

comment period will normally be 45 days. The preamble of the proposed rule will inform the public that (1) public comments are being solicited on the FMP/amendment through the end of the comment period stated in the NOA; and (2) public comments on the proposed rule must be received by the end of the comment period on the FMP/amendment, as published in the NOA, to be considered in the approval/disapproval decision on the FMP/amendment. To be considered, comments must be received by close of business on the last day of the comment period.

Responses to Comments

All comments received during the public comment periods will be responded to in the final rule. The preamble of the final rule will contain a summary of the comments received, both on the FMP/amendment and on the proposed rule, and responses to those comments.

NMFS expects that the comment periods for the FMP/amendment (as published in the NOA) and the proposed rule will generally end on or about the same date, and NMFS will attempt to achieve that result. However, because there is the possibility that the comment period ending dates could be significantly different, it is important for commenters to focus their comments on either the FMP/amendment or on the proposed rule, if possible, and to be aware of the decisional timing issues that have resulted from the Magnuson-Stevens Act amendments. By publishing this policy statement, and through language to be included in NOAs and preambles to proposed rules, NMFS is attempting to ensure that the public has full opportunity for input to the decision process.

Classification

This rule has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to authority at 5 U.S.C. 553(b)(A), prior notice and an opportunity for public comment are not required to be provided for this rule, as this is a rule of procedure. Further, because prior notice and an opportunity for public comment are not required under 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Finally, because this rule is not substantive it is not subject to the 30-day delay in effective date required of substantive rules under 5 U.S.C. 553(d).

Dated: February 14, 1997.

Nancy Foster,

*Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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50 CFR Part 679

[Docket No. 961126334-7025-02; I.D. 111296A]

RIN 0648-XX74

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 1997 Harvest Specifications for Groundfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final 1997 harvest specifications for groundfish and associated management measures; closures.

SUMMARY: NMFS announces final 1997 harvest specifications for Gulf of Alaska (GOA) groundfish and associated management measures. This action is necessary to establish harvest limits and associated management measures for groundfish during the 1997 fishing year. NMFS is also closing fisheries as specified in the final 1997 groundfish specifications. These measures are intended to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

EFFECTIVE DATES: The final 1997 harvest specifications are effective at noon on February 19, 1997 through 2400 hrs, Alaska local time (A.l.t.), December 31, 1997, or until changed by subsequent notification in the Federal Register. The closures to directed fishing are effective February 19, 1997 through 2400 hrs, A.l.t., December 31, 1997, or until changed by subsequent notification in the Federal Register.

ADDRESSES: Copies of the Environmental Assessment (EA) for 1997 Groundfish Total Allowable Catch Specifications, dated January 1997, may be obtained from NMFS, Fisheries Management Division, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or by calling 907-586-7228. The Final Stock Assessment and Fishery Evaluation Report (SAFE report), dated November 1996, is available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501-2252, or by calling 907-271-2809.

FOR FURTHER INFORMATION CONTACT:
Thomas Pearson 907-486-6919.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the exclusive economic zone of the GOA are managed by NMFS according to the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The FMP is implemented by regulations at 50 CFR part 679.

NMFS announces for the 1997 fishing year: (1) Specifications of total allowable catch (TAC) amounts for each groundfish species category in the GOA, and reserves; (2) apportionments of reserves; (3) allocations of the sablefish TAC to vessels using hook-and-line and trawl gear; (4) apportionments of pollock TAC among regulatory areas, seasons, and allocations for processing between inshore and offshore components; (5) allocations for processing of Pacific cod TAC between inshore and offshore components; (6) "other species" TAC; (7) closures to directed fishing; (8) Pacific halibut prohibited species catch (PSC) limits; and (9) fishery and seasonal apportionments of the Pacific halibut PSC limits. A discussion of each of these measures follows.

The process of determining TACs for groundfish species in the GOA is established in regulations implementing the FMP. Pursuant to § 679.20(a)(2), the sum of the TACs for all species must fall within the combined optimum yield (OY) range of 116,000-800,000 metric tons (mt) established for these species in § 679.20(a)(1)(ii).

