

fishery subquota for the area from the Siuslaw River to the California border. In 1994, this area was included with the central Oregon coast sport fishery area. The Council recommends an allocation to this new subarea of 7.0 percent of the Oregon/California sport allocation (which is 1.44 percent of the Area 2A TAC) if the Area 2A TAC is 388,350 lb (176.2 mt) and above. If the Area 2A TAC is below 388,350 lb (176.2 mt), this subarea will be included in the Oregon central sport fishery subarea. The Council agreed to create a south coast subarea to accommodate the needs of both charterboat and private boat anglers in this area to have additional fishing opportunity. In the past, the weather and bar conditions in the southern area often did not allow for access to fishing grounds on days when sport vessels out of Newport were fishing. Because the area quota applied to Newport and this southern area, the fishing opportunity in the southern area has been cut short due to quota achievement caused by vessels operating out of Newport. The Council acknowledged that at lower quotas for the Oregon/California sport fishery (less than 80,000 pounds (36.3 mt)), the quota would not be sufficient to split these two areas and still maintain viable sport fisheries. The Council recommends the same season and bag limits for this area as the central Oregon coast area.

#### California Sport Fishery Subarea.

The Council considered a maximum allocation of 3.0 percent of the Oregon/California sport fishery subquota for this area. In 1994, this area was allocated 2.6 percent of the sport fishery subquota, which equaled 0.33 percent of the Area 2A TAC. The Council recommended an allocation of 2.6 percent of the Oregon/California subquota, which is 0.54 percent of the Area 2A TAC. A separate subquota with a fixed-season fishery has occurred in this area since 1990 to allow for small numbers of halibut to be caught in this area of low halibut abundance incidental to other sport fishing activities throughout the summer. The Council agreed with maintaining this subarea sport fishery and recommends a continuous, fixed season fishery that would be open from May 1 through September 30 with a daily bag limit of one halibut per person with a minimum 32-in (81.3 cm) size limit. Due to inability to monitor the catch in this area inseason, the Council adopted a fixed-season management approach, rather than a quota. The season will be established pre-season based on projected catch per day and number of days to achievement of the

subquota. No inseason adjustments will be made; estimates of actual catch will be made post season.

The Council made no changes to the treaty Indian fisheries, which are allocated 35 percent of the Area 2A TAC. The Council adopted the treaty Indian tribes' request to maintain the 1994 structuring of the tribal commercial and ceremonial and subsistence (C&S) fisheries. These two fisheries are to be managed separately: the commercial fishery will be managed with a quota, and the C&S fishery will be open year round. The tribes will provide an estimate of the C&S harvest; the remainder of the allocation will be for the commercial fishery.

NMFS is publishing the proposed Plan together with the rationale provided by the Council for modifying the allocations and management measures for the halibut fisheries in Area 2A, and is requesting public comments on approval of the Council's recommended Plan for 1995 and beyond. Public comments are requested on the proposed Plan described in § 301.23 and the proposed regulations for implementing the Plan. Comments on the proposed Plan in § 301.23 are requested by January 19, 1995, so that a final Plan can be approved and notification provided to the IPHC prior to its annual meeting on January 23–26, 1995, when the final quotas will be adopted. The comment period on the remainder of the proposed regulations will extend past the IPHC annual meeting and close on February 20, 1995, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments. The IPHC, consistent with its responsibilities under the international convention, will implement the subquotas stipulated in the Plan based on its final determination of the Area 2A TAC to be made at its annual meeting. The actual amounts of halibut allocated to each group in 1995 will change if the IPHC establishes a TAC that is different from the assumed TAC of 500,000 lb (226.8 mt); however, the percentages specified in the Plan will not change. The proposed regulations also are based on an assumed TAC of 500,000 lb (226.8 mt) and will be modified dependent on the final TAC in accordance with the Plan.

The proposed rule includes all of the regulatory modifications to 50 CFR part 301 that are necessary to implement the proposed Plan at § 301.23. Some of these regulations will be implemented by the IPHC. However, to assist the public in commenting on the proposed Plan and implementing regulations, all of the regulatory changes necessary to

implement the Plan are published here as a proposed rule. After the Area 2A TAC is known, and after NMFS reviews public comments, NMFS and the IPHC will implement final rules for the halibut fishery. The final rule will stipulate which regulations are issued in international regulations and which in domestic regulations. The final ratio of halibut to chinook to be allowed as incidental catch in the salmon troll fishery will be published with the annual salmon management measures.

#### Classification

The EA/RIR prepared by the Council for this proposed Plan indicates that, if approved, though the actions taken under this Plan would reduce the allocation and area available to commercial fisheries, it would not significantly affect a substantial number of commercial fishers because the commercial halibut fisheries in Area 2A are a small part of the average annual harvest for commercial fishers. As such, the Assistant General Counsel for Legislation and Regulation certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule would not have a significant economic impact on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act. Copies of the 1995 EA/RIR are available (see ADDRESSES).

This action has been determined to be not significant for purposes of E.O. 12866.

#### List of Subjects in 50 CFR Part 301

Fisheries, Treaties.

Dated: January 6, 1995.

#### Charles Karnella,

*Acting Program Management Officer,  
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 301 is proposed to be amended as follows:

#### PART 301—PACIFIC HALIBUT FISHERIES

1. The authority citation for part 301 continues to read as follows:

**Authority:** 5 UST 5; TIAS 2900; 16 U.S.C. 773–773k.

2. In § 301.3, new paragraphs (l), (m), and (n) are added to read as follows:

#### § 301.3 Licensing vessels.

\* \* \* \* \*

(l) A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(m) A license issued for a vessel operating in the commercial fishery in