

pot) gear, but that make small landings with longline or trap (or pot) gear.

The annual sablefish harvest guideline, after deductions for treaty Indian harvest and allocation to the open access fishery, is divided between the limited entry trawl fishery (58 percent) and the limited entry longline/fish trap (or pot) fishery (42 percent), which is called the nontrawl fishery. The regular sablefish fishing season for nontrawl vessels with limited entry permits has been progressively shorter each year for the past several years as a result of shrinking harvest guidelines and increased fishing effort. Competition for the limited resource has reached critical levels, and the Council has considered several approaches to addressing the major problems. The 1995 season is expected to be the shortest on record, approximately 7 days. Despite the fact that the number of nontrawl limited entry "A" licenses is limited to 237, only 131 landed sablefish during 1994, leaving an additional 106 permits that represent latent effort that potentially could participate in future sablefish harvests.

In June 1995, the Council held a scoping meeting to solicit input from the industry and the public on future management of the nontrawl fisheries. Based on the results of the meeting, the Council is beginning the development of management options for the fishery. The range of options the Council will consider includes, but is not limited to, limiting participation in the sablefish fishery only to those permit holders with a past history of sablefish landings, differential cumulative trip limits based on fishermen receiving "points" for meeting certain qualifying criteria, a two-tier system of cumulative trip limits based on historical sablefish landings during particular qualifying time

periods, equal shares or cumulative trip limits, associating trip limits with permits and allowing use of more than one permit on a vessel, split seasons, and area management. The Council has previously considered individual transferable quota (ITQ) options, but has delayed, indefinitely, further consideration pending changes to the Magnuson Act.

Implementation of any management measures for the fishery may require preparation by the Council of an amendment to either or both the Pacific groundfish FMP or its implementing regulations. The Council will discuss these issues at its

August 1995 meeting in San Francisco, CA. In either event, publication of a proposed rule with a public comment period, NMFS' approval of the rule or FMP amendment, and publication of a final rule would be required.

As the Council considers management options, some permit holders who do not currently harvest sablefish with limited entry gear, and have never done so, may decide to enter the fishery for the sole purpose of establishing a record of making commercial landings of sablefish. When management authorities begin to consider limited access management regimes, this kind of speculative entry often is responsible for a rapid increase in fishing effort in fisheries that are already fully developed or overdeveloped. The original fishery problems, such as overcapitalization or overfishing, may be exacerbated by the entry of new participants. If management measures to limit participation or effort in the fishery are determined to be necessary, the Council is considering June 29, 1995, as the control date. Anyone entering the fishery after that date may

not be assured of future participation in the fishery if a management regime is developed and implemented that limits the number of participants in the fishery.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the sablefish fishery. Fishermen are not guaranteed future participation in the sablefish fishery, regardless of their date of entry or intensity of participation in the fishery before or after the control date under consideration. The Council may subsequently choose a different control date, or it may choose a management regime that does not make use of such a date. For example, on February 5, 1992 (57 FR 4394), NMFS published in the **Federal Register** a notice of control date informing fishermen that a vessel or individual entering the Pacific groundfish or Pacific halibut fisheries off the States of Washington, Oregon, and California, may be assigned a lesser priority for issuance and shares of ITQ shares in a potential ITQ-based limited access system. The Council may choose to give variably weighted consideration to fishermen in the fishery before and after the control date. Other qualifying criteria, such as documentation of commercial landings and sales, may be applied for entry. The Council may choose also to take no further action to control entry or access to the sablefish fishery, in which case the control date may be rescinded.

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

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