The Council met from September 18 through 22, 1996, and developed recommendations for proposed 1997 TAC specifications for each species category of groundfish on the basis of the best available scientific information. The Council also recommended other management measures pertaining to the 1997 fishing year. Under § 679.20(c)(1)(ii), the proposed GOA groundfish specifications and specifications for prohibited species bycatch allowances for the groundfish fishery of the GOA were published in the Federal Register on December 4, 1996 (61 FR 64310). Comments were invited through December 30, 1996. Two letters were received that expressed a comment on the environmental assessment prepared for the 1997 GOA specifications. The comment is summarized and responded to below in the Response to Comments

section. Interim amounts of one-fourth the TAC were published in the Federal Register on December 4, 1996 (61 FR 64299). The final 1997 initial groundfish harvest specifications and prohibited species bycatch allowances implemented under this action supersede the interim 1997 specifications.

The Council met December 11 through 15, 1996, to review the best available scientific information concerning groundfish stocks and to consider public testimony regarding 1997 groundfish fisheries. Scientific information is contained in the November 1996 SAFE report for the GOA. The SAFE report was prepared and presented by the GOA Plan Team (Plan Team) to the Council and the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP) and includes the most recent information concerning the status of groundfish stocks, based on the most recent catch data, survey data, and biomass projections using different modeling approaches or assumptions.

For establishment of the acceptable biological catches (ABCs) and TACs, the Council considered information in the SAFE report, recommendations from its SSC and AP, as well as public testimony. The SSC adopted the overfishing level (OFL) recommendations from the Plan Team, which were provided in the SAFE report, for all groundfish species categories, except for the nearshore pelagic shelf rockfish species (black rockfish and blue rockfish) in the Eastern and Western GOA. The SSC also adopted the ABC recommendations from the Plan Team, which were provided in the SAFE report, for all of the groundfish species categories, except sablefish, nearshore pelagic shelf rockfish in the Eastern and Western GOA, and Atka mackerel.

The SSC did not adopt the Plan Team's recommendation of ABC for sablefish. The SSC received additional information from NMFS stock assessment scientists that both the Plan Team's ABC recommendation and an ABC based on the $F_{40\%}$ strategy adjusted by biomass would increase the actual exploitation rate. This fact, combined with 15 years of low recruitment, which could result in the biomass declining below the lowest observed levels since 1979, led the SSC to agree with the assessment authors' recommendation for ABC. The Council accepted the SSC's recommendation.

The Plan Team recommended the division of the pelagic shelf rockfish assemblage into nearshore (black rockfish and blue rockfish) and offshore

(dusky, widow, and yellowtail rockfish) assemblages. The Plan Team recommended an OFL and ABC for the Central GOA based, on historic harvests, and for the Eastern and Western GOA based, on an approximation of the amount of nearshore rockfish habitat relative to the Central GOA. The SSC adopted the Plan Team's recommendations for separating the pelagic shelf rockfish assemblage into nearshore and offshore assemblages in the Central GOA but did not agree with the Plan Team's apportionment method for the Eastern and Western GOA nearshore and offshore species because very little information is available, and the method assumes an equal density-per-unit area that has not been demonstrated. The Council accepted the SSC's recommendation.

The SSC also did not accept the Plan Team's ABC (1,580 mt) for Atka mackerel. The Plan Team's recommendation was based upon the most recent year's harvest in 1996. The SSC noted that a brief directed fishery occurred in 1996, whereas none occurred in the 1995 fishing year. The SSC concluded that the gulfwide 1995 harvest of 801 mt more accurately reflects the amount of bycatch needed in other directed fisheries through the fishing year and adopted the assessment authors' recommendation of an ABC of 1,000 mt. The SSC agreed with the Plan Team that the ABC for Atka mackerel be 1,000 mt for the entire GOA. The Council accepted the SSC's recommendation.

The Council adopted the SSC ABC recommendations for each species category. The Council's recommended ABCs, listed in Table 1, reflect harvest amounts that are less than the specified overfishing amounts (Table 1). The sum of 1997 ABCs for all groundfish is 493,050 mt, which is higher than the 1996 ABC total of 475,170 mt.

1. Specifications of TAC and Reserves

The Council recommended TACs equal to ABCs for pollock, deep-water flatfish, rex sole, sablefish, northern rockfish, shortraker/rougheye rockfish, pelagic shelf rockfish including the split in the assemblage in the Central GOA between nearshore and offshore species, demersal shelf rockfish, Atka mackerel, and thornyhead rockfish. The Council recommended TACs less than the ABC for Pacific cod, flathead sole, shallow-water flatfish, arrowtooth, other slope rockfish, and Pacific ocean perch (Table 1).

