

salmon management measures is encouraged. In 1995, the Council recommended management measures near the conclusion of its meeting on April 7, which resulted in a short timeframe for implementation.

In addition, delay in the start of the fishing season would deny ocean fishermen access to harvestable salmon stocks that, if taken later in the year, would produce unacceptable impacts on other salmon stocks, such as those listed under the ESA. Due to the migratory patterns of the various salmon stocks, harvest regimes account for the timing and location of harvestable stocks in concert with the stocks of concern. Therefore, in light of the limited available time and the adverse effect of delay, NMFS has determined that good cause exists to waive the requirements of 50 CFR 661.23 and 5 U.S.C. 553(b) for prior notice and opportunity for prior public comments on that notice to be published in the **Federal Register**. For the same reasons, NMFS has determined that good cause exists to waive the 30-

day delay in effectiveness under 5 U.S.C. 553(d). For this notice, NMFS is receiving public comments for 30 days from publication of the notice.

The public had opportunity to comment on these management measures during their development. The public participated in the March and April Council, STT, and Salmon Advisory Subpanel meetings, and in public hearings held in Washington, Oregon, and California in late March that 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 meetings.

On March 31, 1991, NMFS issued a biological opinion that considered the effects on Sacramento River winter-run chinook salmon of fishing under the FMP. The opinion concluded that implementation of the plan is not likely to jeopardize the continued existence of the species. The 1995 season falls within the scope of the 1991 opinion, and the seasons and management

measures comply with the recommendations and incidental take conditions contained in the biological opinion. Therefore, it was not necessary to reinitiate consultation on Sacramento River winter-run chinook salmon.

NMFS has issued a biological opinion that considered the effects of fishing under the 1995 salmon management measures on wild sockeye salmon, wild spring/summer chinook salmon, and wild fall chinook salmon from the Snake River, which concluded the fishery in 1995, and the recreational fisheries early in 1996, under the FMP are not likely to jeopardize the continued existence of the listed stocks or adversely modify critical habitat.

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*

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