals. This

airport is the Fort Lauderdale-Hollywood Airport, Fort Lauderdale, Florida. Section 239.2 of Title 8 will be amended to require flights originating in Cuba to land only at Fort Lauderdale-Hollywood Airport unless advance permission to land elsewhere has been obtained from the District Director of the Immigration and Naturalization Service at Miami, Florida.

In the public interest and because of practical necessity, the provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rulemaking and delayed effective date will be waived.

Accordingly, the following amendment is made to Chapter I of Title 8 of the Code of Federal Regulations:

**PART 239—SPECIAL PROVISIONS
RELATING TO AIRCRAFT:
DESIGNATION OF PORTS OF ENTRY
FOR ALIENS ARRIVING BY CIVIL
AIRCRAFT**

8 CFR 239.2(a) is amended by adding the following sentence between the first and second sentences of the subparagraph:

§ 239.2 Landing requirements.

(a) *Place of landing.* * * *
Notwithstanding the foregoing, aircraft carrying passengers or crew required to be inspected under the Act on flights originating in Cuba shall land only at Fort Lauderdale-Hollywood Airport, Fort Lauderdale, Florida, unless advance permission to land elsewhere has been obtained from the District Director of the Immigration and Naturalization Service at Miami, Florida.

* * * * *

(Secs. 103, 231, and 239 [8 U.S.C. 1103, 1221, and 1229])

Effective date: This amendment became effective on April 28, 1980.

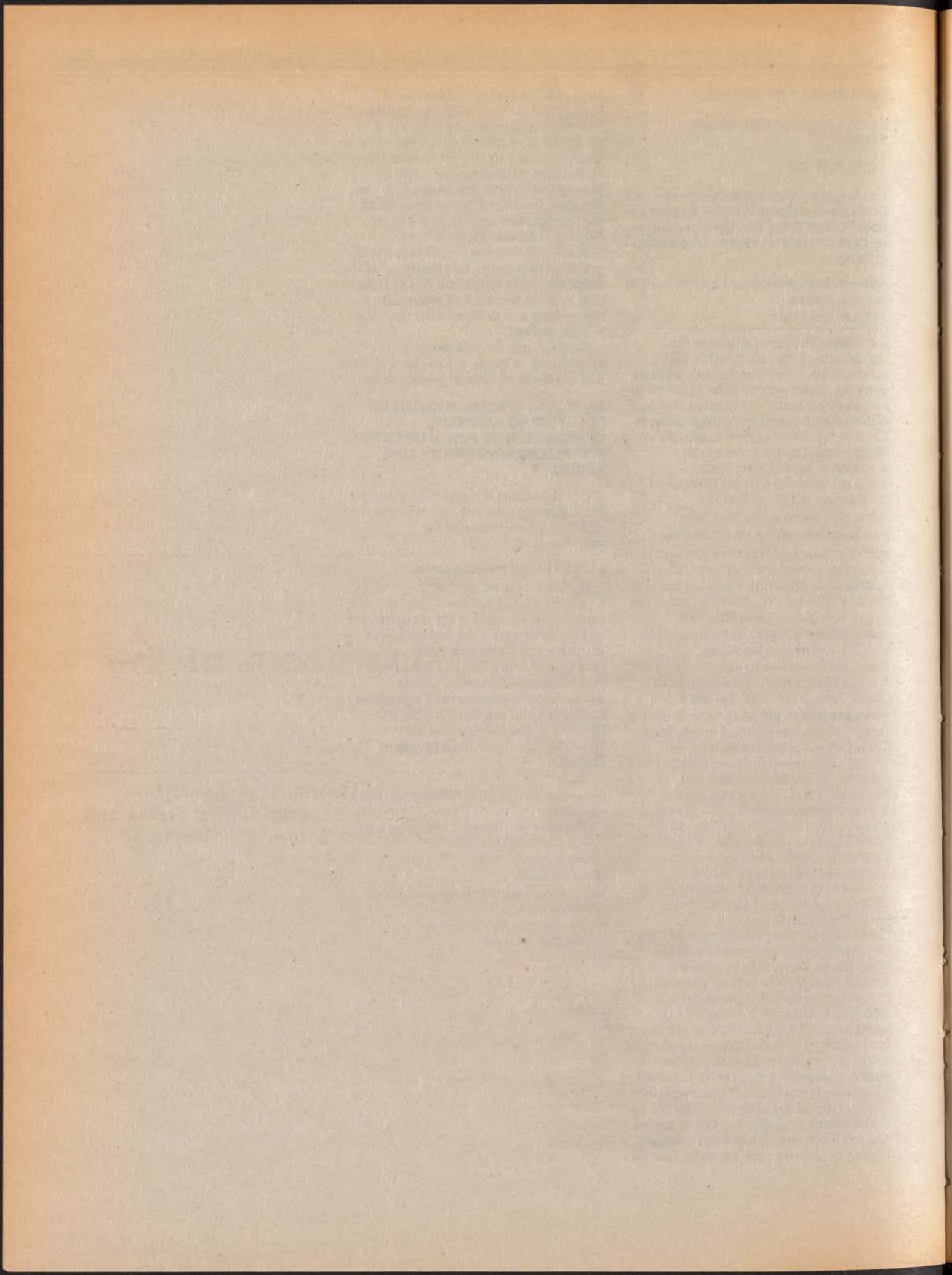
Dated: April 29, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-13584 Filed 4-29-80; 4:41 pm]

BILLING CODE 4410-10-M



Registered Federal Report

Thursday
May 1, 1980

Part VII

Department of the Treasury

Customs Service

Entry and Clearance of Aircraft
Proceeding Between United States and
Cuba to Fort Lauderdale-Hollywood
International Airport

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 6

[T.D. 80-116]

Entry and Clearance of Aircraft Proceeding Between United States and Cuba to Fort Lauderdale-Hollywood International Airport

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Interim regulation.

SUMMARY: This document amends the Customs Regulations pertaining to air commerce to provide: (1) That aircraft clearing the United States for, or entering the United States from, Cuba shall obtain permission to depart from or enter at the Fort Lauderdale-Hollywood International Airport, Fort Lauderdale, Florida; and (2) procedures to be followed by pilots clearing or entering there. The amendment is being made to provide for the safe and expeditious transportation of persons between Cuba and the United States.

EFFECTIVE DATE: April 29, 1980. This amendment is being published as an interim regulation, effective on April 29, 1980. However, written comments received on or before June 2, 1980, will be considered in determining whether any change to the regulation is required before a permanent rule is published.

FOR FURTHER INFORMATION CONTACT: John A. Mathis, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Ave., N.W., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:**Background**

Because of the present situation involving aliens attempting to reach the U.S. from Cuba, there is serious reason to believe that unsafe and unlawful means of transportation will be utilized. It has therefore become imperative to issue an emergency regulation to ensure compliance with Customs and related laws and regulations, and to provide for the safe and expeditious transportation of persons between Cuba and the United States in accordance with all applicable U.S. laws. Customs, therefore, has determined that it is desirable to amend its regulations, effective April 29, 1980, to establish procedures relating to transportation by aircraft. These procedures particularly apply to limiting clearance and entry of aircraft proceeding between the United States and Cuba to the Fort Lauderdale-Hollywood International Airport, Fort Lauderdale, Florida, and are undertaken in accordance with regulations propounded by the Federal Aviation Administration (14 CFR 91.101), the Immigration and Naturalization Service

(8 CFR Parts 231, 239), and the Department of Commerce (15 CFR 371.19).

Comments

Before adopting this regulation as a permanent rule, consideration will be given to any written comments timely submitted to the Commission of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Room 2426, 1301 Constitution Ave., NW., Washington, D.C. 20229.

Inapplicability of Notice and Delayed Effective Date Provisions

In view of the exigencies relating to this matter, Customs has determined that pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are impracticable, and pursuant to 5 U.S.C. 553(d)(3), good cause exists for dispensing with a delayed effective date.

Amendment to the Regulations

Part 6, Customs Regulations (19 CFR Part 6), is amended by adding a new § 6.3a, to read as follows:

§ 6.3a. Entry and Clearance; Cuba.

(a) Unless otherwise authorized by the Regional Commissioner of Customs, Miami, Florida, the owner or person in command of any aircraft clearing the United States for, or entering the United States from, Cuba, whether the aircraft is departing on a temporary sojourn, or for export, shall:

(1) Clear or obtain permission to depart from, or enter at, the Fort Lauderdale-Hollywood International Airport, Fort Lauderdale, Florida;

(2) Before arrival from Cuba, furnish a notice of intended arrival to the Customs Service, either by or at the request of the commander of the aircraft, not less than 15 minutes before crossing the United States coast or border. The notice shall be furnished through the Federal Aviation Administration flight notification procedures or directly to the Customs officer in charge at the Fort Lauderdale-Hollywood International Airport, Fort Lauderdale, Florida. The notice shall include the following:

- (i) Aircraft registration number;
 - (ii) Name of aircraft commander;
 - (iii) Number of United States citizen passengers;
 - (iv) Number of alien passengers;
 - (v) Place of last foreign departure;
 - (vi) Estimated time and location of crossing United States coast or border; and
 - (vii) Estimated time of arrival.
- (3) Upon arrival, present a manifest of

all passengers on board, as required by 8 CFR 231.1(b), to an officer of the U.S. Immigration and Naturalization Service or to a Customs officer acting as an Immigration officer.

(4) As a condition precedent to clearance, present to Customs:

(i) The documents required by section 6.8 of this Part; and

(ii) A validated license issued by the Department of Commerce, as provided for in 15 CFR Part 371, or a license issued by the Department of State, as provided in 22 CFR Part 123. See footnote (7) to section 6.3 of this Part.

