

Program (NEAP), so that a greater number of fishermen may qualify. The intent of NEAP is to provide assistance to those commercial fishermen who have recently participated in the salmon fisheries, who were substantially reliant on West Coast salmon resources for their income, and who suffered an uninsured loss as a result of a significant reduction in income because of the resource disaster.

**EFFECTIVE DATE:** January 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Bruce Morehead, (301) 713-2358, or Stephen Freese, (206) 526-6113.

**SUPPLEMENTARY INFORMATION:**

**Background**

The NEAP that was described in the following earlier notices: Notice of program for financial assistance (59 FR 51419, October 11, 1994); notice of proposed program (59 FR 46224, September 7, 1994); and advance notice of proposed rulemaking (59 FR 28838, June 3, 1994).

**Changes to the Program**

Upon review of public comments and discussions with the industry and state agencies, additional changes are being made that will increase the eligible pool of fishermen and potentially the amount of financial assistance each eligible fisherman may receive. These changes, as described below, will also greatly reduce the administrative burden in implementing the program and the information reporting burden placed upon fishermen.

*Changes to the Definition of "Loss"*

"Loss" was previously defined through a multi-step process that included a subtraction of the applicant's highest annual West Coast salmon income of the period 1992 through 1994 from the applicant's highest West Coast annual salmon income for the period 1986 through 1990 (see 59 FR 51419, October 11, 1994). The definition of "loss" is now revised to allow the subtraction of the applicant's lowest annual West Coast salmon income of the period 1992 through 1994 from the highest annual West Coast salmon income of the period 1986 through 1991, in order to more fully capture the impact of the disaster.

A review of available landing statistics on fisheries associated with the NEAP (fisheries associated with northern California, Oregon, and Washington) supports this change. Based on comparative catches through September of each year and Washington ex-vessel prices, total commercial non-charter revenues for salmon fisheries

associated with the NEAP program may be down collectively by at least 25 percent from 1993. (Charterboat harvest data for 1994 are unavailable at this time). However, there were more significant declines in the following components of the West Coast salmon fishery: Ocean troll coho (74,000 fish harvested in 1993; 0 fish in 1994); ocean troll chinook—above Point Arena (156,000 fish harvested in 1993; 39,000 fish in 1994); Columbia River net chinook (50,800 in 1993; 34,300 fish in 1994 with non-tribal falling from 31,000 fish harvested in 1993 to 5,800 fish in 1994); and Columbia River net coho catches (37,000 in 1993; 7,000 fish in 1994 with non-tribal falling from 36,000 fish in 1993 to 6,000 fish in 1994). Commercial non-charter 1994 Puget Sound landings of chinook and coho are up significantly over those of 1993 because of fisheries that target hatchery stocks. However, the total 1994 Puget Sound marine net harvest of these fisheries (hatchery and non-hatchery) are less than 50 percent of their 1988-92 averages. Salmon fisheries for chum, pink and sockeye are all down from 1993 levels. It would appear that for many applicants, 1994 will be the lowest year, and consequently, it is expected that the loss calculations for many fishermen will be greater under this revision.

The revised definition of "loss" also expands the applicant's base year selection to include 1991. This will increase the eligible pool of applicants and increase for some applicants their calculated loss. For example, based on data provided by the Pacific States Marine Fisheries Commission to the Pacific Fishery Management Council, approximately 325 commercial non-tribal vessels harvested salmon during 1991 that did not harvest any salmon during the years 1986 through 1990; furthermore, 1991 was the highest year for almost 7 percent of all such vessels harvesting salmon during 1986-1991.

Charterboat operators may not keep sufficient records that would allow them to determine the proportion of fishing income that is derived from salmon. If such operators can provide evidence such as a state salmon permit and/or letters of endorsement from a charterboat association or charterboat booking association that indicate that salmon was a major component of earnings, then total income from all operations may be substituted as estimates of commercial fishing income, which is defined under this program to be salmon income from West Coast harvests. In support of this substitution, the Northwest Marine Recreational Baseline Study prepared for NMFS by

Natural Resources Consultants, Inc., states that "By the late 1980's through the 1990 season, the average Westport charter office made 65% to 70% of its income through salmon fishing, 25% to 35% from bottom fishing, and 0% to 5% from whale and bird watching trips."

*Changes to the Eligibility Criteria for the Habitat Restoration and Data Collection Jobs Programs*

In recognition that the criteria only allow access to the right to work for hourly wages, several steps of the multi-step eligibility determination are simplified to reduce the reporting burden on the fishermen and the potential for appeals and to make program administration easier and more flexible. This notice abolishes those components of the program requiring each applicant to have: Earned at least 50 percent of gross income from salmon fishing; earned commercial fishery income in 1991, 1992, 1993, or 1994; and suffered a decline in commercial fishery income of at least 50 percent. The purpose of these requirements was to target the assistance to those fishermen most dependent on salmon and most recently involved in fishing. Given recent trends in fish harvests, it would be difficult for some fishermen to indicate earning fishing income in these years. Some fishermen chose not to fish because fishing was either unprofitable or prohibited because of conditions associated with the fishery resource disaster. To ensure program beneficiaries have a certain degree of income dependence upon the fishery, a new criterion is added: Applicants must show that they must have earned at least \$5,000 in commercial fishing income in their chosen base year. This criterion is based on data on 12,000 commercial non-charter non-tribal vessels that fished during 1986 to 1993. Approximately 50 percent of these vessels had a maximum annual revenue during the period 1986-91 of \$5,000 or less. This criterion is intended to maintain the focus of the program on fishermen who depend on salmon for income. Virtually all of the fishing vessels that earned at least \$5,000 in any one year from 1986 to 1991 showed a loss. Because income tax records for 1994 should be available, the criteria that if single, the applicant's 1993 gross income must have been less than \$25,000 and, if married, the income of the applicant and his/her spouse must have been less than \$50,000 is modified to allow the choice of 1993 or 1994 for determining gross income.