

Kind of data required	(b) Notes	All general use patterns (requirements are the same for every use pattern)	Test substance		Guidelines reference No.
			Data to support MP	Data to support EP	
Dielectric breakdown voltage.....	(10)	[CR]		EP*.....	63-21
Other requirements: Submittal of samples.....	(11)	[CR]	MP, TGAI, PAI.....	EP*, TGAI, PAI.....	64-1

Key: R = Required; CR = Conditionally Required; [] = Brackets (i.e. [R],[CR]) indicate data requirements that apply when an experimental use permit is being sought; MP = Manufacturing Use Product; EP* = End Use Product; asterisk indicates those registrants that end-use applicants (i.e. formulators) need not satisfy, if their active ingredient(s) is (are) purchased from a registered source; TGAI = Technical Grade of the Active Ingredient; PAI = Pure Active Ingredient.

(b) Notes.—The following notes are referenced in column two of the table contained in paragraph (a) of this section.

(1) Required if technical chemical is a solid at room temperature.

(2) Required if technical chemical is a liquid at room temperature.

(3) Required if technical chemical is organic and non-polar.

(4) Required if test substance is dispersible with water.

(5) Required if product contains an oxidizing or reducing agent.

(6) Required if product contains combustible liquids.

(7) Required if product is potentially explosive.

(8) Required if product is a liquid.

(9) Required if product is a emulsifiable liquid and is to be diluted with petroleum solvents.

(10) Required if end-use product is a liquid and is to be used around electrical equipment.

(11) Basic manufacturers are required to provide the Agency with a sample of each TGAI used to formulate a product produced by an integrated system when the new TGAI is first used as a formulating ingredient in products registered under FIFRA. A sample of the active ingredient (PAI) suitable for use as an analytical standard is also required at this time. Samples of end use products produced by an integrated system must be submitted on a case-by-case basis.

(Approved by the Office of Management and Budget under control numbers 2070-0057 and 2070-0060.)

10. By adding Subpart D, Data Requirement Tables, consisting of §§ 158.105, 158.125, 158.130, 158.135, 158.140, 158.142, 158.145, 158.150, 158.155, 158.160, 158.165, and 158.170, which are transferred from Subpart B and redesignated as §§ 158.202, 158.240, 158.290, 158.340, 158.390, 158.440, 158.490, 158.540, 158.590, 158.640, 158.690, and 158.740, respectively, under new Subpart D. The Table of Contents for Subpart D reads as follows:

Subpart D—Data Requirement Tables

Sec.

158.202 Purposes of the registration data requirements.

158.240 Residue chemistry data requirements.

158.290 Environmental fate data requirements.

158.340 Toxicology data requirements.

158.390 Reentry protection data requirements.

158.440 Spray drift data requirements.

158.490 Wildlife and aquatic organisms data requirements.

158.540 Plant protection data requirements.

158.590 Nontarget insect data requirements.

158.640 Product performance data requirements.

158.690 Biochemical pesticides data requirements.

158.740 Microbial pesticides—Product analysis data requirements.

PART 162—STATE REGISTRATION OF PESTICIDE PRODUCTS

V. In Part 162:

1. The Part heading is revised to read as set forth above.

2. The authority citation for Part 162 is revised to read as follows:

Authority: 7 U.S.C. 136v, 136w.

Subparts A and E [Removed and Reserved]

3. By removing and reserving Subparts A and E, consisting of §§ 162.1 through 162.60 and 162.160 through 162.177.

[FR Doc. 88-9747 Filed 5-3-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 153, 156, 158, 162 and 163

[OPP-36132; FRL-3266-9a]

Cross References; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Technical Amendments.

SUMMARY: This document revises cross references in 40 CFR Parts 153, 156, 158, 162, and 163 to reflect changes made by the promulgation of final rules revising Parts 152, 153, 158, and 162, as published elsewhere in today's Federal Register. This regulation is a technical amendment which requires no opportunity for comment or public participation.

EFFECTIVE DATE: This rule will become effective after 60 days of continuous congressional session from the date of promulgation as provided in section 25(a)(4) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). After that period has elapsed, the Agency will issue for publication in the Federal Register a notice announcing the effective date of this rule.

FOR FURTHER INFORMATION CONTACT:

By mail: Jean M. Frane, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection

Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 1114B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-0944).

SUPPLEMENTARY INFORMATION:

List of Subjects in 40 CFR Parts 153, 156, 158, 162, and 163

Administrative practice and procedure, Data requirements, Environmental protection, Intergovernmental relations, Labeling, Pesticides and pests, Policy statements, Reporting and recordkeeping requirements.

Dated: April 12, 1988.

Lee M. Thomas,
Administrator.

Therefore, Title 40, Chapter I, Subchapter E, is amended as follows:

PART 153—[AMENDED]

I. In Part 153:

1. The authority citation for Part 153 continues to read as follows:

Authority: 7 U.S.C. 136-126y.

§ 153.62 [Amended]

2. In § 153.62(a), the reference to "Part 162" is revised to read "Part 152."

§ 153.69 [Amended]

3. In § 153.69(c)(2), the reference to "§ 162.11 of this chapter" is revised to read "Part 154 of this chapter."

§ 153.72 [Amended]

4. In § 153.72(a)(1), the reference to "§ 162.163(b)(2)" is revised to read "§ 158.640."

§ 153.76 [Amended]

5. In § 153.76(a)(2)(iii), the reference to "§ 162.163(a)(2)" is revised to read "§ 158.640."

PART 156—[AMENDED]**II. In Part 156:**

1. The authority citation for Part 156 continues to read as follows:

Authority: 7 U.S.C. 136–136y.

§ 156.10 [Amended]**2. In § 156.10:**

a. In the introductory text of paragraph (a)(5), the reference to "§ 162.15" is revised to read "§ 153.240."

b. In paragraph (b)(2)(ii), the reference to "§ 162.6(b)(4)" is revised to read "§ 152.132."

c. In paragraph (i)(2)(i), the reference to "§ 162.10(j)" is revised to read "paragraph (j) of this section."

d. In the introductory text of paragraph (j), the reference to "§ 162.10(j)(2)" is revised to read "paragraph (j)(2) of this section."

e. In paragraph (j)(2)(i), the reference to "§ 162.10(h)(1)(iv)" is revised to read "paragraph (h)(1)(iv) of this section."

PART 158—[AMENDED]**III. In Part 158:**

1. The authority citation for Part 158 continues to read as follows:

Authority: 7 U.S.C. 136–136y.

§ 158.25 [Amended]

2. In § 158.25(a), the reference to "§§ 158.120 through 158.170" is revised to read "Subparts C and D of this part."

§ 158.30 [Amended]**3. In § 158.30(b):**

a. In the introductory text, the reference to "40 CFR 162.7 (d) and (e)" is revised to read "§ 152.111 of this chapter."

b. In paragraph (b)(3)(i), the reference to "§ 158.120" is revised to read "Subpart C of this part."

c. In paragraph (b)(4)(i), the reference to "§ 158.120" is revised to read "Subpart C of this part."

§ 158.35 [Amended]

4. In § 158.35(c), the reference to "§§ 158.108, 158.110, 159.112 and 158.120 through 158.170" is revised to read "Subparts C and D of this part."

§ 158.50 [Amended]**5. In § 158.50:**

a. In paragraph (c), the reference to "158.120 through 158.170" is revised to read "Subparts C and D of this part."

b. In paragraph (d), the reference to "§ 158.120 through 158.170" is revised to read "Subparts C and D of this part."

§ 158.55 [Amended]

6. In § 158.55, the parenthetical phrase "(§§ 158.120 through 157.170)" is removed.

§ 158.65 [Amended]

7. In § 158.65(b)(3), the reference to "40 CFR 162.5(c)" is revised to read "§ 152.20(a) of this chapter."

§ 158.75 [Amended]

8. In § 158.75(b), the reference to "§§ 158.120 through 158.165" is revised to read "Subparts C and D of this part."

§ 158.102 [Amended]

9. In § 158.102(a), the words "under §§ 158.120 through 158.170" are removed.

§ 158.240 [Amended]

10. In § 158.240(b)(1), the reference to "§ 158.120" is revised to read "Subpart C of this part."

§ 158.340 [Amended]

11. In § 158.340, in the introductory text of paragraph (b)(22)(i), the reference

to "§ 158.105" is revised to read "§ 158.202."

PART 162—[AMENDED]**IV. In Part 162:**

1. The authority citation for Part 162 continues to read as follows:

Authority: 7 U.S.C. 136v, 136w.