(b) No passenger arriving from Cuba by aircraft will be released by Customs, nor will the aircraft be cleared or permitted to depart, before the passenger is released by an officer of the Immigration and Naturalization Service or by a Customs officer acting on behalf of that agency.

(c) All other provisions of this part relating to entry and clearance of aircraft are applicable to aircraft subject to this section.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 79 Stat. 799, as amended (19 U.S.C. 66, 1624, 49 U.S.C. 1509))

Regulation Determined to be Nonsignificant

In a directive published in the Federal Register on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations", the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the Federal Register and codified in the Code of Federal Regulations to be "significant".

However, regulations of this nature, which are nonsubstantive, are essentially procedural, and do not impose substantial additional costs on those affected, may, with Secretarial approval, be determined not to be significant. Accordingly, it has been determined that this amendment does not meet the Treasury Department criteria in the directive for "significant" regulations.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

R. E. Chasen,

Commissioner of Customs.

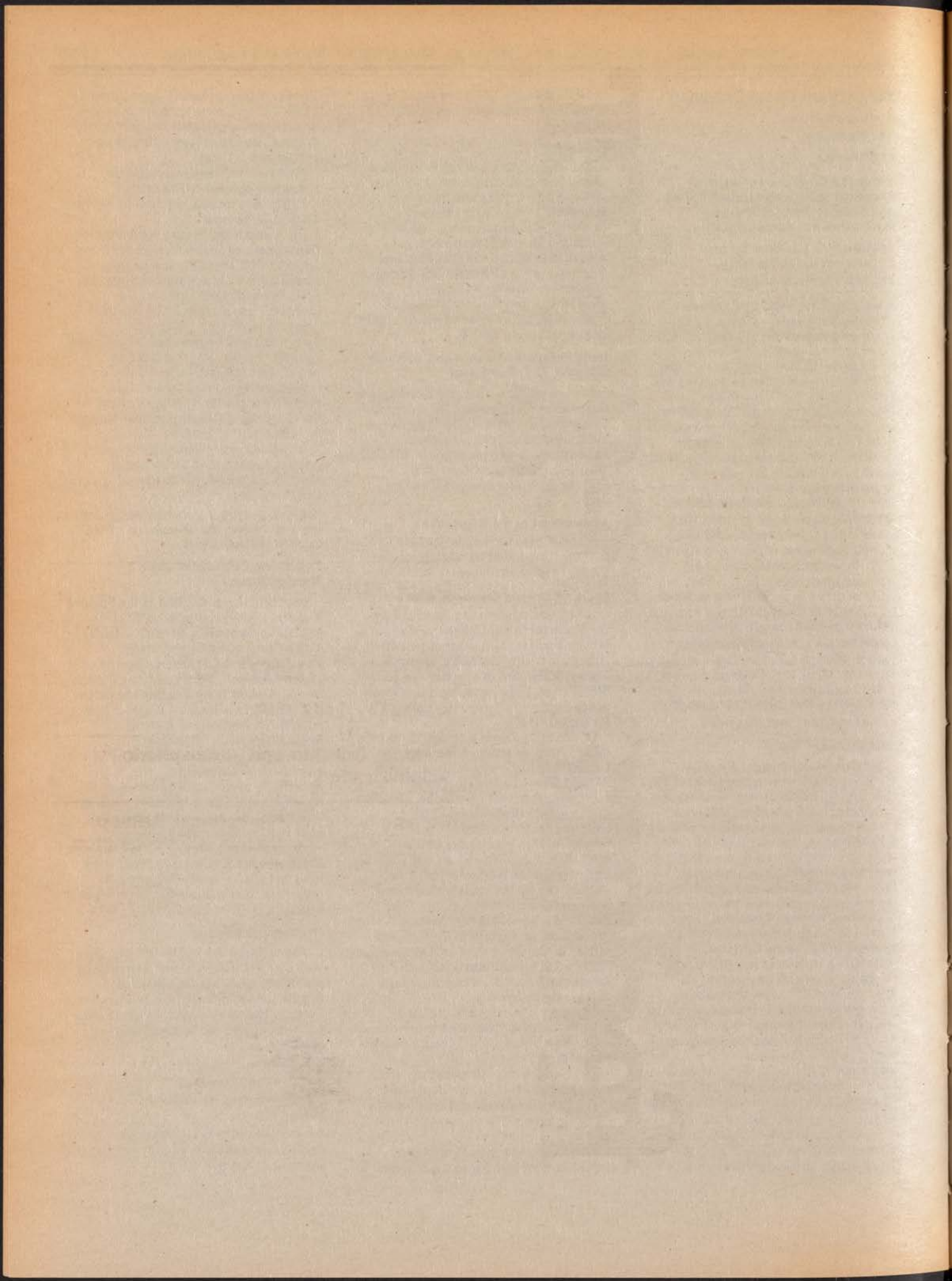
Approved: April 29, 1980.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 80-13617 Filed 4-29-80; 5:13 pm]

BILLING CODE 4810-22-M



Testis Federal Register

Thursday
May 1, 1980

Part VIII

Department of Commerce

**National Oceanic and Atmospheric
Administration**

**Commercial and Recreational Salmon
Fisheries Off the Coasts of Washington,
Oregon, and California**

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency interim regulations and requests for comments.

SUMMARY: These emergency interim regulations implement an amendment to the "Fishery Management Plan for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California" (FMP). This amendment, which follows the preamble, was adopted by the Pacific Fishery Management Council (Council) and approved by the Assistant Administrator for Fisheries (Assistant Administrator) on April 23, 1980. The regulations control commercial and recreational salmon fishing in the fishery conservation zone (FCZ) off the coast of Washington, Oregon, and California for the purpose of meeting conservation needs of the resource, insuring appropriate allocations between user groups, and providing for an orderly fishery.

EFFECTIVE DATE: These emergency regulations become effective at 0001 hours local time May 1, 1980, and shall remain in effect until 2400 hours, local time, June 15, 1980. Written comments on the interim regulations are invited until July 1, 1980.

ADDRESS: Send comments to: Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Kruse, Acting Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, (206) 442-7575.

SUPPLEMENTARY INFORMATION: The commercial and recreational ocean salmon fishery off the coasts of Washington, Oregon and California was managed in 1977 by regulations implementing an FMP developed by the Council. That FMP was replaced by a second FMP in 1978. The Council subsequently amended the 1978 FMP to impose more restrictive management measures on the ocean fishery in 1979 to provide added protection to depressed salmon stocks. Following

implementation of the 1979 amendments, an action was filed in the Federal District Court for Oregon by four Columbia River treaty-Indian tribes (*Confederated Tribes vs. Kreps*) claiming that the 1979 regulations would not provide a sufficient escapement of salmon to the Columbia River to fulfill their treaty fishing rights under the Columbia River Agreement. The District Court determined that the existing regulations did not assure compliance with the United States' obligations to the treaty Indian fishermen. As a consequence, the commercial ocean fishery was closed for an additional 18 days.

The Council has amended the FMP to provide management measures for the 1980 salmon season. The measures are more restrictive of the ocean fishery than those contained in the 1979 regulations. A supplement to the Environmental Impact Statement (EIS) has been prepared. A notice of availability of the draft supplemental EIS appeared in the Federal Register (45 FR 6472) on January 28, 1980.

The Assistant Administrator has reviewed the 1980 amendments to the FMP and has determined that the management measures are consistent with the provisions of the Fishery Conservation and Management Act (Act), including the national standards in section 303, and with other applicable law, including treaty obligations. The 1980 amendments and these regulations are intended to: (1) Provide adequate spawning escapements for the various salmon runs subject to the ocean salmon fishery; (2) Meet treaty obligations to Indian fishermen; and (3) Allow for a viable harvest for each segment of the salmon fishery, including the commercial and recreational ocean fisheries and the various internal water fisheries.

In order for the Council to develop management measures for the 1980 fishing season, nine management options were assembled in January of 1980 in a document entitled "Proposed Plan for Managing the 1980 Salmon Fisheries off the Coast of California, Oregon, and Washington". The options developed by the Council's Salmon Plan Development Team were based on recommendations in whole or in part, by representatives from the respective fishery agencies of the three States, treaty Indian tribal representatives, and by representatives from the recreational and commercial fisheries. This document was widely distributed. Six public hearings were held between February 19-22 in the three coastal states and in the state of Idaho. Several

updated impact analyses were prepared as new information became available and distributed for both Council and public consideration.

Status of the Salmon Resource in 1980

Current information on the abundance of the major chinook and coho salmon stocks in 1980 indicates that many of the stocks continue to be depressed as they were in 1979 and that their future productivity will be in serious jeopardy if ocean harvests are not reduced. Consequently, the Council has adopted more stringent management measures for the ocean fishery in 1980 than in previous years. It is expected that the management objectives set forth in the FMP would not be attained without these additional ocean-harvest restrictions.

The following summarizes expectations regarding stock abundance in 1980:

1. Oregon coastal and Columbia River coho stocks are predicted to be at a near-record low status in 1980.

Restricted harvest of these stocks in the ocean is necessary to achieve the escapement goal. This continuing decline in Oregon's coastal coho stocks, following the poor returns for the past three years, indicates that extra efforts are needed to increase the numbers of coho salmon reaching those spawning grounds.

2. As in 1979, the natural runs of Washington coastal coho stocks continue to be in a depressed condition. Returns of artificially-propagated stocks to hatcheries are expected to be similar to those of 1979. Restriction of the ocean harvests is necessary to meet natural-stock escapement goals and treaty-Indian allocation obligations.

