

of which no more than 10 may be black rockfish; in Washington, 15 fish south of Leadbetter Point (46°38'10" N. lat.) and 12 fish north of Leadbetter Point.

The State of California allows possession of multi-day limits according to State law.

IV. NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurs with the Council's recommendations and announces the following management actions for 1995, including those that are the same as in 1994.

A. General Definitions and Provisions

The following definitions and provisions apply to the 1995 management measures, unless otherwise specified in a subsequent notice:

(1) *Trip limits.* Trip limits are used in the commercial fishery to specify the amount of fish that a vessel may legally land per fishing trip or cumulatively per unit of time, or the number of landings that may be made by a vessel in a given period of time, as explained below.

(a) A *trip limit* is the total allowable amount of a groundfish species or species complex, by weight, or by percentage of fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) A *daily trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) A *cumulative trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time, without a limit on the number of landings or trips. Cumulative trip limits for 1995 initially apply to calendar months.

(2) Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next legal period, so long as no fish (including but not limited to groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next legal period. As stated in the regulations at 50 CFR 663.2, once offloading of any species begins, all fish aboard the vessel are counted as part of the landing.

(3) All weights are round weights or round-weight equivalents.

(4) Percentages are based on round weights, and, unless otherwise

specified, apply only to legal fish on board.

(5) "Legal fish" means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 663, the Magnuson Act, any notice issued under subpart B of part 663, and any other regulation promulgated or permit issued under the Magnuson Act.

(6) *Size limits and length measurement.* Total length is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without mutilation of the fish or the use of additional force to extend the length of the fish. No fish with a size limit may be retained, if it is in such condition that its length has been extended or cannot be determined by these methods.

(7) "Closure," when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See the regulations at 50 CFR 663.2.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes.

(8) The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nautical miles offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nautical miles offshore, or landed in, Washington, Oregon, or California are presumed to have been taken and retained from the fishery management area, unless otherwise demonstrated by the person in possession of those fish.

(9) Inseason changes to trip limits are announced in the **Federal Register**. Most trip and bag limits in the groundfish fishery have been designated "routine," which means they may be changed rapidly after a single Council meeting. Information concerning changes to trip limits is available from the NMFS Northwest and Southwest Regional Offices (see ADDRESSES above). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit

for the open-access fishery without having a valid limited-entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 663.7(t)).

(11) *Operating in both limited-entry and open-access fisheries.* The open-access trip limit applies to any fishing conducted with open-access gear, even if the vessel has a valid limited-entry permit with an endorsement for another type of gear. 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.

(12) *Operating in areas with different trip limits.* Trip limits for a species or species complex may differ in different geographic areas along the coast. The following "crossover" provisions apply to vessels operating in different geographical areas that have different cumulative or "per trip" trip limits for the same species or species complex. They do not apply to species that are only subject to daily trip limits, or to the trip limits for black rockfish off the State of Washington (see 50 CFR 663.23(b)(1)(iii)). They also do not apply to the trip limits for yellowtail rockfish and the *Sebastes* complex when the vessel is in compliance with paragraph IV.C.(2)(c) below.

If a vessel fishes, for any species, in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit, for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed. Similarly, if a vessel takes and retains a species (or species complex) in an area where a higher trip limit (or no trip limit) applies, and possesses or lands that species (or species complex) in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit for that trip limit period.

(13) *Sorting.* Regulations at 50 CFR 663.7(l) make it unlawful for any person to "fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, if the weight of the total delivery exceeds 3,000 lb (1,361 kg) (round weight or round weight equivalent)." This provision applies to both the limited-entry and open-access fisheries.

Note: The Council has recommended that this regulation be changed to require all species or species groups with a trip limit, harvest guideline, or quota to be sorted. There would be no exception for landings under 3,000 lb (1,361 kg). The States of