§ 162.150 [Amended]

2. In § 162.150(b), the reference to "§ 162.17" is revised to read "§ 152.230 of this chapter."

§ 162.151 [Amended]

3. In § 162.151(h), the reference to "§ 162.10(h)" is revised to read "§ 156.10(h) of this chapter."

§ 162.153 [Amended]**4. In § 162.153:**

a. In paragraph (e)(2), the reference to "§ 162.10" is revised to read "§ 156.10 of this chapter."

b. In § 162.153(e)(3)(ii), the reference to "§ 162.10(i)" is revised to read "§ 156.10(i) of this chapter."

c. In § 162.153(f), the reference to "§ 162.13" is revised to read "Subpart H of Part 153 of this chapter."

d. In § 162.153(g)(1)(ii), the reference to "§ 162.11(c) (1) through (4)" is revised to read "§ 152.170 of this chapter."

PART 163—[AMENDED]**V. In Part 163:**

1. The authority citation for Part 163 continues to read as follows:

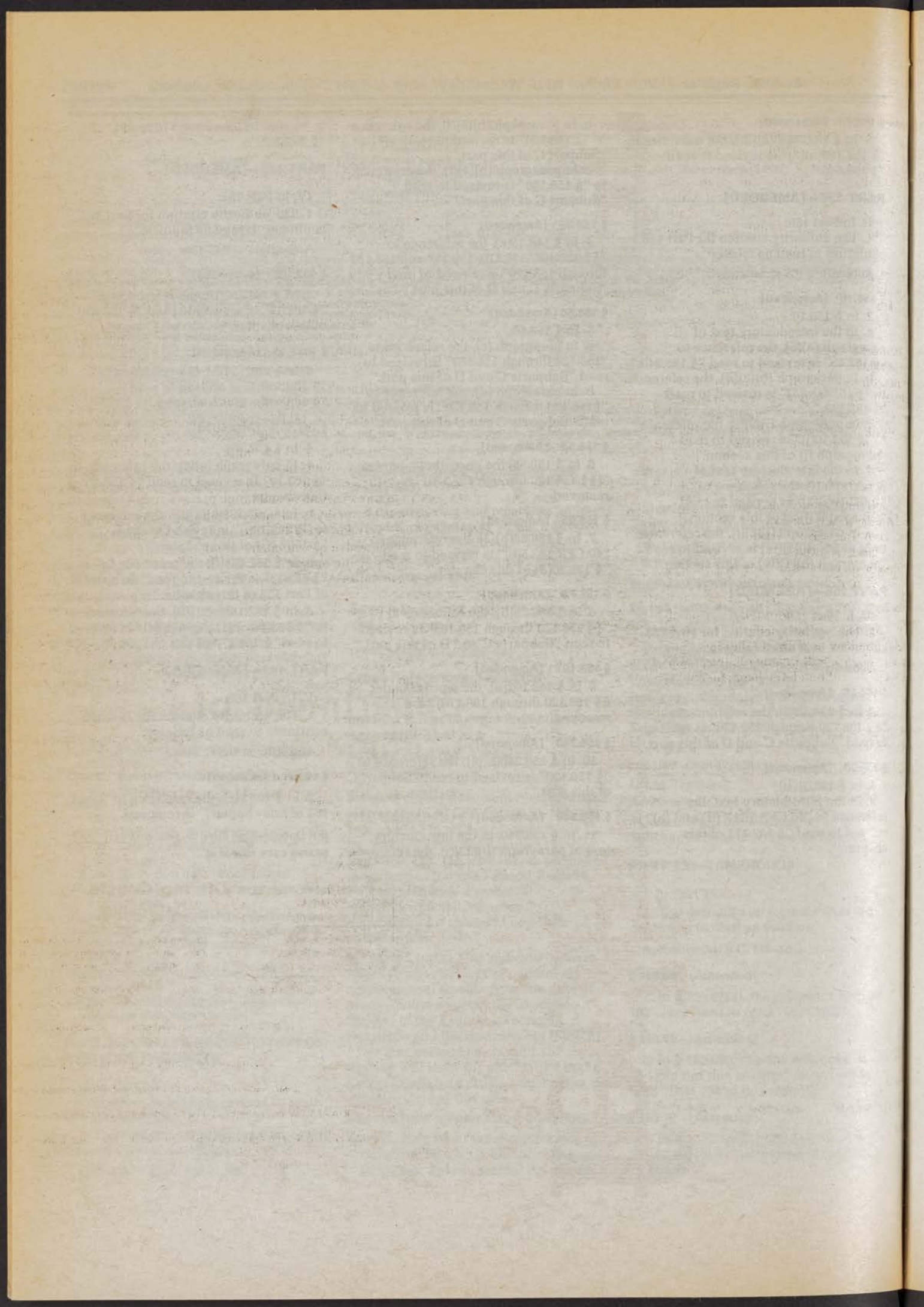
Authority: 21 U.S.C. 346a.

§ 163.2 [Amended]

2. In § 163.2(e), the reference to "(Part 162 of this chapter)" is removed.

[FR Doc. 88-9748 Filed 5-3-88; 8:45 am]

BILLING CODE 6560-50-M



Estuary Report

Wednesday
May 4, 1988

Part III

Department of Commerce

National Oceanic and Atmospheric
Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts
of Washington, Oregon, and California;
Emergency Interim Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 80482-8082]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; request for comments.

SUMMARY: The Secretary of Commerce (Secretary) issues an emergency interim rule to establish fishery management measures for the commercial and recreational ocean salmon fisheries off Washington, Oregon, and California for 1988. The management measures are intended to prevent overfishing and to apportion the ocean harvest equitably among non-Indian commercial and recreational and treaty Indian fisheries. The regulations also are calculated to allow a portion of the salmon runs to escape the ocean fisheries to provide for Indian and non-Indian inside fisheries and spawning. Most of the management measures comport with the regulations implementing the 1984 framework amendment to the Fishery Management Plan for Ocean Salmon Fisheries off the Coast of Washington, Oregon, and California. Several deviations from the framework regulations also are included, necessitating implementation by an emergency interim rule.

EFFECTIVE DATES: These 1988 management measures are effective from 0001 hours Pacific Daylight Time (PDT), May 1, 1988, until 2400 hours PDT, July 29, 1988. Comments will be accepted until May 15, 1988.

ADDRESSES: Comments on the 1988 management measures, including those being implemented under 50 CFR Part 661 and those being implemented under emergency authority of section 305(e) of the Magnuson Fishery Conservation and Management Act, may be submitted to Rolland A. Schmitten, Director, Northwest Region (Northwest Director), National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115-0070; or E. Charles Fullerton, Director, Southwest Region, 300 South Ferry Street, Terminal Island, CA 90731-7415.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206-526-6150; E. Charles Fullerton, 213-514-6196; or the Pacific Fishery Management Council, 503-221-6352.

SUPPLEMENTARY INFORMATION: Background

The ocean salmon fisheries off Washington, Oregon, and California are managed under a "framework" Fishery Management Plan for Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California (FMP) (49 FR 43679; October 31, 1984). The FMP was prepared by the Pacific Fishery Management Council (Council) and approved and implemented by the Secretary of Commerce as provided by the Magnuson Act. Regulations at 50 CFR Part 661 provide the mechanism for making preseason and in-season adjustments to management measures, within limits set by the FMP, by notice in the Federal Register.

The majority of 1987 management measures (52 FR 17264, May 6, 1987), which were implemented under the framework FMP, remain in effect until modified, superseded, or rescinded by the 1988 management measures.

This emergency interim rule implements management measures for 1988 ocean salmon fisheries which were recommended and adopted by the Council at its April 4-8 meeting. Most management measures in this rule comport with the framework regulations implementing the FMP. Deviations from the framework and implementing regulations, recommended by the Council and requiring implementation through use of the emergency rulemaking authority of section 305(e) of the Magnuson Act, are also included. This emergency interim rule will remain in effect for 90 days and may be extended for a second 90-day period.

Schedule Used to Establish 1988 Management Measures

The annual regulatory process concerning the Council's formulation and adoption of season management measures and their promulgation as Federal rules is established by framework regulations implementing the FMP. In accordance with the season setting procedures of the FMP, the Council's Salmon Technical Team (STT) and staff economist prepared several reports for the Council, its advisors, and the public. The first report, "Review of 1987 Ocean Salmon Fisheries," summarizes the 1987 ocean salmon fisheries and assesses how well the Council's management objectives were met in 1987. The second report, "Preseason Report I: Stock Abundance Analysis for 1988 Ocean Salmon Fisheries," provides the 1988 salmon stock status projections and analyzes the impacts on the stocks and Council management goals under 1987 regulations or regulatory procedures.

The Council met on March 8-11, 1988, in Seattle, Washington, to develop proposed management options for 1988. Four commercial and recreational fishery management options were proposed for further analysis and public comment. These options presented various combinations of management measures designed to protect weak stocks and provide for ocean harvests of more abundant stocks of coho and chinook salmon. After the March Council meeting, the STT and staff economist prepared a third report, "Preseason Report II: Analysis of Proposed Regulatory Options for 1988 Ocean Salmon Fisheries," which analyzes the effects of the proposed 1988 management options. This report also was distributed to the Council, its advisors, and the public.