3. Puget Sound coho stocks are predicted to be above average for both hatchery and natural stocks.

4. Basically, three distinct runs of chinook spawn in the Columbia River system. The spring chinook enter the river from February through May. Summer chinook enter the river from June through mid-August. Fall chinook enter the river from mid-August through October. These runs are divided into upriver chinook, those that spawn in areas above the Bonneville Dam, and lower river chinook which spawn below that point.

The upriver spring and summer chinook are expected to remain at low levels of abundance in 1980; it is not expected that escapement goals will be met. These stocks, however, make up only a minor part of the catch off the Washington and Oregon coasts because most of the spring chinook will have entered the river before the ocean

fishing season begins. Only about four percent of the troll catch during May is comprised of spring chinook. All fall chinook runs are expected to be depressed in 1980, but slightly more abundant than in 1979.

5. California chinook stocks remain depressed. Klamath River chinooks are predicted to be at the same level as in 1979; Sacramento River chinooks may be slightly below the 1979 level and well below historical levels. Effects of the 1975-77 drought in California are still evident in the low level of salmon produced in those areas and these effects will likely continue through the 1981 ocean fisheries.

These regulations are intended to provide sufficient protection to the salmon runs so that adequate numbers of salmon reach the rivers for both spawning purposes and for the Indian fisheries.

The Fisheries

Ocean fishery—The ocean salmon fishery primarily harvests chinook and coho salmon. The fishery includes commercial trollers and recreational participants, a significant portion of whom are dependent upon commercially-operated charterboats for access to the ocean fishery. Ocean harvest also affects the numbers of fish returning to spawning grounds and to internal water fisheries as far as several hundred miles inland. Coho and chinook salmon range widely during their lives in the ocean, and are harvested there while the races from different spawning grounds are indistinguishably mixed. The quality of chinook and coho salmon that enter the consumer market can vary with their stage of life; those caught in the ocean are considered by many people to be of the highest quality. Market qualities are also affected by the size and maturity of the fish, type of fishing gear used, and the degree of care in handling and processing the catch. All of these factors affect prices, market supplies and demands.

The commercial salmon fishery and the recreational salmon fishery have different motivations and satisfactions. The regulations are intended to recognize these differences. The management goals for the commercial fishery, after giving full consideration to resource conservation requirements and obligations to treaty Indian fishermen, are designed to optimize the poundage yield and economic returns to the commercial fishermen. Management of the recreational fishery is directed toward achieving the greatest amount of angler participation and recreational satisfaction. The ocean recreational catch in 1979 was very low. The

regulations are intended to help restore the historic balance between the recreational and commercial ocean catches.

Treaty Indian and Internal Water Fisheries

Some of the runs of salmon that contribute to the ocean fisheries are also subject to treaties between the United States and various Indian tribes in Washington and on the Columbia River. The treaties reserve to the tribes a right to harvest a portion of the runs that pass through their usual and accustomed fishing grounds. Recent Federal court decisions, affirmed by the United States Supreme Court, have interpreted the treaties as reserving to some tribes the right to harvest up to fifty per cent of the runs that would return to their tribal fishing grounds. For Columbia River stocks, a separate agreement sets forth the obligations regarding the management of ocean fishery salmon returning to tribal fishing grounds. That agreement, which was signed by the Columbia River Tribes, the United States, Washington and Oregon, and adopted by the District Court in a consent decree, establishes numerical goals for salmon escapement from the ocean into the Columbia River and in-river allocation principles which are in lieu of the 50/50 allocation formula of the other treaty fisheries. Fishery management in the FCZ must be consistent with the treaty obligations as interpreted by the Federal courts and as set forth in the Columbia River Agreement.

The Council, in developing the 1980 amendments to the management measures in the FMP, gave extensive consideration to the impacts that various management options would have on the rights of treaty Indian fishermen. The Council gave a thorough consideration to the expected returns of salmon to each of the areas of interest to the treaty tribes under each management option it considered. The management measures adopted by the Council are intended to be consistent with the treaty obligations. The in-season adjustment provision—a management measure new in this amendment to the Plan, should provide additional assurance that treaty-Indian fishery obligations will be met.

Certain season and area closures have been applied to both commercial and recreational fisheries in the ocean to reduce ocean harvests and to provide a greater proportion of the stocks to reach inshore areas, not only for treaty Indian fishermen but also for non-Indian "inside" net fisheries, recreational river fisheries, and, most importantly, for

spawning escapement to ensure not only maintenance of the runs but increased productivity of the salmon resources. There are significant non-Indian commercial harvests in the internal waters of Washington State and on the Columbia River. There is also an Indian reservation fishery on the Klamath River of California. These fisheries are expected to receive additional benefit under the 1980 regulations.

1980 Management Measures

The regulations published here are intended to prevent overfishing in the ocean fisheries and to minimize impacts on weaker stocks, while equitably apportioning the increased regulatory burden in the ocean and minimizing shifts in fishing effort along the coast. For California, the regulations include a June 1-30 closure of the commercial fishery south of Cape Vizcaino and a June 1-July 15 closure north of that point. In 1979, the commercial fishery off California was closed for only two weeks in June. Recreational restrictions remain the same as in 1979. The additional restrictions are intended to protect depressed salmon stocks, particularly chinook stocks of the Klamath and Sacramento Rivers and the coho stocks of the Oregon and Washington coasts. The regulations also are expected to allow for approximately a 30,000 chinook harvest by Indian tribes of the Klamath River who have a recognized right to fish on their reservation.

The regulations are expected to achieve 75 percent of the long-term fall chinook spawning escapement goals for both the Klamath and Sacramento Rivers. This should allow for rebuilding these stocks over an extended period. The regulations are also expected to reduce the catch in some areas by as much as 30 percent from the record commercial chinook harvest in 1979. For Oregon, the regulations (both north and south of Cape Falcon) provide for an all-species commercial season from July 15 to September 8. This is two weeks shorter than the all-species season in 1979. A June 16-30 chinook-only season is established for the area from Cape Falcon to Cape Blanco with terminal gear restricted to whole baits or salmon plugs six inches or longer.

The recreational season is from May 10 to September 14, with a chinook-only season south of Cape Falcon from September 15 to October 31. The daily catch limit is increased from two fish in 1979 to three fish in 1980, with a provision that the catch limit be reduced to two fish if, during the season, the recreational catch is projected to exceed

240,000 coho in the Oregon Production Index area by September 14.

The regulations are intended to protect depressed Oregon coastal coho stocks while allowing a harvest of abundant Oregon coastal chinook stocks. The regulations are expected to provide a 235,000-260,000 coho spawning escapement. The escapement goal is 260,000 fish. The selective June chinook-only season would allow harvest of surplus Oregon chinook, and is expected to have only a minor impact on coho and California and Columbia River chinook escapements.

For Oregon north of Cape Falcon and Washington, the regulations provide for a commercial chinook-only season during May, a June 1-June 15 closure and a July 15-September 8 all-species season. This latter season starts fifteen days later than the season did in 1979. This additional closure comes at a time when commercial coho catch and effort are normally at a seasonal high. The recreational daily catch limit is increased from 2 to 3 fish in 1980. However, it would be reduced from three fish to two fish per day, if the rate of catch is projected in August to exceed 333,000 coho by September 14.

The 300,000 in-river run size goal for Columbia River upriver fall chinook set forth in the Columbia River Agreement is not likely to be achieved in 1980, since the total run size is expected to be only slightly greater than in 1979. The ocean harvest of that run under the regulations, given the conservative assumption that the total run size is no greater than in 1979, is expected to be of the same magnitude as last year's harvest of 51,900.

The in-river run, given the same assumption, is expected to be 169,000 fish. However, of the more restrictive ocean management options examined by the Council, only that option providing for total elimination of the ocean fishery in 1980 off the coasts of Washington and northern Oregon, would be expected to provide a significant increase to the in-river harvest. The impact on Columbia River spring and summer runs is expected to be relatively minor, since those stocks comprise a small portion of the ocean harvest. Additional restrictions suggested to the Council, such as a May commercial closure, were predicted to be of minor benefit to those stocks.

The regulations are intended to provide an escapement of at least 240,000 coho to the north coastal streams of Washington, which would meet spawning goals and allow a coho harvest by the coastal treaty fishermen of 50% of the Washington north coastal coho. For Puget Sound, the escapement

goal of 1.1 million coho, which is intended to be consistent with spawning needs and treaty fishing rights, is expected to be achieved under the proposed regulations.

Regulations applicable to the treaty-Indian fishermen with usual and accustomed fishing grounds in the FCZ are the same as in 1979. These include the required use of barbless hooks prior to July 1 and a minimum size limit of 28 inches for commercially caught chinook. Those restrictions are intended to serve a conservation purpose since they protect immature fish and increase escapements from the ocean, particularly with respect to spring and summer chinook.

In addition, it was anticipated that differing size limits for treaty and non-treaty commercial fishermen could create enforcement difficulties.

Inseason Management Procedures

An in-season adjustment provision based upon in-season measurement of coho abundance and ocean fishery effort off Washington and Oregon is included in the 1980 regulations. This measure recognizes that pre-season estimates of coho abundance north of Cape Falcon, Oregon, are of limited reliability and that projections of total ocean harvest and effort for that area and the Oregon Production Index (OPI) area early in the season are uncertain and subject to a variety of factors that cannot be determined in advance (e.g. availability of albacore tuna as substitute commercial targets, weather conditions, salmon prices, and vessel operating costs). The proposal does not include chinook, since numerical abundance estimates cannot be made with accuracy during the ocean fishing season.

