Groundfish Management Team, primarily by dividing the remainder of the nontrawl allocation by the number of vessels expected to participate. The trip limit and season dates would be announced in the **Federal Register**.

Closed Periods Before and After the Regular Season

The Council and its subcommittees considered a wide range of options (described in the EA/RIR) before recommending the following changes to the closed period before the regular season. In recognition of pot gear's ability to hold live sablefish for the 72hour period, and the difficulty of enforcing a closure if the open-access fishery deploys its gear during this period, the Council recommended that all groundfish nontrawl gear, limited entry and open-access, be out of the water 72 hours before the start of the regular season. Acknowledging the difficulty and cost of transporting and setting pot gear, the Council also recommended that pot gear could legally be deployed, and baited, 24 hours before the regular season. However, as in past years, no sablefish could be retained, possessed, or landed during the 72-hour closure.

The 1995 annual groundfish management measures establish trip limits for groundfish that are incidentally caught in the open-access fishery by vessels using trawl or pot gear to fish for pink shrimp, or spot and ridgeback prawns. These limits are 1,500 pounds (680 kg) of groundfish per day while fishing for pink shrimp (multiplied by the total number of days in the fishing trip), and 1,000 pounds (454 kg) of groundfish per trip while fishing for spot and ridgeback prawns. The proposed rule would prohibit setting nontrawl gear (sablefish pot gear) that is used to take and retain groundfish during a closed period preceding the beginning of the regular sablefish season. As applied to the pink shrimp and spot and ridgeback prawn fisheries, it would permit pot vessels to set their gear provided that no groundfish is retained or landed during the 72-hour period.

Under the new structure the States of Oregon and Washington are expected to continue the practice of inspecting vessel holds prior to the start of the regular season to prevent stockpiling of fish. The State of California would rely on shore inspections and at-sea boardings to accomplish the same, but would not require a hold inspection of all vessels before the regular season in 1995.

The Council also decided that a closed period is no longer needed at the

end of the regular season. Initially, it was thought that a 72-hour closure at the end of the season would be needed to tally catch data and to facilitate enforcement. However, experience has shown that catch data cannot be verified in only 72 hours, and the closure has not helped enforcement. Therefore, the end of the regular season would be marked by reimposition of small trip limits. The Council confirmed that, as in other groundfish fisheries, a vessel would have to initiate offloading its catch before the effective time of any closure or reduced trip limit.

The Council also recommended that the regular season end at noon rather than midnight, so that enforcement agents can more easily observe vessel activity and so that processing plants need not be open through the night. The Council was silent as to the starting times of the regular and mop-up fisheries, and the ending time of the mop-up fishery. NMFS has decided to propose noon as the effective time for all these events as well, for the same reasons.

Closed periods are probably not needed before the mop-up fishery, because there would be no particular disadvantage to the fleet if a vessel deployed gear before the fishery began. No vessel could land more than the small daily trip limit until the mop-up fishery started, and the amount that could be taken by each vessel during the mop-up fishery would be controlled by the cumulative trip limit. Grounds preemption by pot gear in the mop-up fishery would not be expected to any great extent, because much less gear would be deployed by high-capacity vessels under a cumulative trip limit. In addition, the grounds would become available as vessels complete their limit. The rush to the grounds should be less intense, because each vessel would have about a month to take its equal share.

Biological Impacts

Biological impacts would be expected to be negligible. The sablefish acceptable biological catch (ABC) and harvest guideline would not be affected by this action, except to the extent that catch overages are avoided. Also, a delay of the fishery until August would result in fewer fish being taken to attain the quota, and therefore an increased biomass over time.

Socio-Economic Impacts

The distribution of catch would be expected to shift somewhat from pot to longline landings, because the pot fishermen would get less of a head start on the fishery. Although most of the pot fishery originates in Oregon, Oregon

would not necessarily be hurt by this rule because longline fishermen along the coast, including Oregon, would be expected to benefit from the fair start. NMFS has considered costs to the limited entry and open-access fleets and believes that, while the cost is expected to be greatest for pot vessels, overall costs to the longline and pot fleets would be minimal.

Classification

The Assistant Administrator for Fisheries, NOAA, (AA) has initially determined that this action is consistent with the FMP and the national standards and other provisions of the Magnuson Act.

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The socio-economic impacts are discussed above and contained in the EA/RIR. In summary, NMFS has considered costs to the limited entry and open-access fleets and believes that, while the costs are expected to be somewhat greater for pot vessels, overall costs to the longline and pot fleets would be minimal. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 663

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 23, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 663 is proposed to be amended as follows:

PART 663—PACIFIC COAST GROUNDFISH FISHERY

l. The authority citation for part 663 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 663.23 paragraph (b)(2) is revised to read as follows:

§ 663.23 Catch restrictions.

(b) * * *

(2) Nontrawl sablefish. This paragraph (b)(2) applies to vessels using nontrawl gear in the limited entry fishery, except for paragraphs (b)(2)(i) and (v), which