Public hearings on the proposed options were held from March 29 to April 4, 1988, in Seattle, Washington, Coos Bay and Astoria, Oregon, and Millbrae and Eureka, California.

The Council met on April 5-8, 1988, in Millbrae, to adopt its final 1988 recommendations. Following the April Council meeting, the STT and staff economist prepared a fourth report, "Preseason Report III: 1988 Ocean Salmon Fisheries, Analysis of Impacts of Council Adopted 1988 Regulations," which analyzes the environmental and socio-economic effects of the Council's final recommendations. This report includes an environmental assessment and a coastal zone consistency determination, and was distributed to the Council, its advisors, and the public.

Resource Status

Some salmon runs returning to Washington, Oregon, and California streams in 1988 are expected to be larger than in recent years. They include a predicted return of 450,700 upper Columbia River bright fall chinook adults destined for areas above Bonneville Dam, the largest run in recent history, and the predicted abundance of Oregon Production Index (OPI) coho salmon destined for coastal and Columbia River public hatcheries south of Leadbetter Point, Washington, which at 1,590,600 fish is 281 percent of the 1987 prediction of 565,400 fish.

Primary resource concerns are for Klamath River fall, and Columbia River spring and summer chinook salmon, and some Washington coastal and Puget Sound natural coho salmon. Management of all these stocks is impacted by interjurisdictional agreements among Tribal, State, Federal, and/or Canadian managers.

Chinook Salmon Stocks

Abundance of California Central Valley chinook stocks is expected to be less than that of recent years (1988: 707,100 chinook; 1987: 812,600 chinook). However, Sacramento River fall-run chinook, which comprise the majority of Central Valley salmon, are healthy. Spawning escapement for Sacramento fall chinook is predicted to be above the 122,000-180,000 goal range in 1988.

Escapements of upper Sacramento winter-run chinook have dwindled from over 100,000 fish in the late 1960s to above 2,000 adult fish in recent years. This depressed run is only slightly impacted by ocean fisheries as they currently are configured, and that impact is primarily on two-year-old fish in the recreational fishery. This run was considered by NMFS for listing as threatened or endangered under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, in 1987. At that time, NMFS determined that its proposed listing as endangered or threatened was not warranted because State and Federal fishery management agencies were addressing the habitat problems that contributed to its decline (52 FR 6041, February 27, 1987).

Klamath River fall chinook salmon is the primary management concern in the area from Oxford Reef Red Buoy off southern Oregon to Horse Mountain off northern California, the so-called "Klamath River management zone." The estimated total ocean population of Klamath River fall chinook in 1988 is 334,500 fish, considerably lower than the 1987 postseason abundance estimate of 615,600 fish. Ocean escapement to the Klamath River in 1987 totaled 199,000 adult fish, over twice the framework FMP ocean escapement goal of 82,700 adult fall chinook. The projected ocean escapement to the Klamath River in 1988 is about 132,000 fish.

Oregon coastal chinook stocks are expected to be above average in abundance in 1988. The south-migrating and localized components of these stocks are important contributors to ocean fisheries off Oregon and northern California, while the north-migrating component primarily contributes to ocean fisheries off British Columbia and Alaska. It is expected that the aggregate Oregon coastal chinook escapement goal of 150,000 to 200,000 naturally spawning adults will continue to be met or exceeded.

Estimates of Columbia River chinook abundance vary by stock as follows:

(1) Numbers of upriver spring chinook predicted to return to the river in 1988 (75,200 fish) are below the 1987 return (99,900 fish), but nearly 33 percent

greater than the 1979-84 average (56,600 fish). The 1988 stock status is extremely depressed, and ocean escapement will be substantially below the goal of 100,000 to 120,000 adults counted at Bonneville Dam. Upriver spring chinook are affected only slightly by ocean harvests off Washington and Oregon.

(2) The expectation for ocean escapement of upper Columbia River summer chinook salmon in 1988 is about 33,000 fish, the same as in 1987. In-river abundance of upper Columbia River summer chinook, which are primarily of natural spawning origin, steadily declined over the period 1979-1983. Although the 1987 in-river run size was the largest since 1978, the stock's status remains extremely depressed, with ocean escapement levels being about 59 percent below the goal of 80,000 to 90,000 adults counted at Bonneville Dam.

(3) Lower river spring chinook (Willamette) returns are expected to be better than in 1987 (1988: 97,000 fish; 1987: 93,800 fish).

(4) The upriver bright fall chinook run is in excellent condition, with about 446,500 fish forecasted to return to the river. The in-river return of this stock in 1987, 421,000 fish, also was excellent, the largest since 1971. The escapement goal for upriver bright chinook is 40,000 fish above McNary Dam.

(5) Spring Creek hatchery fall chinook abundance continues to be a concern. The projection for a return to the Columbia River of only 5,900 Spring Creek hatchery fall chinook in 1988 is a record low.

(6) Lower river hatchery fall chinook stocks are healthy, with ocean escapement forecasted at 246,500 adults, more than twice the average level for the 1981-1985 period (107,700 fish). Over 42,000 lower river wild fall chinook are predicted to return to the river in 1988, compared with 37,000 fish in 1987.

Washington coastal and Puget Sound chinook generally migrate to the far north and are affected insignificantly by ocean harvests south of the U.S.-Canada border.

Coho Salmon Stocks

The Oregon Production Index (OPI) is an annual index of coho abundance from Leadbetter, Point, Washington, south through California. Oregon coastal and Columbia River coho stocks are the primary components of the OPI. In 1988, the Council approved methodologies for predicting OPI area coho salmon stock abundance which partitioned coho stocks into three groups: private hatchery, public hatchery, and Oregon coastal natural. Prediction

methodologies for each group are described below:

Private Hatchery. Private hatchery coho adults were predicted by multiplying the number of smolts released in 1987 by the estimated survival rate of these smolts. Smolts were grouped by stock type based on expected differences in ocean catch distribution and contribution to the fishery. Survival estimates were scaled from the previous year survival rate based on (1) the ratio of change in OPI public hatchery jack returns adjusted for smolt releases, and (2) the ratio of change in ocean upwelling during the period smolts were released.

Public Hatchery. The OPI area public hatchery stocks include fish from all public hatcheries on the Columbia River, the Oregon coast, and the Klamath River. Data years used were adult years 1971 to 1987, except for 1983. Adult abundance was predicted in a multiple linear regression with three independent variables: (1) Previous year jack counts in the Columbia River, corrected for overestimates due to small adults in recent years, (2) previous year jack counts from the Oregon coast and the Klamath River, again corrected for small adults, and (3) previous year Columbia River jack counts times the proportion of smolts released in the Columbia River, which were released after May 19.

This adjusts for the reduced maturation rate and increased survival rate observed for these smolt releases.

Oregon Coastal Natural (OCN) Coho Salmon. Predicted OCN stocks comprise lake and river stocks. Lake stocks (less than five percent of the total OCN) were predicted as the average of the preceding three years. River stocks are predicted based on a Ricker spawner-recruit relationship plus a survival factor. The survival factor is the ratio of public hatchery jacks to smolts in the previous year.

The methodologies to estimate OPI abundance, including the abundance of OCN coho, were reviewed by the Council's Scientific and Statistical Committee, and were determined by the Council to be based on the best scientific information and methodology available in accordance with the seventh amendment to the FMP (52 FR 4146, February 10, 1987).

The preseason estimate of OPI abundance in 1988 is 2,373,800 coho salmon, nearly 188 percent of the postseason estimate of OPI abundance in 1987 (1,260,000 coho salmon).

The 1988 estimate includes 480,300 OCN coho salmon, a slight increase over the 1987 predicted abundance level (476,000). In 1987, the FMP was amended

to, among other things, provide a formula for annual alteration of the escapement goal for ONC coho salmon based on stock abundance (52 FR 4146). Based on the new formula, the annual escapement goal in 1987 and 1988 is 200,000 OCN coho salmon. The goal was not achieved in 1987, but it is anticipated that it will be achieved in 1988.

Ocean escapement is expected to be below framework FMP escapement ranges or goals for several Washington coastal and Puget Sound natural coho stocks in 1988. These include natural coho stocks from the Queets River, Grays Harbor, and Hood Canal. Several other Washington coastal and Puget Sound natural coho stocks, such as those returning to the Hoh River, will not meet spawning escapement goals after inside fisheries take place. These stocks have been severely impacted by Canadian coho catches off the west coast of Vancouver Island, which have increased greatly in recent years. Federal, State, and tribal managers negotiated revised 1988 escapement goals for these stocks based on the predicted very low stock abundance and socio-economic concerns of treaty-Indian and non-Indian fishermen.