The in-season adjustment measure provides for monitoring the fishery and updating the estimates and projections for coho as the 1980 season progresses and more data become available. Based on these updates, the Northwest Regional Director of the National Marine Fisheries Service, after consulting the State fishery agencies and the Pacific Council and, considering relevant public comments could, on August 22, issue a field order modifying the all-species time/area regulations and recreational catch limits to ensure adequate escapement of coho from the ocean fisheries to meet spawning escapements, or treaty Indian obligations. Action taken by the Regional Director would be based upon several specified factors, including the 1971-75 harvest ratio between the ocean troll and recreational fisheries for coho and, to the extent possible, would

maintain those harvest ratios. The ocean harvest ratio for the Washington coho stocks has been established at 60% for the troll fishery and 40% for the recreational fishery, respectively. In the OPI area south of Leadbetter Point to the California-Oregon border, the troll-recreational harvest ratio has been 71% and 29%, respectively.

A preliminary determination of stock abundance and ocean fishing effort would be published in the *Federal Register* and in public news media on August 7. This is considered the earliest date that reliable stock abundance estimates are available. The public could submit comments relevant to the factors to be considered by the Regional Director under the regulations until August 22. It is expected that fishing effort data will not be sufficient for final projections until August 22. During the comment period the data relied on by the Regional Director would be made available to the public as it is compiled.

Public comments on these regulations are invited for a period of sixty (60) days from the date of publication.

In compliance with Executive Order 12044, a draft regulatory analysis has been prepared for these emergency and interim final regulations. The draft has been reviewed in Washington and is being revised for submittal in final form prior to publishing final regulations. Copies of a draft Supplement to the Final Environmental Impact Statement/Fisheries Management Plan for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon and California were distributed to over 2,870 individuals, associations and agencies. This draft also is being revised for submittal in final form prior to publishing final regulations. Copies may be obtained from Regional Director at the above address in Seattle, Washington.

Recognizing the critical needs for reductions in the ocean harvests of these salmon stocks, the Assistant Administrator has determined that an emergency exists and that emergency promulgation of these regulations under the provisions of sec. 305(e) of the FCMA is required to meet this emergency. The Assistant Administrator also finds that formal notice of proposed rulemaking is impractical, unnecessary, and contrary to the public interest because of the emergency described above.

Signed at Washington, D.C., this the 29th day of April 1980.

Winfred H. Meibohm,
Executive Director, National Marine
Fisheries Service.

(16 U.S.C. 1801 *et seq.*)

The fishery management plan amendment follows:

Amendment to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coast of Washington, Oregon, and California in 1978

1. Section 9.4 and page ii through v of

Commercial Troll Seasons

California:		
South of Cape Vizcaino.....	All salmon except coho.....	May 1 through May 15.
	All salmon.....	May 16 through May 31.
	All salmon.....	July 1 through September 30.
North of Cape Vizcaino.....	All salmon except coho.....	May 1 through May 15.
	All salmon.....	May 16 through May 31.
	All salmon.....	July 16 through September 30.
Oregon:		
South of Cape Falcon to Oregon/California border.	All salmon except coho.....	May 1 through May 31.
	All salmon.....	July 15 through September 8.
	All salmon except coho.....	September 9 through October 31.
South of Cape Falcon to Cape Blanco.	Chinook only.....	June 16 through June 30 with terminal gear restricted to whole bait or 6" minimum plugs.
Washington and Oregon: North of Cape Falcon.		
	All salmon except coho.....	May 1 through May 31.
	All salmon.....	July 15 through September 8.

Size limits and other regulations for the ocean commercial troll fishery are the same as 1979.

The 1979 regulation allowing retention by a freezer trolling vessel of dressed, head-off salmon is continued. However, removal of the head of any salmon which is missing the adipose fin is prohibited.

Recreational Seasons and Bag Limits

California:		
	All salmon—2 fish bag limit.....	February 17 through October 4.
Oregon: South of Cape Falcon.....		
	All salmon—3 fish bag limit initially (see below).	May 10 through September 14.
	All salmon—3 fish bag limit.....	September 15 through October 31.
Washington and Oregon: North of Cape Falcon.		
	All salmon—3 fish bag limit initially (see below).	May 10 through September 14.

Size limits and other regulations for the ocean recreational fishery are the same as 1979.

Figure 1 compares the 1980 seasons and recreational bag limits with those in effect in 1979. Figure 2 shows the coastal landmarks that delineate ocean fishery management areas off California, Oregon and Washington. Other portions of the 1979 management measures are modified for 1980 as follows:

Inseason Bag Limit Modifications

Off Oregon south of Cape Falcon the 3 fish bag limit will be adjusted downward to 2 fish if the rate of catch is projected to exceed a catch in the OPI area of 240,000 coho by September 14. The fishery will be monitored weekly with an initial prediction to be made on July 15 and a final prediction on August 15.

Off Washington and Oregon north of Cape Falcon the 3 fish bag limit will be adjusted downward to 2 fish if the rate

the summary of the FMP (as previously amended) and section 1.4 of the FEIS (as previously amended) are supplemented as follows:

The 1979 ocean salmon regulations are amended to provide seasons and bag limits for commercial and recreational fisheries in 1980 and to provide for in-season modifications to these as set forth below:

of catch is projected to exceed a catch for the area of 333,000 coho by September 14. The fishery will be monitored weekly. An initial prediction will be made on July 15 and a final prediction on August 15.

Inseason Modifications of All-Species Area/Time Restrictions

Recognizing that early season estimates of coho stock strength north of Cape Falcon, Oregon, are of limited reliability and that projections of total ocean harvest and effort for that area and the Oregon Production Index (OPI) over the course of the season are uncertain and subject to a variety of independent variables outside the Council's control (e.g., availability of albacore, weather conditions, salmon prices, and vessel operating costs), the Council endorses a system for in-season modification of regulations to achieve escapement goals for spawning and to fulfill legal requirements for allocation

of up to 50% of the harvestable run of relevant stocks to certain treaty Indians.

Such a system should provide the flexibility to respond to situations during the season when it becomes apparent that either poor stock strength, higher effort or increased ocean harvest will preclude attainment of escapement goals and/or allocation requirements of that improved stock strength, reduced effort or lower ocean harvest than originally anticipated will warrant a longer fishing season. Likewise, the system should allow some control in the division of catch to assure a degree of equitable distribution between the ocean recreational and commercial fisheries.

Washington Coastal and Puget Sound Coho

Based on escapement guidelines endorsed by the Council, escapement for inside harvest (both treaty and non-treaty) and spawning (in-river run size) on the order of 240,000 Washington coastal coho and 1,100,000 Puget Sound coho is desirable. The pre-season prediction of ocean harvest north of Cape Falcon to accomplish this escapement to inside areas is 833,000 coho.

It is recognized, however, that given the maximum 50% harvest allocation requirement, deviations of in-season estimates of stock strength and total ocean harvest from pre-season forecasts could warrant a modification of escapement to inside areas during the season.

On August 7, the Regional Director of the National Marine Fisheries Service, Northwest Region, after consultation with the Washington Department of Fisheries (WDF) and the Pacific Fishery Management Council, shall, on the basis of the best scientific information then available, make a preliminary projection of coho stock strength and total ocean harvest (broken down by troll and recreational components) to the end of the season and a preliminary determination of what, if any, modification might be made to the regulations. The preliminary determination will show what closure or other regulatory action (including changes necessary to restore the historic troll/recreational harvest ratio north of Cape Falcon to 60% and 40%, respectively) will be taken for various levels of effort that are projected on August 22 as provided for in the regulations. As the all-species troll season north of Cape Falcon does not begin until July 15, August 7 is considered the earliest practicable time for making useful projections. Such

projections and preliminary determinations shall be published in the *Federal Register* and other public media together with the reasons therefor on August 7 or as soon as practicable. Supporting data, in aggregate form, shall be made available for public inspection at the Regional office as it is compiled. The preliminary projections and determinations shall be subject to public comment for a reasonable time.

On August 22, the Regional Director shall consider all information supplied by the public, all public comments received, and all data used in making the preliminary projections (as updated by more recent WDF information) and shall make *final* projections of stock strength and total ocean harvest (broken down into troll and recreational components) to the end of the season. At the same time and on the basis of data supplied by the Washington Department of Fisheries, and other sources, the Regional Director will also make a final projection of ocean fishing effort by fishery (troll and recreational) to the end of the season. As historic trends indicate that ocean fishing effort immediately following a closure is disproportionately high as compared to average effort over the course of a season, August 22 is considered the earliest time that reliable projections of effort to season's end can be made.

If final projections of stock strength, total ocean harvest and ocean fishing effort indicate that pre-season figures for escapement to inside areas (240,000 Washington coastal and 1,100,000 Puget Sound coho) will fall short or exceed that originally thought to be necessary to fulfill the 50% allocation requirement and meet spawning escapement goals, pre-season figures for escapement to inside areas will be correspondingly modified.

Based on projections of stock strength, total ocean harvest and ocean fishing effort, if it appears on August 22 that escapement of coho to Washington coastal streams and rivers or Puget Sound will fall short or exceed figures for escapement to inside areas as modified above, the Regional Director shall change the all-species area/time restrictions north of Cape Falcon to provide for the modified escapement to inside areas and, to the extent possible, shall adjust restrictions north of Cape Falcon to attempt to meet a 60%-40% harvest ratio between the troll and recreational fisheries. Regardless of adjustments to accomplish the historical catch ratio, if either fishery is unable to take its share of the allowable ocean harvest, the Regional Director shall also

modify area/time restrictions to allow the other fishery the opportunity to take the surplus. The final determination of the Regional Director, and any amendment to the regulations governing the ocean fisheries, shall be published in the *Federal Register* as soon as practicable after August 22 and shall be effective upon filing.

