

B. Open-Access Fishery

In 1994, open-access trip limits were established for the first time. The trip limits are all designed to keep landings within the open-access allocation, while allowing the fisheries to operate for as long as possible during the year. Any more restrictive limits imposed on the limited-entry vessels also apply to the open-access vessels.

All Open-Access Gear Except Trawls. In 1994, for all open-access gear except trawls, the Council recommended: (1) A cumulative trip limit for rockfish of 40,000 lb (18,144 kg) per month, including a 10,000-lb (4,536-kg) "per trip" limit, which was removed for the set net fishery in May 1994; and (2) a sablefish trip limit of the same amounts and areas as for the limited-entry nontrawl fishery before the regular season: Daily trip limits of 250 lb (113 kg) north of 36°00'00" N. lat. and 350 lb (159 kg) south of 36°00'00" N. lat.

The Council recommended continuation of most of the same trip limits in 1995 as were in place at the end of 1994 for the open-access fishery, with two changes for all open-access gears except the nongroundfish trawls: (1) The cumulative trip limit for rockfish is reduced to 35,000 lb (15,876 kg) north of Cape Lookout to be consistent with the limited-entry limit for the *Sebastes* complex in the same area, but remains at 40,000 lb (18,144 kg) south of Cape Lookout; and (2) the daily trip limit for sablefish north of 36°00'00" N. lat. is increased to 300 lb (136 kg) to promote achievement of the open-access allocation for sablefish. The limited-entry trip limit was modified to be consistent with the open-access trip limit.

Shrimp/Prawn Fisheries. The bycatch of groundfish also is regulated in the shrimp/prawn fishery. In 1994, the trip limit in the spot and ridgeback prawn fishery continued at 1,000 lb (454 kg) of groundfish per trip. The trip limit in the pink shrimp fishery (1,500 lb (680 kg) of groundfish per day times the number of days in the fishing trip) also remained the same as in past years, except there was no exclusion for whiting, shortbelly rockfish, and arrowtooth flounder. The Council recommended continuation of these limits in 1995, except it clarified that these trip limits also apply to pot gear, as in the past, not just trawl gear. This allowance is not intended to supersede any state law that is more restrictive regarding retention of groundfish caught in shrimp or prawn pots or traps.

California Halibut/Sea Cucumber Trawl. For 1995, the Council recommended continuation of the 500-

lb (227-kg) "per trip" limit on the bycatch of all groundfish species taken while fishing in the California halibut and sea cucumber trawl fisheries south of Point Arena, CA (38°57'30" N. lat.).

C. Operating in Both Limited-entry and Open-Access Fisheries

Vessels using open-access gear are subject to the management measures for the open-access fishery, whether or not the vessel has a valid limited-entry permit endorsed for any other gear. In addition, a vessel operating in the open-access fishery must not exceed any trip limit, frequency limit, and/or size limit for the same gear and/or subarea in the limited-entry fishery (as announced in this **Federal Register** document in paragraphs titled "limited-entry"). A vessel that operates in both the open-access and limited-entry fisheries is not entitled to two separate trip limits for the same species. Fish caught with open-access gear will also be counted toward the limited-entry trip limit. For example: In 1 month, a trawl vessel catches 5,000 lb (2,268 kg) of POP in the limited-entry fishery, and in the same month catches 3,000 lb (1,361 kg) of POP with hook-and-line (open access) gear. Because the open-access landings are counted toward the limited-entry limit, the vessel would have exceeded its limited-entry, cumulative trip limit of 6,000 lb (2,722 kg) by 2,000 lb (907 kg).

D. Operating in Areas With Different Trip Limits

Additional management lines have been added in 1995, meaning that trip limits may differ for a species or species complex at different locations on the coast. Unless otherwise stated (as for yellowtail rockfish, black rockfish, and the *Sebastes* complex), the cross-over provisions utilized in the bocaccio fishery in 1994 will apply.

E. Changes to Trip Limits; Closures

The Council confirmed at its October 1994 meeting that, unless otherwise stated, a vessel must have initiated offloading its catch before the fishery is closed or before a more restrictive trip limit becomes effective. As in the past, all fish on board the vessel when offloading begins are counted toward the landing limits (50 CFR 663.2, the definition of "landing").

F. Designated Species B Permits

Designated species B permits may be issued if the limited-entry fleet will not fully utilize the harvest guideline for Pacific whiting, shortbelly rockfish, or jack mackerel. (Only jack mackerel north of 39°00'00" N. lat. are governed

by the FMP.) The limited-entry fleet has requested the full use of the harvest guideline for Pacific whiting and shortbelly rockfish. At the October 1994 Council meeting, NMFS announced its determination that, based on the best information available at that time, only 30,500 mt of the 52,600-mt harvest guideline for jack mackerel was likely to be used in 1995, leaving about 20,000 mt available for designated species B permits, should applications for that amount be received. NMFS also stated that its determination could be revised if additional information were received before the annual specifications were published in the **Federal Register**. Additional responses to NMFS' "Survey of Intent to Harvest Underutilized Species" were received. Consequently, NMFS has revised its determination and finds that 49,000 mt of the jack mackerel harvest guideline may be used by the limited-entry fleet in 1995, leaving 3,600 mt available for designated species B permits.

There is virtually no information regarding bycatch in a jack mackerel fishery north of 39°00'00" N. lat. The Council recommended bycatch limits, which may be changed during the year, based on the open-access limits and guidance in the FMP regarding a jack mackerel joint venture. These limits are intended to enable information to be obtained about levels and species of bycatch in this fishery. If designated species B permits for jack mackerel are issued in 1995, the Council initially recommended the following bycatch limits, which may be changed during the year: (1) Rockfish, 40,000 lb (18,144 kg) cumulative per month, not to exceed any limited-entry limit; (2) sablefish, 300 lb (136 kg) per day, consistent with the Council's final recommendation for the open-access daily trip limit (and slightly higher than the 250-lb (113-kg) daily trip limit initially discussed by the Council in October); (3) whiting—3 percent of the monthly cumulative delivery of jack mackerel, unless at-sea processing of whiting is prohibited, in which case no whiting could be retained.

G. Recreational Fishing

Lingcod. In 1994, the recreational daily bag limits for lingcod were five fish 22 inches (56 cm) or larger off California, and three fish of any size off Oregon and Washington. In 1995, the daily bag limits are continued, but the 22-inch (56-cm) minimum size limit is applied to Oregon and Washington as well.

Rockfish. The 1994 recreational daily bag limits for rockfish continue in 1995: In California, 15 fish; in Oregon, 15 fish