Pink Salmon Stocks

Major pink salmon runs return to the Fraser River and Puget Sound only in odd-numbered years. Consequently, pink salmon runs are not of management concern in 1988.

Emergency Actions

Facing critical resource conservation and socioeconomic problems in coastal salmon fisheries and communities, the Council recommended, at its April meeting, 1988 annual management measures, some of which require deviation from the framework FMP and its implementing regulations. The Council determined these deviations to be necessary to address these identified problems this season and therefore requested that the Secretary implement the 1988 management measures through the emergency authority of section 305(e) of the Magnuson Act. The Council's request for emergency changes to the FMP is based upon the following:

(1) The 1988 annual management measures, including the emergency changes, represent several complicated and negotiated compromises among numerous user groups. The compromises are intended to protect, to the extent possible, the weakest salmon runs, to provide the greatest opportunity for users to harvest the more abundant stocks, and to alleviate depressed economic conditions in the salmon

fishing industry and its dependent communities;

(2) There was insufficient time to amend the FMP through the formal Magnuson Act procedure between February, when biological data on the abundance of coastal salmon runs became available to the Council, and the first of May, when the major commercial fishing seasons begin;

(3) Given the very low levels of allowable coho harvest in 1988 north of Cape Falcon and the depressed economic conditions of coastal communities, it is imperative that the 1988 management measures allow managers to make preseason and inseason adjustments to ensure that all available coho and chinook quotas are harvested and that the season not end with unused quotas as has occurred in recent years;

(4) Unless amended by this emergency rule, the current provisions of the framework FMP would deny southern Oregon commercial fishermen an equitable opportunity to harvest coho salmon; and

(5) The emergency action to change the Klamath River fall chinook escapement goal will accommodate, as much as possible, the recent agreement among users of Klamath River fall run chinook, which was signed by members of the Klamath Fishery Management Council. The agreement provides for a sharing of harvests between ocean and inside fisheries, and adequate escapement of chinook for spawning.

The specific changes in the framework FMP and regulations requiring implementation through use of the emergency authority of the Magnuson Act are described below:

1. Allocation of Coho and Chinook Salmon North of Cape Falcon, Oregon

Based upon a request by the Council, NOAA issued a proposed rule (53 FR 8234, March 14, 1988) to alter the schedule in the FMP in 1988 for allocating coho and chinook salmon between non-Indian ocean fisheries north of Cape Falcon, Oregon. The Council's request was denied by the Secretary of Commerce on March 29, 1988. Notification of withdrawal of that proposed rule will be issued by NOAA. Among the reasons stated by NOAA for denying the rule was that, based upon the Council's economic analysis, it appeared that economic losses would have occurred during 1988. The negative economic returns would have resulted from the proposed allocation schedule and the predicted extremely low abundance of coho and chinook salmon in the area.

When the total allowable ocean harvest of coho salmon (100,000 fish) North of Cape Falcon was adopted by the Council at its April 5-8 meeting, it became evident that the quantity of coho (34,000 fish) allocated to the commercial fishery under the framework FMP was too small to be fully harvested without leaving some of the coho quota uncaught. Thus, the Council adopted an agreement reached between commercial and recreational representatives to trade the 34,000 commercial coho on a 4:1 basis for 8,500 recreational chinook. In addition, the Council adopted a provision to reallocate any unharvested commercial chinook to the recreational fishery at the end of the season. Both groups perceived benefits from the swap that would maximize the value of both fisheries for 1988. However, the proposed species substitution represents 34 percent of the total coho allocations whereas the framework FMP limits such swaps only to 25 percent of the allocation.

The deviations from the framework regulations north of Cape Falcon will allow commercial fishermen a larger share of chinook salmon, which is the more commercially valuable species. In exchange, the increased share of coho salmon and any reallocated chinook not harvested during the commercial season will extend the recreational season. The net economic benefit of these deviations from the framework regulations is estimated to be from \$223,000 to \$428,000.

2. Commercial Coho Fishery North of Oregon-California Border in June

Current framework regulations prohibit commercial fishing for coho salmon north of the California-Oregon border prior to July 1. However, the Council adopted an all-species commercial season beginning June 5 in the Klamath River management zone (KMZ) which includes the Southern Oregon Coast south of Humboldt Mountain. This season was designed to harvest the allowable ocean catch of Klamath River fall chinook and other chinook stocks in the KMZ. Because it is expected that the chinook quota in the zone will be taken by the end of June, the fishery is scheduled to be closed for the first two weeks of July to limit any further impacts on Klamath River Fall chinook. After mid-July most coho have left the southern Oregon area and are no longer available. Thus, the only opportunity for southern Oregon fishermen to harvest coho salmon is during the June all-species fishery.

A deviation from the framework regulations to implement a June all-

species fishery in the Zone, both north and south of the state boundary, will provide an opportunity for southern Oregon fishermen to harvest a fair share of the available coho salmon. The consistent all-species opening throughout the Zone also will help to prevent an effort shift to California in June.

3. Klamath River Fall Chinook Escapement

The framework escapement goal for Klamath River fall chinook is to achieve an average annual ocean escapement of 82,700 chinook to the mouth of the Klamath River during the 1987-1990 stock rebuilding period established under the framework FMP. In 1987, the first year of the 1987-1990 four-year period, 199,000 adult fall chinook entered the river. An average of only 43,900 adult fish would be needed in the next three years of this period to average 82,700 fish ocean escapement and thus meet the framework goal. Nevertheless, the 1988 preseason package includes ocean management measures that are anticipated to result in 132,000 fall chinook returning to the mouth of the River.

This deviation from the framework FMP's escapement goal is justified because the FMP anticipated that the escapement goal would have to be changed as in-river harvest allocations were agreed upon, and noted in the FMP that when such an agreement was reached, the escapement goal would be modified by FMP amendment.

In late 1987, the Klamath Fishery Management Council (Klamath Council), consisting of harvesters and managers of Klamath River chinook, agreed upon allocations of the fall chinook run for ocean and in-river fisheries and for spawning escapement. The Klamath Council was established under 16 U.S.C. 460 to, among other things, provide recommendations on ocean harvesting regulations to the Pacific Fishery Management Council [section 3(b)(1)(B)(iii)]. The 1987 agreement was signed by representatives of Federal, State, and Tribal entities and commercial and recreational representatives. That same year, the Indian people of the Klamath River were allowed to conduct a commercial gillnet harvest under Bureau of Indian Affairs supervision in the lower river (52 FR 27329, July 21, 1987) for the first year since California banned commercial gillnetting in 1933. The Indian net catch on the river was estimated to be 53,100 chinook salmon. The in-river sport fishery was estimated to take an additional 16,500 chinook in 1987, for a total in-river harvest of 69,600 chinook

salmon. An estimated 129,300 chinook escaped ocean and in-river fisheries to spawn in 1987.

If applied in 1988, the 1987 agreement, the so-called "Harvest Sharing Agreement," would result in an in-river harvest of 67,300 chinook (down from 1987) and a spawning escapement of 85,300 adult fall chinook, including both hatchery and natural spawners. Together these would require an escapement from the ocean to the river of approximately 153,000 chinook in 1988, nearly 21,000 more chinook than are expected to escape the ocean fisheries under these Pacific Council's recommended regulations for 1988.

On the other hand, if the in-river run size were limited to either the average goal in the Council's framework FMP for this period (82,700 chinook) or the average required for the next three years of the period (43,900 chinook), there would be insufficient chinook left for in-river fisheries and spawning escapement. The likely result would be an extremely low spawning escapement and the failure to meet even the hatchery goals.

When developing the framework FMP escapement goal for Klamath chinook, the Council realized that the escapement averages contained in its framework FMP might have to be modified upward to reflect agreements on in-river harvest sharing and spawning. However, at its April meeting, the Pacific Council considered that ocean troll fishing off California and Oregon would have to suffer too great an economic loss to achieve the 153,000 chinook escapement figure of the Klamath Council for 1988. Consequently, to ease the 1988 economic impacts on the ocean fisheries and coastal communities, the Pacific Council adopted a fishing regime that will result in an ocean escapement of 132,000 Klamath River fall run chinook, some 21,000 fewer fish than the 153,000 recommended by the Klamath Council. Ocean quotas for 1988 are based on this compromise. These recommendations will provide increased economic return to the ocean fishery above what it would have experienced had the Klamath Council's escapement recommendation been followed. At the same time, the recommendations of the Klamath Council for in-river harvests and threshold spawning escapements can come close to being realized.

The Council has begun the process of amending its framework FMP to address the Klamath River Council's fall chinook escapement goal. Other aspects of that FMP amendment have delayed its implementation until at least 1989.

For these reasons, the Council adopted 1988 ocean management measures, which are expected to provide 132,000 Klamath River fall chinook to the mouth of the river.

4. Definition of "Land or Landing"

The definition of "land or landing" in the framework regulations is as follows:

Land or landing means to begin offloading fish, to arrive in port with the intention of offloading fish, or to cause fish to be offloaded.