Columbia River and Oregon Coastal Coho (OPI)

Because there is no treaty Indian allocation requirement which applies to Oregon coastal coho, there should be no need over the course of a season to depart from the pre-season escapement goal of 260,000 coho in the OPI. The pre-season prediction of ocean harvest off California, Oregon, and Washington south of Leadbetter Point (OPI area) to accomplish escapement of 260,000 coho to the OPI is 820,000 coho. However, should total ocean harvest, stock strength or ocean fishing effort during the season deviate from pre-season estimates, it will be desirable to modify area/time ocean fishing restrictions to meet the intended escapement. On August 7, the Regional Director of the National Marine Fisheries Service, Northwest Region, after consultation with the Oregon Department of Fish and Wildlife (ODF&W) and the Pacific Fishery Management Council, shall, on the basis of the best scientific information then available, make a *preliminary* projection of coho stock strength and total ocean harvest (broken down into troll and recreational components) to the end of the season and a preliminary determination of what, if any, modification might be made to the regulations. The preliminary determination will show what closure or other regulatory action (including changes necessary to restore the historic ocean troll/recreational harvest ratio south of Leadbetter Point to 71% and 29%, respectively) will be taken for various levels of effort that are projected on August 22 as provided for in the regulations. As the all-species troll season north of Cape Vizcaino does not begin until July 16 (July 15 north of Cape Falcon), August 7 is considered the earliest practicable time for making useful projections. Such projections and preliminary determinations shall be published in the *Federal Register* and other public media together with the reasons therefor on August 7 or as soon as practicable. Supporting data in aggregate form shall be made available for public inspection at the Regional office as soon as it is compiled. The preliminary projections and determinations shall be subject to public comment for a reasonable time.

On August 22, the Regional Director shall consider all information supplied by the public, all public comments received and all data used in making the preliminary projections (as updated by more recent ODF&W information) and shall make *final* projections of stock strength and total ocean harvest to the end of the season (broken down into troll and recreational components). At the same time and on the basis of data supplied by the Oregon Department of Fish and Wildlife, and other sources, the Regional Director will also make a final projection of ocean fishing effort by fishery (troll and recreational) to the end of the season. As historic trends indicate that ocean fishing effort immediately following a closure is disproportionately high as compared to average effort over the course of a season, August 22 is considered the earliest time that reliable projections of effort to season's end can be made.

Based on projections of a stock strength, total ocean harvest and ocean fishing effort, if it appears on August 22 that escapement of coho to the OPI will fall short or exceed the pre-season escapement to inside areas (260,000), the Regional Director shall change the all-species area/time restrictions south of Leadbetter Point to the Oregon/California border to provide the desired escapement and, to the extent possible shall adjust restrictions south of Leadbetter Point to attempt to meet a 71%-29% harvest ratio between the troll and recreational fisheries. Regardless of adjustments to accomplish the historical catch ratio, if either fishery is unable to take its share of the allowable ocean harvest, the Regional Director shall also modify area/time restrictions to allow the other fishery the opportunity to take the surplus. The final determination of the Regional Director and any amendment to the regulations governing the ocean fisheries shall be published in the *Federal Register* as soon as practicable after August 22 and shall be effective upon filing with the *Federal Register*.

Council Involvement

If circumstances do not permit a regular meeting of the Council to be held in order to consult with the Regional Director, he shall, nevertheless, consult with the Executive Director, the Council Chairman, and all available Council members before making the projections which are indicated above.

Any final action taken by the Regional Director shall be *effective when* filed with the *Federal Register*. Efforts should also be made to notify the public via Council Newsletter, publicly circulated newspapers, and radio and television

broadcasts. In addition to any comment periods called for above, public comments should be received and considered by the Regional Director after the effective date of the action taken. During all of these periods, the Regional Director shall make available for public inspection the aggregate data on which the in-season action was based.

Treaty Indian Fishing

Size limits and other regulations for the treaty Indian ocean fishery are the same as those for 1979.

2. The last sentence in paragraph 1 of Section 1.0 of the FMP (as amended is amended to read as follows: "The Secretary of Commerce, upon approval of this fishery management plan, will issue regulations implementing the Plan in the Fishery Conservation Zone for 1978 and successive years until superseded or otherwise modified."

The purpose of this amendment is to allow the Plan and implementing regulations to stay in effect until superseded or modified by Plan amendment or otherwise. With the change, a Plan and regulations will remain in effect for successive years without Council or Secretarial action.

3. Sections 13.5 and 13.6 of the FMP (as amended) are replaced with the following:

13.5 Capacity and Extent of U.S. Harvest and Processing. At the highest conceivable level of present or future abundance, the salmon stocks can be harvested by U.S. fisheries. The domestic harvesting and processing capacity is sufficient to handle the entire anticipated allowable domestic salmon harvest in 1980. There is no recent record of processors refusing fish from fishermen due to inadequate processing capacity.

13.6 Allowable Level of Foreign Fishing. In view of the adequacy of the domestic fishing industry to harvest the highest conceivable level of abundance, the total allowable level of foreign fishing is zero. The United States historically has allowed Canadian fishing in U.S. waters under a reciprocal agreement until 1978. Negotiations between the two governments are continuing to seek a resolution of all salmon issues. These negotiations are aimed at stabilizing and reducing, where possible, the interception by fishermen of one country of salmon originating from the other country. No U.S.-Canada reciprocal salmon fishing is presently contemplated for 1980.

4. Four appendices¹ are added as follows:

Appendix XI—Proposed Plan for Managing the 1980 Salmon Fisheries off the Coast of California, Oregon, and Washington.

Appendix XII—Analysis of Impacts of Proposed 1980 Regulation Options on the Ocean Salmon Fisheries of California, Oregon, and Washington.

Appendix XIII—Comparative Impacts of Options V through VII Relative to Upper Columbia River Fall Chinook and Oregon and Washington Coho.

Appendix XIV—Analysis of Impacts of Adopted 1980 Regulations on the Ocean Salmon Fisheries of California, Oregon, and Washington.

BILLING CODE 3510-22-M

¹ Copies of these appendices are available from the Pacific Fishery Management Council, 526, S.W. Mill Street, Portland, Oregon 97201 (Phone: (503)-221-6352).

Figure 1 Comparison of 1979 and 1980 Ocean Commercial and Recreational Salmon Regulations
(For details see accompanying tables)

TROLL

1979			
CALIF.	OR.		
WA. AND OREGON N. OF CAPE FALCON	WA.		
CAPE BLANCO TO CAPE FALCON	OR.		
CAL. - OR. BORDER TO CAPE BLANCO	WA.		
CAPE VIZCAINO TO CAL. - OR. BORDER	OR.		
S. OF CAPE VIZCAINO	CALIF.		
Feb 15 - Apr 30			
May 1 - 15			
May 16 - 31			
June 1 - 15			
June 16 - 30			
July 1 - 15			
July 16 - 31			
Aug. 1 - 15			
Aug. 16 - 31			
Sept. 1 - 15			
Sept. 16 - 30			
Oct. 1 - 15			
Oct. 16 - 31			
Nov. 1 - 15			

BAG LIMIT

RECREATIONAL

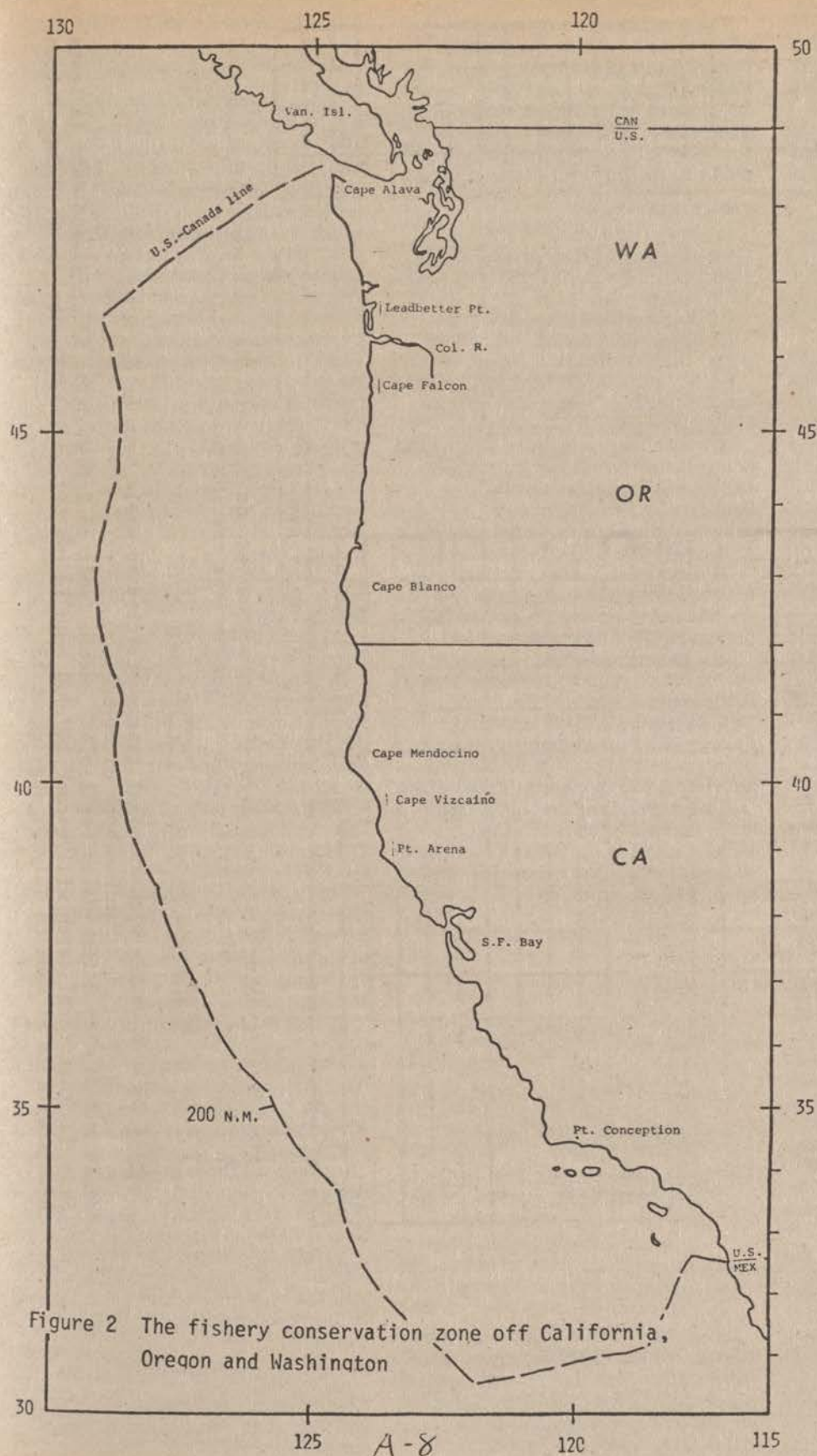
1979			
CALIF.	OR.		
WA. AND OREGON N. OF CAPE FALCON	WA.		
CAPE BLANCO TO CAPE FALCON	OR.		
CAL. - OR. BORDER TO CAPE BLANCO	WA.		
CAPE VIZCAINO TO CAL. - OR. BORDER	OR.		
S. OF CAPE VIZCAINO	CALIF.		
Feb 15 - Apr 30			
May 1 - 15			
May 16 - 31			
June 1 - 15			
June 16 - 30			
July 1 - 15			
July 16 - 31			
Aug. 1 - 15			
Aug. 16 - 31			
Sept. 1 - 15			
Sept. 16 - 30			
Oct. 1 - 15			
Oct. 16 - 31			
Nov. 1 - 15			

Dates are beginning or ending days of open season that do not coincide with semi-monthly period.
Unless specified, size limits and other regulations are the same as in 1979.

OPEN CHINOOK ONLY CLOSED

CHINOOK ONLY-- with terminal gear restricted to whole bait or 6-inch plugs.
Minimum hook size, 6/0.

*Begin season with 3-fish daily bag limit. Reduce limit to 2 fish daily if in-season data indicate by Sept. 14 that total catch will exceed 240,000 coho in the OPI or 333,000 coho north of Cape Falcon. Assessments to be made on July 15 and August 15.



50 CFR Part 661 is revised to read as follows:

PART 661—SALMON FISHERY

Sec.

- 661.1 Purpose.
- 661.2 Relation to U.S.-Canada Sockeye and Pink Salmon Convention.
- 661.3 Relation to State laws.
- 661.4 Effective dates.
- 661.5 Definitions.
- 661.6 Salmon management sub-areas.
- 661.7 General restrictions.
- 661.8 Facilitation of enforcement.
- 661.9 Penalties.
- 661.10 Commercial fishing.
- 661.11 Recreational fishing.
- 661.12 In-Season adjustments.
- 661.13 Treaty Indian fishing.
- 661.14 Emergency regulations.
- 661.15 Catch reports.
- 661.16 Test fisheries.

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

§ 661.1 Purpose.

The purpose of this Part 661 is to provide for the management of the commercial and recreational salmon fisheries off the coasts of Washington, Oregon and California in the Fishery Conservation Zone (also known as the 3-to-200 mile zone) over which the United States exercises exclusive fisheries management authority (i.e., the Pacific Fishery Management Council Fishery Management Area). This Part 661 implements the Pacific Council's Fishery Management Plan for commercial and recreational salmon fisheries off the coasts of Washington, Oregon and California, pursuant to authority conferred by the Fishery Conservation and Management Act of 1976, as amended.

§ 661.2 Relation to U.S.-Canada Sockeye and Salmon Convention.

This Part 661 does not apply to fishing for pink and sockeye salmon conducted under the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System as amended by the Pink Salmon Protocol, in U.S. Convention Waters between 48° North latitude and the provisional international boundary between the United States and Canada.

§ 661.3 Relation to State laws.

This Part 661 recognizes that any State law which pertains to vessels registered under the laws of that State while in the Pacific Council Fishery Management Area, and which is consistent with the Salmon Management Plan, including any State landing law, shall continue to have force and effect with respect to fishing activities addressed herein.

§ 661.4 Effective dates.

These regulations shall become effective as Emergency Regulations upon the date of publication in the Federal Register, and as Final Regulations when duly promulgated and published in the Federal Register as final rulemaking. They shall be effective until superseded or otherwise modified.

§ 661.5 Definitions.

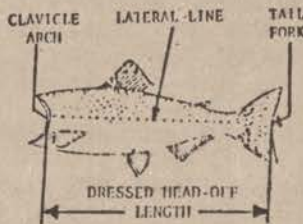
(a) Act—Means the Fishery Conservation and Management Act of 1976, Public Law 94-265 (16 U.S.C. 1801-1882), as amended.

(b) Authorized Officer—Means:

- (1) Any commissioned, warrant, or petty officer of the Coast Guard;
- (2) Any certified enforcement agent or special agent of the National Marine Fisheries Service;
- (3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Secretary of Transportation to enforce the provisions of the Act; and
- (4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this subsection.

(c) Commercial fishing—Means fishing for the purpose of sale or barter of the catch.

(d) Dressed, Head-off Length of Salmon—Means the shortest distance between the mid-point of the clavicle arch (see illustration) and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort to any force or mutilation of the fish other than removal of the head, gills, and entrails.



(e) Dressed, Head-off Salmon—Means salmon that have been beheaded, gilled and gutted, without further separation of vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

(f) Fishing—Means:

- (1) The catching, taking or harvesting of fish;
- (2) The attempted catching, taking or harvesting of fish; or
- (3) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish.

(g) Fishing Vessel—Means any boat, ship or other floating craft which is used for, equipped to be used for, or of a type which is normally used for fishing.

(h) Freezer Trolling Vessel—Means a salmon trolling vessel which has capabilities for (1) on-board freezing of the catch, and (2) storage of the fish in a frozen condition until they are landed.

(i) Fishery Management Area—Means the fishery conservation zone off the coasts of Washington, Oregon and California between 3 and 200 miles offshore, and bounded on the north by the Provisional International Boundary between the U.S. and Canada, and bounded on the south by the International Boundary between the U.S. and Mexico.

(j) Land or Landing—Means bringing fish to shore or off-loading fish from a fishing vessel.

(k) ODF&W—Means the Oregon Department of Fish and Wildlife.

(l) Oregon Production Index (OPI) Regulatory Area—Means that part of the Pacific Council's Fishery Management Area (as defined in § 661.5(i) of this Part) between a line extended due west from Leadbetter Point, Washington at 46°38'10" North latitude, southerly to a line extended due west at the Oregon-California border at 42°00'00" North latitude.

(m) Recreational fishing—Means fishing with recreational fishing gear as defined in Part 661.5(1) for personal use of the catch and for personal benefits of the fishing experience. The catch, if any, is not used for sale or barter.

(n) Recreational fishing gear—Means conventional angling tackle consisting of a rod, reel, line, and hooks with bait or lures attached; recreational fishing gear must be held by hand by the angler while the angler is playing a hooked fish and reducing it to possession.

(o) Regional Director—Means the Regional Director or Acting Regional Director of the Northwest Region of the National Marine Fisheries Service.

(p) Salmon—Means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known as Pacific salmon, including but not limited to:

- Chinook (King) salmon—*Oncorhynchus tshawytscha*
- Coho (silver) salmon—*Oncorhynchus kisutch*
- Pink (Humpback) salmon—*Oncorhynchus gorbuscha*

Chum (Dog) salmon—*Oncorhynchus keta*
Sockeye (Red) salmon—*Oncorhynchus nerka*

(q) Secretary—Means the Secretary of Commerce or a designee.

(r) Single, barbless hook—Means a hook with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Hooks manufactured with barbs can be made "barbless" by forcing the point of the barb flat against the main part of the point.

(s) Sub-area—Means one of the five salmon management subdivisions of the Pacific Fishery Management Council's Fishery Management area as specifically described in § 661.5 below.

(t) Total length of salmon—Means the shortest distance between the tip of the snout or jaw (whichever extends farthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail.

(u) Troll gear—Means commercial fishing gear that consists of one or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines originate from a spool or receptacle which is fixed to the vessel during the fishing operation, and no part of this fishing gear is disengaged from the vessel at any time during the fishing operation.

(v) Washington Production Projection (WPP) Regulatory Area—Means that part of the Pacific Council's Fishery Management area (as defined in § 661.5(i) of this Part) between the U.S.-Canada boundary (as defined in § 661.6(a)(1) (i) and (ii) of this Part) and a line extended due west from Cape Falcon, Oregon at 45°46'00" North latitude.

(w) WDF—Means the Washington Department of Fisheries.

§ 661.6 Salmon management sub-areas.

(a) The Pacific Fishery Management Council's Fishery Management Area shall be divided into the following Sub-Areas for regulation of commercial and recreational salmon fishing, with the following designations and boundaries:

(1) Sub-Area A:

(i) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, Washington, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the U.S. and Canada (at 48°29'37" N. lat., 124°43'33" W. long.), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

(ii) Northern and northwestern boundary is a line² connecting the following coordinates:

48°29'37.19" N. lat., 124°43'33.19" W. long.;
48°30'11" N. lat., 124°47'13" W. long.;
48°30'22" N. lat., 124°50'21" W. long.;
48°30'14" N. lat., 124°52'52" W. long.;
48°29'57" N. lat., 124°59'14" W. long.;
48°29'44" N. lat., 125°00'06" W. long.;
48°28'09" N. lat., 125°05'47" W. long.;
48°27'10" N. lat., 125°08'25" W. long.;
48°26'47" N. lat., 125°09'12" W. long.;
48°20'16" N. lat., 125°22'48" W. long.;
48°18'22" N. lat., 125°29'58" W. long.;
48°11'05" N. lat., 125°53'48" W. long.;
47°49'15" N. lat., 126°40'57" W. long.;
47°36'47" N. lat., 127°11'58" W. long.;
47°22'00" N. lat., 127°41'23" W. long.;
46°42'05" N. lat., 128°51'56" W. long.;
46°31'47" N. lat., 129°07'39" W. long.