The Council was told by its enforcement consultants that the current definition is confusing, and it is difficult to determine when a fisherman intends to offload. The revised definition which follows is intended to eliminate this confusion, and to bring the salmon regulations into conformity with the definition of "landing" regulations implementing other Council management plans.

Land or landing means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are considered part of the landing.

Management Measures for 1988

The following tables and text are the management measures recommended by the Council for 1988. Specific measures vary by fishery and area. Together they establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and minimum lengths for salmon taken in the exclusive economic zone (3-200 nautical miles) off Washington, Oregon, and California. The Secretary concurs with these recommendations and finds them responsive to the goals of the FMP, the requirements of the resource, and the socio-economic conditions affected by ocean fisheries. The recommendations are consistent with the requirements of the Magnuson Fishery Conservation and Management Act and other applicable law including United States obligations to Indian tribes with treaty-secured fishing rights.

The Northwest Regional Director will monitor salmon catches in the territorial sea (0-3 miles) seaward of Washington, Oregon, and California. If the Regional Director determines that salmon catches have occurred in the territorial sea or a portion thereof, which were not accounted for when the Federal quotas and seasons were established and which may cause the Federal quotas or the anticipated catch during the Federal seasons to be exceeded, he may reduce the Federal quotas or shorten the Federal seasons accordingly by publishing a Federal Register notice

pursuant to 661.21(b) and Appendix III.B. of the framework regulations.

The following management measures are adopted for 1988 under Part 661.

Table 1. Commercial management measures for the 1988 ocean salmon fishery:

U.S.-Canada Border to Cape Falcon

1. Minimum length restrictions for salmon in this area are as follows:

	Total length	Head-Off
Chinook.....	28.0 inches.....	21.5 inches.
Coho.....	16.0 inches.....	12.0 inches.

Chinook salmon less than 28 inches (21.5 inches head-off) may not be landed north of Cape Falcon, except that chinook salmon not less than 26 inches (19.5 inches head-off) taken south of Cape Falcon may be landed north of Cape Falcon at times when the season is

closed north of Cape Falcon and open south of Cape Falcon.

2. Single point, single shank barbless hooks are required.

3. The non-Indian ocean fisheries north of Cape Falcon (recreational and troll) will be managed not to exceed either (a) an overall 103,500 chinook quota, or (b) impact on critical Washington, coastal and Puget Sound natural coho stocks equivalent to the overall preseason coho quota of 100,000 fish.

4. Conservation Zone 1, which is the ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nautical miles due west from North Head along 46°18'00" N. latitude to 124°13'18" W. longitude, then southerly along a line of 167° True to 46°11'06" N. latitude and 124°11'00" W. longitude (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty, is closed.

5. Two commercial all-except-coho seasons have been set for the area north

of Cape Falcon. The first season, which begins May 1, has a 55,300 chinook quota. The second season, which begins June 1, has an 18,400 chinook quota. Any over- or under-harvest during the May season will be deducted from or added to the June quota as necessary to achieve the overall 73,700 chinook quota. If, following the closure of the June season, it is discovered that the actual catch was overestimated and the season was closed prematurely, the fishery will be reopened if the shortfall is sufficient to allow at least one full day's fishing (24 hours) in the entire area north of Cape Falcon, based on the best information available concerning expected catch and effort, and if the unused portion of the quota can be taken before June 15. Any chinook remaining unharvested at the end of the commercial season will be reallocated to the recreational chinook quota north of Cape Falcon.

Subarea and season	Salmon species	Quota (thousands)		Subarea restrictions and exceptions
		Chinook	Coho	
U.S.-CANADA BORDER to CAPE FALCON: May 1 thru earlier of May 31 or chinook quota	All except coho	55.3		Conservation Zone 1 (Columbia River mouth) is closed.
June 1 thru earlier of June 15 or chinook quota	All except coho	18.4		Conservation Zone 1 (Columbia River mouth) is closed.

Cape Falcon to Orford Reef Red Buoy

1. Consistent with Council management objectives, the State of Oregon may establish some additional late season, all-except-coho fisheries in state waters.

2. Minimum length restrictions for salmon in this area are as follows:

	Total length	Head-off
Chinook.....	26.0 inches.....	19.5 inches.
Coho.....	16.0 inches.....	12.0 inches.

Chinook salmon less than 28 inches (21.5 inches head-off) may not be landed north of Cape Falcon, except that chinook salmon not less than 26 inches (19.5 inches head-off) and taken south of Cape Falcon may be landed north of Cape Falcon at times when the season is closed north of Cape Falcon and open south of Cape Falcon.

3. Single point, single shank barbless hooks are required.

4. During all closures of three days or less duration, except for the 12-hour period following closure, no vessel can be underway at sea inside a closed area with salmon on board unless there has been a notification to an acknowledgement from the U.S. Coast Guard through the nearest Coast Guard station. In those areas closed to salmon for three days or less, it is unlawful for a vessel, which has been issued an ocean salmon permit by any State, to have troll gear in the water.

5. The commercial fishery from Cape Falcon to the U.S.-Mexico border will be managed not to exceed an impact (hooking mortality and landings) limitation of 684,700 coho salmon. There is an impact limitation of 153,900 coho salmon from Florence South Jetty to Orford Reef Red Buoy.

6. On or about August 1, the Council's Salmon Technical Team (STT) will estimate the number of coho salmon needed to complete the recreational seasons south of Cape Falcon. Any coho salmon allocated to the recreational fishery, which are not needed to complete the recreational seasons, will be reallocated to the commercial fishery.

7. When the STT estimates that 85 percent of the coho quota for the area south of Cape Falcon has been reached, the area from Cape Falcon to Horse Mountain will close to all ocean commercial salmon fishing for three days to assess landings and project the remaining all-species fishing period. During this closure, all vessels must arrive in port with intent to land their fish within 12 hours of the closure. If the STT determines that additional coho may be harvested the season will be reopened in accordance with framework inseason management procedures.

Subarea and season	Salmon species	Quota (thousands)		Subarea restrictions and exceptions
		Chinook	Coho	
CAPE FALCON to ORFORD REEF RED BUOY: May 1 thru June 30	All except coho	None		None.

Subarea and season	Salmon species	Quota (thousands)		Subarea restrictions and exceptions
		Chinook	Coho	
CAPE FALCON to CASCADE HEAD: July 1 thru earlier of August 31 or coho quota.	All.....	None.....	See #5 above.....	Mixed loads of chinook and coho, or coho only, between July 1-13 cannot be landed between Cascade Head and Cape Arago unless the load meets the possession and landing ratios required in that area.
Earlier of coho quota or September 1 thru October 31.	All except coho.....	None.....		None.
CASCADE HEAD to CAPE ARAGO: July 1 thru earlier of July 13 or coho quota.	All.....	None.....	See #5 above.....	From July 1 thru July 15, at least 1 chinook must be possessed or landed for each 2 coho possessed or landed, except there may be a single daily possession and landing per vessel of 2 coho without the ratio requirement. Mixed loads of chinook and coho or coho-only loads must be delivered in the sub-area. Chinook must be delivered with the coho. There are no restrictions on the place of delivery of chinook-only loads. Chinook salmon possessed or landed in this management area may not be returned or transferred to any vessels except vessels licensed to buy salmon. Fish taken during the season beginning July 1 may be landed after the season closes provided that possession, landing, and delivery requirements stated above are met. There is no ratio requirement in the fishery beginning July 16.
July 14 thru July 15.....		Closed.....	Closed.....	
July 16 thru earlier of August 31 or coho quota.	All.....	None.....	See #5 above.....	
Earlier of coho quota or September 1 thru October 31.	All except coho.....	None.....		
CAPE ARAGO to ORFORD REEF RED BUOY:				
July 1 thru July 15.....	Closed.....	Closed.....	Closed.....	
July 16 thru earlier of August 31 or coho quota.	All.....	None.....	See #5 above.....	None.
Coho quota thru August 31.....	All except coho.....	None.....		None.
September 1 thru September 15.....	Closed.....	Closed.....	Closed.....	
September 16 thru October 31.....	All except coho.....	None.....		None.

Orford Reef Red Buoy to Horse Mountain

1. Consistent with Council management objectives, the State of Oregon may establish some additional late season, all-except-coho fisheries in state waters.

2. Minimum length restrictions for salmon in this area are as follows:

	Total length	Head-off
Chinook.....	26.0 inches.....	19.5 inches
Coho.....	22.0 inches.....	16.5 inches

3. Single point, single shank barbless hooks are required.

4. Off California, no more than 6 lines per boat are allowed.

5. During all closures of three days or less duration, except for the 12-hour period following closure, no vessel can be underway at sea inside a closed area with salmon on board unless there has been a notification to and acknowledgement from the U.S. Coast Guard through the nearest Coast Guard station. In those areas closed to salmon

for three days or less, it is unlawful for a vessel which has been issued an ocean salmon permit by any state to have troll gear in the water.

6. The commercial fishery in the area from Cape Falcon to the U.S.-Mexico border will be managed not to exceed an impact (hooking mortality and landings) limitation of 684,700 coho salmon. There is an impact limitation of 100,000 coho salmon in the commercial fishery from Humbug Mountain south to the U.S.-Mexico border. If the coho impact is projected to be less than 100,000 fish for the area south of Humbug Mountain, the remainder may be transferred to the commercial fishery north of Orford Reef Red Buoy on or about August 1.

7. On or about August 1, the STT will estimate the number of coho salmon needed to complete the recreational seasons south of Cape Falcon. Any coho salmon allocated to the recreational fishery, which are not needed to complete the recreational seasons, will be reallocated to the commercial fishery.

8. When the STT estimates that 85 percent of the coho quota for the area south of Cape Falcon has been reached, the area from the Cape Falcon to Horse Mountain will close to all ocean commercial salmon fishing for three days to assess landings and project the remaining all-species fishing period. During this closure, all vessels must arrive in port with intent to land their fish within 12 hours of closure. If the STT determines that additional coho remain in the quota to be caught, the season will be reopened in accordance with framework inseason management procedures.

9. The commercial fishery in this area will be managed not to exceed a 63,000 chinook quota through August 31, 1988, except as provided below. On or about July 27, the STT will estimate the number of chinook salmon needed to complete the recreational season in this area. Any remainder in the recreational catch of Klamath River fall chinook and other stocks will be reallocated to the commercial quota for the area between Humbug Mountain and Punta Gorda.

The number of chinook available for reallocation will be based on the contribution rate percentage in the STT's Klamath River ocean harvest model as presented to the Council on April 7, 1988, and will not exceed a total landing of ages 3 and 4 Klamath River

fall chinook in the area and in both fisheries through August 31 of 27,250 fish.

10. Conservation Zone 2 is the ocean area surrounding the Klamath River mouth bounded on the north by 41°38'48" N. latitude (approximately 6

nautical miles north of the Klamath River mouth), on the west by 124°23'00" W. longitude (approximately 12 nautical miles of shore), and on the south by 41°26'48" N. latitude (approximately 6 nautical miles south of the Klamath River mouth).

Subarea and season	Salmon species	Quota (thousands)		Subarea restrictions and exceptions
		Chinook	Coho	
ORFORD REEF RED BUOY to HUMBUG MTN.	Closed.....	Closed.....	Closed.....	
HUMBUG MTN to PUNTA GORDA: June 5 thru earliest of June 28 or chinook or coho quota Sunday thru Wednesday only.	All.....	See #9 above.....	See #6 above.....	Conservation Zone 2 (Klamath River mouth) is closed.
Coho quota through earlier of June 28 or chinook quota.	All except coho.....	See #9 above.....		Conservation Zone 2 (Klamath River mouth) is closed.
Earliest of chinook quota or June 29 thru July 16.	Closed.....	Closed.....	Closed.....	Conservation Zone 2 (Klamath River mouth) is closed.
July 17 thru earliest of August 31 or chinook or coho quota Sunday thru Wednesday only.	All.....	See #9 above.....	See #6 above.....	Conservation Zone 2 (Klamath River mouth) is closed.
Coho quota to earlier of chinook quota or August 31, Sunday thru Wednesday only.	All except coho.....	See #9 above.....		
SISTERS ROCKS to CHETCO POINT: May 1 thru earlier of May 31 or subarea chinook quota.	All except coho.....	7.5.....		Closed from 6 to 200 nautical miles of shore.
SISTERS ROCKS to MACK ARCH: Later of August 15 or end of troll fishery from Humbug Mtn. to Punta Gorda thru earlier of August 31 or subarea chinook quota.	All except coho.....	7.5.....		Closed from 6 to 200 nautical miles of shore.
September 1 thru earlier September 14 or chinook quota.	All except coho.....	7.5.....		Closed from 6 to 200 nautical miles of shore.
TRINIDAD HEAD to PUNTA GORDA: September 1 thru earlier October 31 or chinook quota.	All.....	15.0.....	None.....	Closed from 6 to 200 nautical miles of shore. The Klamath River fall chinook portion of the catch during this season, as determined by the STT, may be subtracted from the 1989 allocation.
PUNTA GORDA to HORSE MOUNTAIN.....	Closed.....	Closed.....	Closed.....	

Horse Mountain to U.S.-Mexico Border

1. Minimum length restrictions for salmon in this area are as follows:

	Total length	Head-off
Chinook.....	26.0 inches.....	19.5 inches.
Coho.....	22.0 inches.....	16.5 inches.

2. Single point, single shank barbless hooks are required.

3. Off California, no more than 6 lines per boat are allowed.

4. During all closures of three days or less duration, except for the 12-hour period following closure, no vessel can be underway at sea inside a closed area with salmon on board unless there has been a notification to and acknowledgement from the U.S. Coast

Guard through the nearest Coast Guard station. In those areas closed to salmon for three days or less, it is unlawful for a vessel, which has been issued an ocean salmon permit by any State, to have troll gear in the water.

5. The commercial fishery in the area from Cape Falcon to the U.S.-Mexico border will be managed not to exceed an impact (hooking mortality and landings) limitation of 684,700 coho salmon. There is an impact limitation of 100,000 coho salmon from Humbug Mountain to the U.S.-Mexico border. If the coho impact is projected to be less than 100,000 fish for the area south of Humbug Mountain, the remainder may be transferred to the commercial fishery north of Orford Reef Red Buoy on or about August 1. If the impact limitation

from Cape Falcon to the U.S.-Mexico border is reached before September 30, the commercial fishery from Horse Mountain to the U.S.-Mexico border will continue for all-except-coho salmon. If the impact limitation south of Humbug Mountain is reached before the impact limitation from Cape Falcon to the U.S.-Mexico border or before September 30, the commercial fishery south of the Horse Mountain will continue for all-except-coho salmon.

6. On or about August 1, the STT will estimate the number of coho salmon needed to complete the recreational seasons south of Cape Falcon. Any coho salmon allocated to the recreational fishery which are not needed to complete the recreational seasons will be reallocated to the commercial fishery.

Subarea and season	Salmon species	Quota (thousands)		Subarea restrictions and exceptions
		Chinook	Coho	
HORSE MTN. to CAPE VIZCAINO: May 1 thru June 4.....	Closed.....	Closed.....	Closed.....	

Subarea and season	Salmon species	Quota (thousands)		Subarea restrictions and exceptions
		Chinook	Coho	
CAPE VIZCAINO to POINT ARENA: June 1 thru June 4.....	Closed.....	Closed.....	Closed.....	
CAPE VIZCAINO to U.S.-MEXICO BORDER: May 1 thru May 31.....	All except coho.....	None.....		None.
HORSE MTN. to POINT ARENA: June 5 thru July 13 Sunday thru Wednesday only.....	All.....	None.....	See #5 above.....	None.
July 14 thru July 16.....	Closed.....	Closed.....	Closed.....	
July 17 thru earlier of September 30 or coho quota.....	All.....	None.....	See #5 above.....	None.
Coho quota thru September 30.....	All.....	None.....	See #5 above.....	None.
POINT ARENA to U.S.-MEXICO BORDER: June 1 thru earlier of September 30 or Coho quota.....	All.....	None.....	See #5 above.....	None.
Coho quota thru September 30.....	All except coho.....	None.....	See #5 above.....	None.

Table 2. Recreational management measures for the 1988 ocean salmon fishery:

U.S.-Canada Border to Cape Falcon

1. Minimum length restrictions for salmon in this area are as follows:

	Total length
Chinook	24.0 inches.
Coho	16.0 inches.

2. Single point, single shank barbless hooks are required.

3. The non-Indian ocean fisheries north of Cape Falcon (recreational and troll) will be managed not to exceed either (a) an overall 103,500 chinook quota, or (b) impact on critical Washington coastal and Puget Sound natural coho stocks equivalent to the overall preseason coho quota of 100,000 fish.

4. The recreational fishery will be managed not to exceed an overall chinook quota of 29,800 fish. Three subareas will be managed during the season to achieve separate subarea harvest guidelines (not quotas). In-season management actions may be taken to extend the fishery in each subarea to the end of its scheduled season. Such actions might include: closure from 0-3 nautical miles of shore; closure from 3-200 nautical miles of shore; closure from 5 to 200 nautical miles of shore; closure from a point extending due west from Tatoosh Island for 5 miles, then south to a point due west of Umatilla Reef Buoy, then due east to shore; closure from the Red Buoy Line at the Columbia River mouth north to Klipsan Beach; change species which may be landed to all except coho salmon. (For information concerning inseason actions, contact the National Marine Fisheries Service, Northwest

Area Law Enforcement Office, 7600 Sand Point Way N.E., Seattle, WA 98115, telephone: 206-526-6133.)