(iii) Southern boundary: a line extended due West from Cape Falcon, Oregon, at 45°46'00" N. lat.

(2) Sub-Area B:

(i) Northern Boundary: A line extended due west from Cape Falcon, Oregon, at 45°46'00" N. lat.

(ii) Southern Boundary: A line extended due west from Cape Blanco, Oregon, at 42°50'20" N. lat.

(3) Sub-Area C:

(i) Northern Boundary: A line extended due west from Cape Blanco, Oregon, at 42°50'20" N. lat.

(ii) Southern Boundary: A line extended due west from the California-Oregon border at 42°00'00" N. lat.

(4) Sub-Area D:

(i) Northern Boundary: A line extended due west from the California-Oregon border at 42°00'00" N. lat.

(ii) Southern Boundary: A line extended due west from Cape Vizcaino, California at 39°43'30" N. lat.

(5) Sub-Area E:

(i) Northern Boundary: A line extended due west from Cape Vizcaino, California at 39°43'30" N. lat.

(ii) Southern Boundary: The United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35'22" N. lat. 117°27'49" W. Long.;
32°37'37" N. lat. 117°49'31" W. Long.;
31°07'58" N. lat. 118°36'18" W. Long.;
30°32'31" N. lat. 121°51'58" W. Long.

(b) Any person fishing subject to this Part 661 shall be bound by the above described international boundaries, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

²The line joining these coordinates is the provisional international boundary of the U.S. FCZ as shown on NOAA/NOS Charts #18480 and #18002.

(c) The inner boundary of the Fishery Management Area is a line coterminous with the seaward boundaries of the States of Washington, Oregon and California (the "3-mile limit").

(d) The outer boundary of the Fishery Management Area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico.

§ 661.7 General restrictions.

The following restrictions apply to all commercial and recreational salmon fishing in Sub-Areas A through E, except that the restrictions in this Part 661 shall not apply to fishing for pink and sockeye salmon regulated under the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System, as amended by the Pink Salmon Protocol, north of 48° North latitude.

(a) No person shall use nets to fish for salmon in the Fishery Management Area except that a hand-held net may be used to bring hooked salmon on board a vessel.

(b) No person shall fish for, or take and retain any species of salmon:

(1) During closed seasons or in closed areas specified in this Part;

(2) Once any catch limit specified in this Part is attained;

(3) By means of gear or methods prohibited by this part.

(4) In violation of any field order issued under § 661.12 of this Part.

(c) No person shall take and retain any species of salmon which is less than the minimum length specified in this Part [see §§ 661.5(d), (e) and (h), 661.7(f), (g), (h), and (i), 661.10(c); and 661.11(c), regarding "Dressed, Head-off" salmon aboard a "Freezer Trolling Vessel").

(d) No person shall fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited by this Part.

(e) No person shall possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land, any species of salmon or salmon part which was taken in violation of the Act, this Part 661, or any regulation issued under the Act.

(f) No person shall possess on board a fishing vessel in the Pacific Council's Fishery Management Area any salmon for which a minimum total length is set by these regulations, in such condition that its total length cannot be determined; except that "Dressed, Head-off" salmon, [as defined in § 661.5(e)] may be possessed aboard a "Freezer

Trolling Vessel" [as defined in § 661.5(h)]. [Exception: see following paragraph.]

(g) No person shall remove the head of any salmon caught in the Pacific Council's Fishery Management area, nor possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin, which missing fin indicates that a Coded Wire Tag has been implanted in the head of the fish.

(h) No person while fishing shall possess on a fishing vessel during an open season in any Pacific Council Sub-Area, any salmon which is less than the minimum total length for that species in that Sub-Area; except that "Dressed, Head-off" salmon [as defined in § 661.5(e)] aboard a "Freezer Trolling Vessel" [as defined in § 661.5(h)] shall not be less than the "Dressed, Head-off length" [as defined in § 661.4(d)] for that species in that Sub-Area. (See exception in § 661.7(g).)

(i) No person, while on board a fishing vessel, shall mutilate or otherwise disfigure any salmon in a manner which extends its length to conform to any minimum "Total Length" or "Dressed, Head-off length" requirement specified in this Part. Salmon may be gilled and gutted, if in doing so there is no separation of vertebrae. In addition, on board a "Freezer Trolling Vessel" [as defined in § 661.5(h)] salmon may be prepared [as defined in § 661.5(e)] for on-board freezing, if in doing so there is no further separation of vertebrae. (See exception in § 661.7(g).)

(j) No person shall:

(1) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act, this Part, or any other regulation issued under the Act;

(2) Forcibly assault, resist, oppose, impede, intimidate or interfere with any Authorized Officer in the conduct of any search or inspection described in paragraph (1) of this subsection;

(3) Resist a lawful arrest for any act prohibited by this Part; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person by any Authorized Officer, for any act prohibited by this Part.

§ 661.8 Facilitation of enforcement.

The operator of each fishing vessel shall immediately comply with instructions given by Authorized Officers to facilitate safe boarding and inspection of the vessel for purposes of enforcing the Act and this Part.

§ 661.9 Penalties.

Any person or fishing vessel found to be in violation of this Part 661 will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act.

§ 661.10 Commercial fishing.

(a) *Open seasons and areas.* The Fishery Management Area is closed to commercial salmon fishing except as opened by this Part 661 or superseding regulations. All open fishing periods shall commence at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

(1) Sub-Area A (U.S.-Canada Border to Cape Falcon, Oregon):

(i) The season for all salmon species except coho, shall begin on May 1, and terminate on May 31.

(ii) The season for all salmon species, including coho, shall begin on July 15, and terminate on September 8.

(2) Sub-Area B (Cape Falcon to Cape Blanco, Oregon):

(i) The season for all salmon species except coho, shall begin on May 1, and terminate on May 31. The season for all salmon species except coho, with fishing limited to specific terminal gear as defined in § 661.10(b)(3), shall begin on June 16 and terminate on June 30, from Cape Falcon, south to Cape Blanco.

(ii) The season for all salmon species including coho, shall begin on July 15, and terminate on September 8.

(iii) The season for all salmon species except coho, shall begin on September 9, and terminate on October 31.

(3) Sub-Area C (Cape Blanco to Oregon-California border):

(i) The season for all salmon species except coho, shall begin on May 1, and terminate on May 31.

(ii) The season for all salmon species, including coho, shall begin on July 15, and terminate on September 8.

(iii) The season for all salmon species except coho shall begin on September 9, and terminate on October 31.

(4) Sub-Area D (Oregon-California border to Cape Vizcaino):

(i) The season for all salmon species except coho, shall begin on May 1, and terminate on May 15.

(ii) The season for all salmon species, including coho, shall begin on May 16, and terminate on May 31.

(iii) The season for all salmon species, including coho, shall begin on July 16, and terminate on September 30.

(5) Sub-Area E (Cape Vizcaino to U.S.-Mexico border):

(i) The season for all salmon species except coho shall begin on May 1 and terminate on May 15.

(ii) The season for all salmon species, including coho, shall begin on May 16.

This early season shall terminate on May 31.

(iii) The season for all salmon species, including coho, shall begin on July 1, and terminate on September 30.

(b) *Gear restrictions.* (1) No person shall engage in commercial salmon fishing using other than troll gear in the Pacific Council's Fishery Management Area; however, in Sub-Areas D and E, troll gear need not be fixed to the fishing vessel as specified in § 661.5(o).

(2) No person shall engage in commercial salmon fishing in the Pacific Council Fishery Management Area using other than single, barbless hooks during any open season prior to July 15 in Sub-Areas A, B and C, or prior to May 16, in Sub-Areas D and E, except that bait hooks with natural bait attached as the primary attraction and hooks on artificial salmon plugs may be barbed. Spoons, wobblers, dodgers, and flexible plastic lures shall not be considered artificial salmon plugs under this subparagraph, and therefore must be equipped with barbless hooks in all Sub-Areas during the time periods described in this § 661.10(b)(2).

(3) During the period June 16 to June 30 in Sub-Area B (Cape Falcon to Cape Blanco) no person shall use any terminal gear except whole, natural baits with hook sizes of 6/0 or larger, or artificial salmon plugs the bodies of which are greater than six (6) inches in length.

(c) *Length Restrictions.* Minimum total lengths of salmon and minimum dressed, head-off lengths of salmon are as follows:

		Minimum Total Length 1/	Minimum Dressed Head-Off Length 1/
SUB-AREA A	Chinook	28	21-1/2
A	Coho	16	12
SUB-AREAS B & C	Chinook	26	19-1/2
B & C	Coho	16	12
SUB-AREAS D & E	Chinook	26	19-1/2
D & E	Coho	22	16-1/2
ALL SUB-AREAS	Species other than Chinook and Coho	None	None

1/ in inches.

(d) *Vessel Inspection and Certification.* Any vessel 26 feet or longer with coho salmon on board in Sub-Areas D and E between May 15 and May 24, shall have on board documentation of a current fishing-vessel hold inspection as required by the State of California.

(e) *Steelhead.* No person engaged in commercial salmon fishing shall take and retain or possess any steelhead

(*Salmo gairdneri*) within the Pacific Council's Fishery Management Area.