5. These management measures are based on a Buoy 10 fishery (Columbia River mouth to the Astoria-Megler Bridge) with harvest guidelines of 200,000 coho and 50,000 chinook salmon.

6. Conservation Zone 3 is the ocean area surrounding the Columbia River mouth bounded on the north by a line extending for 200 nautical miles due west from North Head along 46°18'00" N. latitude, then southerly to 46°11'06" N. latitude, then east to 124°11'00" W. longitude (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the South Jetty.

7. Any chinook remaining unharvested at the end of the commercial all-except-coho fishery north of Cape Falcon will be reallocated to the recreational chinook quota north of Cape Falcon.

Subarea and season	Salmon species	Guideline (*) or quota (thousands)		Subarea bag limits and restrictions
		Chinook	Coho	
U.S.-CANADA BORDER to QUEETS RIVER: July 3 thru earliest of September 5 or chinook or coho quota Sunday thru Thursday only.....	All.....	*2.8 See # 4 above.....	20.0.....	2 fish, only 1 of which may be a chinook. Closed from 6 to 200 nautical miles of shore.
QUEETS RIVER to KLIPSAN BEACH: July 3 thru earliest of September 5 or chinook or coho quota Sunday thru Thursday only.....	All.....	*17.8 See # 4 above.....	50.0.....	2 fish, only 1 of which may be a chinook. Closed from 6 to 200 nautical miles of shore.
KLIPSAN BEACH to CAPE FALCON: July 11 thru earliest of September 5 or chinook or coho quota Sunday thru Thursday only.....	All.....	*9.2 See # 4 above.....	30.0.....	2 fish, only 1 of which may be a chinook. Conservation Zone 3 (Columbia River mouth) is closed. Closed from 5 to 200 nautical miles off shore between North Head and Klipsan Beach, and, south of the Red Buoy Line. Closed from 3 to 200 nautical miles of a shore between the Columbia River south jetty and Cape Falcon.

Cape Falcon to Orford Reef Red Buoy

1. Consistent with management objectives, the State of Oregon may establish some additional late season,

all-salmon-except-coho fisheries in state waters.

2. Minimum length restrictions for salmon in this area are as follows:

	Total length
Chinook	20.0 inches.
Coho	16.0 inches.

3. Single point, single shank barbless hooks are required.

4. Overall recreational impact (hooking mortality and landings) is limited to 298,400 coho salmon from Cape Falcon to the U.S.-Mexico border. Any portion of the recreational quota not needed to complete scheduled recreational seasons will be reallocated to the commercial fishery about August 1.

5. The 27 fathom curve is defined as follows: Within an area bounded by a

line from Cape Falcon to 45°46'00" N., 124°01'20" W. (approximately 1.6 nautical miles west of Cape Falcon) to 45°04'15" N., 124°04'00" W. (approximately 2.2 nautical miles northwest of Cascade Head) to 44°40'40" N., 124°09'15" W. (approximately 3 nautical miles west of Yaquina Head) to 44°08'30" N., 124°12'00" W. (approximately 3 nautical miles west of Heceta Head) to 43°40'15" N., 124°14'30" W. (approximately 0.5 nautical miles west of the Umpqua Whistle Buoy) to

43°31'30" N., 124°17'00" W. (approximately 1.7 nautical miles west of the beach) to 43°15'15" N., 124°28'00" W. (approximately 3 nautical miles west of the beach) to 43°01'30" N., 124°29'05" W. (approximately 2 nautical miles west of Four Mile Creek) to 42°56'00" N., 124°33'10" W. (approximately 2.4 miles west of the mouth of Floras Creek) to 42°50'20" N., 124°38'30" W. (approximately 3.4 nautical miles west of Cape Blanco) to Cape Blanco.

Subarea and season	Salmon species	Quota (thousands)		Subarea bag limits and restrictions
		Chinook	Coho	
CAPE FALCON to ORFORD REEF RED BUOY: May 1 thru May 27 within the 27 fathom curve.	All	None	See # 4 above	2 salmon of any species no more than 6 fish may be retained in 7 consecutive days. Closed outside the 27 fathom curve (see # 5 above).
May 28 thru earlier September 11 or coho coho.	All	None	See # 4 above	2 salmon of any species no more than 6 fish may be retained in 7 consecutive days.

Orford Reef Red Buoy to U.S.-Mexico Border

1. Minimum length restrictions for salmon in this area are as

	Total length
Chinook	20.0 inches.
Coho	20.0 inches.

2. Single point, single shank barbless hooks are required north of Point Conception.

3. Between Orford Reef Red Buoy and Horse Mountain, there is a preseason reservation of 55,000 chinook salmon for the recreational fishery to complete its season through September 11. On or

about July 27, the STT will estimate the number of chinook salmon needed to complete the recreational season in this area. Any remainder in the recreational catch of Klamath River fall chinook and other stocks will be reallocated to the commercial quota for the area between Humbug Mountain and Punta Gorda. The number of chinook available for reallocation will be based on the contribution rate percentage in the STT's Klamath River ocean harvest model as presented to the Council on April 7, 1988, and will not exceed a total landing of ages 3 and 4 Klamath River fall chinook in the area and in both fisheries through August 31 of 27,250 fish.

4. Overall recreational impact (hooking mortality and landings) is limited to 298,400 coho salmon from

Cape Falcon to the U.S.-Mexico border, but the recreational fishery south of the Orford Reef Red Buoy will not close when the quota is reached. Any portion of the recreational quota not needed to complete scheduled recreational seasons will be reallocated to the commercial fishery on or about August 1.

5. Conservation Zone 2 is the ocean area surrounding the Klamath River mouth bounded on the north by 41°38'48" N. latitude (approximately 6 nautical miles north of the Klamath River mouth), on the west by 124°23'00" W. longitude (approximately 12 nautical miles from shore), and on the south by 41°26'48" N. latitude (approximately 6 nautical miles south of the Klamath River mouth).

Subarea and season	Salmon species	Quota (thousands)		Subarea bag limits restrictions
		Chinook	Coho	
ORFORD REEF RED BUOY to HORSE MTN.: May 28 thru September 11	All	See #3 above	See #4 above	2 fish of any species; no more than 6 fish may be retained in 7 consecutive days. Conservation Zone 2 (Klamath River mouth) is closed August 1 thru August 31 (see #5 above).
TRINIDAD HEAD to PUNTA GORDA: September 12 thru September 30	All	None	None	2 fish of any species; no more than 6 fish may be retained in 7 consecutive days. Closed from 6 to 200 nautical miles of shore.
HORSE MTN. to U.S.-MEXICO BORDER: Nearest Saturday to February 15 thru nearest Sunday to November 15.	All	None	None	2 fish of any species.

Table 3. Treaty-Indian management measures for the 1988 ocean salmon fishery.

1. Minimum length restrictions for salmon are as follows:

	Total length	Head-off
Chinook	26.0 inches	19.5 inches
Coho	16.0 inches	12.0 inches

2. Single point, single shank barbless hooks are required except that hooks used with bait and plugs may be barbed.

3. No more than 8 fixed lines per boat are allowed in the Hoh, Quileute, and

Quinalt areas. In the Makah area, no more than 8 fixed lines per boat or no more than 4 hand-held lines per person are allowed.

4. All boundaries may be changed to include such areas as may hereafter be authorized for the tribe's treaty fishery by a federal court.

5. There are no minimum length restrictions for salmon taken for ceremonial and subsistence purposes by the Makah tribe. For the Quileute, Hoh, and Quinalt tribes, not more than 2 chinook salmon between the lengths of 24 and 26 inches per day may be retained.

6. The overall ocean quotas for the Washington coastal tribes are: 60,000 chinook and 68,000 coho salmon. These quotas include troll catches by the Klallam and Makah tribes in State of Washington Area 4B.

7. The areas within 6 nautical mile radii of the mouths of the Queens River (47° 31' 42" N. latitude) and the Hoh River (47° 15' 12" N. latitude) are closed to commercial fishing. A closure within 2 nautical miles of the mouth of the Quinalt River (47° 21' 00" N. latitude) may be enacted by the Quinalt Tribe and/or the State of Washington and will not adversely affect the Secretary's management regime.

Tribe	Boundaries	Open seasons	Salmon species
Makah	That portion of the Fishery Management Area (FMA) north of 48° 02' 15" N. latitude (Norwegian Memorial) and east of 125° 44' 00" W. longitude.	May 1 to earlier of June 30 or chinook quota	All except coho. July 1 to earliest of September 30 or chinook or coho quota All.
Quileute	That portion of the FMA between 48° 07' 36" N. latitude (Sand Point) and 47° 31' 42" N. latitude (Queets River) and east of 125° 44' 00" W. longitude.	May 1 to earlier of June 30 or chinook quota	All except coho. July 1 to earliest of September 30 or chinook or coho quota All.
Hoh	That portion of the FMA between 47° 54' 18" N. latitude (Quillayute River) and 47° 21' 00" N. latitude (Quinalt River) and east of 125° 44' 00" W. longitude.	May 1 to earlier of June 30 or chinook quota	All except coho. July 1 to earliest of September 30 or chinook or coho quota All.
Quinalt	That portion of the FMA between 47° 40' 06" N. latitude (Destruction Island) and 46° 53' 18" N. latitude (Point Chehalis) and east of 125° 44' 00" W. longitude.	May 1 to earlier of June 30 or chinook quota	All except coho. July 1 to earliest of September 30 or chinook or coho quota All.

Gear Definitions and Restrictions

In addition to gear restrictions shown in Tables 1, 2, and 3, the following gear definitions and restrictions will be in effect.

Troll Fishing Gear

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

In that portion of the FMA off Oregon and Washington, the line or lines must be affixed to the vessel and must not be disengaged from the vessel at any time during the fishing operation.

Recreational Fishing Gear

Recreational fishing gear for the FMA is defined as angling tackle, consisting of a line with not more than one artificial lure or natural bait attached.

In that portion of the FMA off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel

must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington.

In that portion of the FMA off California, the line must be attached to a rod and reel held by hand or closely attended. Weights directly attached to a line may not exceed four (4) pounds. There is no limit to the number of lines that a person may use while recreationally fishing off California.

Geographical Landmarks

Wherever the words "nautical miles of shore" are used in this rule, the distance is measured from the baseline from which the territorial sea is measured.

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

Umatilla-Tatoosh Line, A straight line drawn southerly from the Cape Flattery light (48° 23' 50" N. latitude) to Umatilla Buoy (48° 11' 20" N. latitude)
Queets River, 47° 31' 42" N. lat.

Klipsan Beach, 46° 28' 12" N. lat.

Red Buoy Line, Seaward along the south jetty of the Columbia River to the visible tip of the jetty and then to Buoy #2S], then southwesterly to Buoy #4, continuing southwesterly to Buoy #2, and then to the Columbia River Buoy, then due west along 46° 11' 06" N. latitude.

Cape Falcon, 45° 46' 00" N. lat.

Cascade Head, 45° 03' 50" N. lat.

Florence South Jetty, 44° 01' 00" N. lat.

Cape Arago Light, 43° 20' 50" N. lat.

Oxford Reef Red Buoy, 42° 45' 11" N. lat.

Humbog Mountain, 42° 40' 30" N. lat.

Sisters Rocks, 42° 35' 45" N. lat.

Mack Arch, 42° 13' 40" N. lat.

Chetco Point, 42° 02' 35" N. lat.

Trinidad Head, 41° 03' 30" N. lat.

Punta Gorda, 40° 15' 30" N. lat.

Horse Mountain, 40° 05' 00" N. lat.

Cape Vizcaino, 39° 43' 05" N. lat.

Point Arena, 38° 57' 30" N. lat.

Point Conception, 34° 27' 00" N. lat.

Classification

The 1988 management measures described above are based on the most recent data available. The aggregate

data, upon which the measures are based, are available for public inspection at the offices of the Regional Directors (see ADDRESSES) during business hours until the end of the comment period.

Preseason Notice of 1988 Management Measures

Most of the actions in this rule are taken under 50 CFR Part 661 which implements the framework FMP. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) has determined that they are consistent with the Magnuson Act and other applicable law, are in compliance with Executive Order 12291, and are covered by the Regulatory Flexibility Analysis (RFA), and Final Supplemental Environment Impact Statement (SEIS), prepared for the framework FMP. These actions impose no information collection requirements under the Paperwork Reduction Act.

Section 661.23 of the framework regulations states that the Secretary will publish a notice establishing management measures each year and will invite public comments prior to its effective date. If the Secretary determines, for good cause, that a notice must be issued without affording a prior opportunity for public comment, comments on the notice will be received by the Secretary for a period of 15 days after the effective date of the notice.

Because of the depressed status of some salmon stocks, and the need to reduce harvest in some areas or to establish different opening dates than those in the 1987 regulations for some fisheries, the Secretary has determined that time does not permit a comment period prior to the date the management measures must be in effect. Comment will be accepted for 15 days after the effective date of this notice.

The public has had opportunity to comment on these management measures during the process of their development. The public participated in the March and April Council, SST, and Salmon Advisory Subpanel meetings, and in public hearings held in Washington, Oregon, and California in late March and early April, which generated the management actions recommended by the Council and approved by the Secretary. Written public comments were invited by the Council between the March and April Council meeting.

Emergency Actions

The Assistant Administrator also determined that the measures described in the preamble which deviate from the framework FMP and its implementing

regulations are necessary to respond to emergency situations and are consistent with the Magnuson Act and other applicable law. The measures falling under emergency authority of section 305(e) of the Magnuson Act involve the following as listed in the preamble: (1) Allocation of coho and chinook salmon north of Cape Falcon, Oregon, (2) commercial coho fishery north of Oregon-California border in June, (3) Klamath River Fall chinook escapement, and (4) definition of landing. He has determined that continuation of the regulations which the emergency measures are intended to replace would not prevent overfishing and would not apportion the ocean harvest equitably among non-Indian commercial and recreational and treaty Indian fisheries, and that it is therefore necessary to amend those portions of the framework FMP and its implementing regulations by emergency rule pursuant to 16 U.S.C. 1855(e).

The Assistant Administrator finds that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide prior notice and opportunity for comment, or to delay for 30 days the effective date of these emergency regulations, as required by section 553 (b) and (d) of the Administrative Procedure Act. The public had opportunities to comment on the substance of this emergency rule during meetings of the Council and its advisory committees in March and April, 1988, as above. The public will also have an opportunity to comment on the emergency measures during the comment period provided by this rule.

The Assistant Administrator had determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Washington, Oregon, California, and the San Francisco Bay Conservation and Development Commission. This determination has been submitted for review by the responsible agencies under section 307 of the Coastal Zone Management Act.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why it is not possible to follow the regular procedures of that order.

The Council prepared an environmental assessment (EA) for this action and concluded that there will be no significant impact on the human

environment. A copy of the EA is available from the Regional Directors (see ADDRESSES).

This emergency rule does not contain a collection of information for purposes of the Paperwork Reduction Act.

The Regulatory Flexibility Act does not apply to this rule because, as an emergency rule, it was not required to be promulgated as a proposed rule and the rule is issued without opportunity for prior public comment. Since notice and opportunity for comment are not required to be given under section 553 of the Administrative Procedure Act, and since no other law requires that notice and opportunity for comment be given for this rule, under sections 603(a) and 604(a) of the Regulatory Flexibility Act no initial or final regulatory flexibility analysis has to be or will be prepared.

This emergency rule does not contain policy with known federalism implications sufficient to warrant preparation of the federalism assessment under Executive Order 12612. Washington, Oregon, and California are expected to implement State regulations compatible with the Federal rule.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

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

Dated: April 29, 1988.

Rolland Schmitt,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 661 and its Appendix are amended, to be effective from May 1, 1988, through July 29, 1988, as follows:

PART 661—[AMENDED]

1. The authority citation for Part 661 continues to read as follows:

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

2. In § 661.3, the current definition for "Land" or "landing", is revised to read as follows:

§ 661.3 Definitions.

* * * * *

Land or landing, means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are considered part of the landing.

* * * * *

Appendix [Amended]

3. In the Appendix, section II.B.2., in paragraph (a)(iii) in the last sentence, the value "25 percent" is suspended, and the value "34 percent" is added to be

effective from May 1 through July 29, 1988.

4. In the Appendix, section II.B.2. is amended by adding paragraph (a)(v), to read as follows:

II. Annual Changes to Management Specifications

* * * * *

B. * * *

2. * * *

(a) * * *

(v) On or about July 1, 1988, the Salmon Technical Team will estimate the number of chinook salmon caught in the all-except-coho commercial season. Any chinook salmon

remaining in the commercial quota will be reallocated to the recreational fishery.

* * * * *

5. In the Appendix, in section II.B.7. paragraph (c)(ii) is suspended from May 1 through July 29, 1988.

6. In the Appendix, in section IV.A., in the table, Summary of Specific Management Goals for Stocks in the Salmon Management Unit, the line pertaining to Klamath Fall Chinook is amended in the third column by adding a Note following the list of years to read as follows:

IV. Escapement Goals

A. * * *

System	Spawn- ing escape- ment goal	Rebuilding schedule
* * *	* * *	* * *
Klamath Fall Chinook.		
		Note: 1988 132,000

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[FR Doc. 88-9883 Filed 4-29-88; 4:46 pm]

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