(f) *Restriction on recreational fishing from commercial troll vessel*—No person while on a fishing vessel with operable troll gear on board shall engage in recreational fishing for salmon during any period closed to commercial fishing for salmon.

§ 661.11 Recreational fishing.

(a) *Open seasons and areas.* The Pacific Council's Fishery Management Area is closed to recreational salmon fishing except as opened by this Part 661 or by superseding regulations. All seasons shall begin at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

(1) In Sub-Areas A, B and C the season for all salmon species shall begin on May 10, and terminate on September 14.

(2) In Sub-Areas B and C a season for Chinook salmon only shall begin on September 15, and terminate on October 31.

(3) In Sub-Areas D and E the season for all salmon species shall begin on February 17, and terminate on October 13.

(b) *Gear restrictions.* (1) No person shall engage in recreational salmon fishing in the Pacific Council's Fishery Management Area using other than recreational fishing gear as defined in § 661.5(n), to which may be attached not more than one artificial lure or natural bait, with no more than four single or multiple hooks.

(2) No person shall use more than one rod and line for recreational salmon fishing in Sub-Areas A, B and C; there shall be no limit to the number of rods and/or lines used for recreational salmon fishing in Sub-Areas D and E.

(3) No person engaged in recreational fishing for salmon in Sub-Areas D and E may use weights of more than four (4) pounds attached directly to the line.

(c) *Length restrictions.* Minimum total lengths of salmon are as follows:

		Minimum Total Length (in inches)
SUB-AREAS	Chinook	24
A	Coho	16
SUB-AREAS	Chinook	22
B and C	Coho	16
SUB-AREAS	Chinook	22 1/2
D and E	Coho	16
ALL SUB-AREAS	Species other than Chinook and Coho	None

1/2 except that one chinook or coho salmon per day may be less than 22 inches but not less than 20 inches.

(d) *Catch limits.* (i) No person shall fish for, or take and retain, or possess more than three salmon per day while recreationally fishing in Sub-Areas A, B, or C.

(ii) No person recreationally fishing in Sub-Areas A, B, or C following any reduction in the daily bag limit from three salmon to two salmon, as provided for in § 661.12, shall fish for, or take and retain, or possess more than two salmon per day.

(iii) No person shall fish for, or take and retain, or possess more than two salmon per day while recreationally fishing in Sub-Areas D and E.

§ 661.12 In-season adjustments.

(a) The Regional Director may modify the open seasons and catch limits in § 661.10 and § 661.11 of this Part in any portion of Sub-Areas A, B, or C (with exceptions as noted in § 661.12), by issuing a Field Order in accordance with the provisions of this section, if the Regional Director determines that:

(1) Actual conditions of abundance and distribution of salmon, and fishing efforts and catches, differ from conditions anticipated prior to May 1; and

(2) In-season modifications are reasonably necessary to provide adequate escapement for spawning, to meet Treaty-Indian allocation requirements, or to maintain, insofar as possible, the historical harvest ratio between commercial and recreational salmon fisheries, as set forth in paragraph (b)(3) of this section.

(b) *Field Orders—Procedures*

(1) *Preliminary Determinations:* On August 7, or the working day closest thereto, the Regional Director following consultation with the Chairman of the Council, the Director of the WDF, and the Director of the ODF&W, shall estimate coho salmon stock abundance in Sub-Areas A, B, and C, and make a preliminary projection of total ocean harvests that will occur by the end of the fishing season in those Sub-Areas by the commercial and recreational fisheries. The Regional Director shall consider the following factors in making the preliminary projections:

(i) The number of participants, levels and distribution of fishing efforts, and catches of the commercial and recreational fisheries as of August 7 compared to similar data and time periods in prior years; and

(ii) The current and historical harvest ratios between the commercial fishery and the recreational fishery, as set forth in paragraph (b)(3) of this section; and

(iii) Abundance estimates and catches of coho stocks in Sub-Area A as of August 7 compared to the Washington

Production Projection (WPP) of coho abundance and catch data for the 1974-1976 period; and

(iv) Abundance estimates and catches of coho stocks in the Oregon Production Index (OPI) area as of August 7, including private hatchery fish, compared to their original OPI predictions; and

(v) Data from marked-fish recoveries, including analysis of recoveries of coho salmon with implanted coded-wire tags; and

(vi) Any other scientific information relevant to the abundance and distribution of coho stocks, total fishing efforts and catches that is available as of August 7.

The preliminary projections and determinations shall be published in the Federal Register and distributed through public news media on August 7 or as soon as practicable thereafter.

(2) *Final Determinations and Field Orders:* On August 22 or the working day closest thereto, the Regional Director, following consultation with the Chairman of the Council, the Director of the WDF, and the Director of the ODF&W, and taking into consideration all information received under paragraph (b)(5) of this section, all factors considered in making the preliminary projections under paragraph (b)(1) of this section and any additional relevant scientific information received, shall estimate coho stock abundances in Sub-Areas A, B, and C and make a final projection of fishing effort and total ocean harvests that will occur by the end of the fishing season in Sub-Areas A, B, and C by the commercial and recreational fisheries. The following factors shall be considered in projecting ocean fishing effort:

(i) For the Washington Production Projection (WPP) Regulatory Area as defined in § 661.5(v) actual effort as of August 22 compared to average effort for the 1974-76 period and for 1979; and

(ii) For the OPI Regulatory Area (as defined in § 661.5(l)), the actual effort trend as of August 22 compared to 1979 boat-days and to average effort derived by aerial surveillance for the 1976-79 period; and

(iii) Any relevant scientific information submitted by the WDF, the ODF&W or any other source.

The final determinations by the Regional Director and any field order issued under paragraph (a) of this section shall be published in the Federal Register and other public news media on August 22 or as soon as practicable thereafter, together with the reasons therefor.

(3) *Commercial and Recreational Ocean Fisheries:* Any modification made

by the Regional Director under paragraph (a) of this section, shall, insofar as possible, maintain the historical harvest ratios between the commercial and recreational fisheries as follows:

(i) For the WPP Regulatory Area (as defined in § 611.5(v)) a 60:40 coho harvest ratio between the commercial and recreational fisheries;

(ii) For the OPI Regulatory Area (as defined in § 661.5(l)) a 71:29 coho harvest ratio between the commercial and recreational fisheries.

(4) Availability of Data: The Regional Director shall compile in aggregate form all data relevant to the preliminary projections and final determinations under paragraphs (b) (1) and (2) of this section, and shall make them available for public review during normal office hours at the Northwest Regional Office of the National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

(5) Public Comment: Comments from the public that are relevant to the projections and determinations in paragraphs (b) (1) and (2) of this section may be submitted to the Regional Director until August 22.

(6) Field Orders—Effective Date: Any field order issued under paragraph (a) of this section shall be effective upon filing with the Office of the Federal Register, and shall remain in effect until the expiration date stated in the order, or until rescinded or superceded and shall be announced through public news media.

(7) Nothing contained in this Section shall limit the authority of the Secretary to issue emergency regulations under Section 305(e) of the Act as specified in § 661.14 of this Part.

§ 661.13 Treaty Indian fishing.

(a) Persons entitled to exercise rights under the Treaty with the Makah may fish for all salmon species in that portion of Sub-Area A north of 48°07'36" North latitude (Sandy Point) from 0001 hours on May 1, to 2400 hours on October 31. Except as specified by this subsection (a), such persons are subject to the provisions of this Part 661, the Act, and any other regulation issued under the Act.

(b) Members of the Quileute and Hoh Tribes entitled to exercise rights under the Treaty of Olympia, may fish for all salmon species in that portion of Sub-Area A south of 48°07'36" North latitude (Sandy Point) and north of 47°31'42" North latitude (mouth of Queets River) from 0001 hours on May 1, to 2400 hours on October 31. Except as specified by this subsection (b), such persons are subject to the provisions of this Part 661,

the Act, and any other regulations issued under the Act.

(c) Members of the Quinault Tribe entitled to exercise rights under the Treaty of Olympia, may fish for all salmon species in that portion of Sub-Area A south of 47°40'6" North latitude (Destruction Island) and north of 46°53'3" North latitude (Point Chehalis) from 0001 hours on May 1, to 2400 hours on October 31. Except as specified by this subsection (c), such persons are subject to the provisions of this Part 661, the act, and any other regulations issued under the Act.

(d) The Secretary will give due consideration in promulgating emergency regulations under § 661.14 to the treaty fishing rights of Indian tribes with usual and accustomed fishing grounds in the area affected by such regulations.

§ 661.14 Emergency regulations.

(a) The Secretary may issue emergency regulations under Section 305(e) of the Act, if an emergency involving the salmon resource is determined to exist. Emergency regulations will be announced by publication of a notice in the **Federal Register**. Information on emergency regulations will be disseminated to affected persons through public news media.

(b) The Council may, at any time, make recommendations to the Secretary for emergency regulations under this section.

§ 661.15 Catch reports.

This Part 661 recognizes that catch and effort data necessary for implementation of this Fishery Management Plan shall be collected by the States of Washington, Oregon and California under existing State data-collection provisions. No additional catch reports will be required of fishermen or processors as long as the data-collection and reporting systems operated by state agencies continue to provide the Secretary with statistical information adequate for management. Reporting requirements may be promulgated by emergency regulations if this reporting system becomes inadequate for management purposes.

§ 661.16 Test fisheries.

The Secretary may, upon recommendation from the Pacific Council, allow for scientific purposes limited test fisheries for salmon in the Fishery Management Area as may be proposed by the Pacific Council, the Federal Government, State Governments, and Treaty Indian Tribes having fishing rights in usual and

accustomed fishing grounds in the Pacific Council's Fishery Management Area.

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