The TAC for pollock has increased gulfwide but has decreased in the Western GOA from 25,480 mt in 1996 to 18,600 mt in 1997. This apportionment

of TAC in the Central and Western GOA reflects the current biomass distribution. For 1997, the State of Alaska has established a guideline harvest level (GHL) of 1,800 mt for pollock in Prince William Sound (PWS). The SSC did not have information to indicate whether the PWS pollock fishery exploits a stock that is independent of the assessed GOA pollock population. Therefore, the SSC recommended that PWS pollock harvests be applied against the total GOA ABC of pollock. NMFS will deduct harvest of pollock in PWS from the Eastern GOA TAC in 1997.

The 1997 Pacific cod TAC is affected by the State of Alaska's plan to develop a state-managed fishery for Pacific cod in state waters in the Central and Western GOA, as well as PWS. The SSC, AP, and Council recommended that the sum of all Pacific cod removals should not exceed the ABC. The Council recommended that the TAC for the Eastern GOA be lower than the ABC by 400 mt, the amount of the proposed GHL for PWS. The TACs for the Central and Western GOA are also recommended to be lower than the ABCs by 7,710 mt and 4,275 mt respectively, the amount of the proposed GHLs for these areas. The Council requested that NMFS review, by October 1997, the likelihood that the State of Alaska's GHLs of Pacific cod will be achieved in 1997. If unused amounts of the State's 1997 GHLs are anticipated, the Council requested that NMFS make these amounts available to fishermen participating in the federally managed fishery by October 1, 1997.

The Council accepted the AP recommendation that the TACs for flathead sole, shallow-water flatfish, and arrowtooth flounder be set at 1996 TAC levels, which are lower than their respective 1997 ABC specifications. With respect to "other rockfish" in the Eastern GOA, the Council recommended that NMFS establish a TAC that would provide for bycatch only. NMFS has reviewed bycatch needs for "other rockfish" and has set a TAC at 1,500 mt, which will provide enough for bycatch needs.

The Council reduced the AP's recommendation for Pacific ocean perch (POP) TACs in the Western and Central Gulf by 20 percent to 1,472 mt and 5,352 mt respectively to create a management buffer between ABC and TAC to account for harvest overages that occurred during 1996. In the Eastern GOA, the Council recommended that the POP TAC be reduced from the 1997 ABC of 4,460 mt to the 1996 TAC level of 2,366 mt to reduce the bycatch of shortraker and rougheye rockfish in the POP fishery.

Amendment 38 to the FMP was approved October 2, 1996 (61 FR 51374) giving the Council the alternative of recommending a lower POP TAC in the annual specification process for the purpose of addressing biological or resource conservation concerns that are

not addressed under the Rebuilding Plan or SAFE reports.

The sum of the TACs for all GOA groundfish is 282,815 mt, which is within the OY range specified by the FMP. The sum of the TACs is higher than the 1996 TAC sum of 260,207 mt.

NMFS has reviewed the Council's recommendation for TAC specifications

and apportionments and hereby approves these specifications under § 679.20(c)(3)(ii). The TAC for "other species" is calculated as 5 percent of the sum of TACs for the other groundfish species categories, or 13,470 mt.

The 1997 ABCs, TACs, and overfishing levels are shown in Table 1.

TABLE 1.—1997 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND FISH (METRIC TONS) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA

Species and area ¹	ABC (mt)	TAC (mt)	Initial TAC (mt) ²	Overfishing (mt)
Pollock: ³				
Shumagin (610)	18,600	18,600	.....	.....
Chirikof (620)	31,250	31,250	.....	.....
Kodiak (630)	24,550	24,550	.....	.....
Subtotal:				
W/C	74,400	74,400	.....	103,500
E	5,580	5,580	.....	7,770
Total	79,980	79,980	.....	111,270
Pacific cod: ⁴				
W	28,500	24,225	19,380	.....
C	51,400	43,690	34,952	.....
E	1,600	1,200	960	.....
Total	81,500	69,115	55,292	180,000
Flatfish ⁵ (deep-water):				
W	340	340	.....	.....
C	3,690	3,690	.....	.....
E	3,140	3,140	.....	.....
Total	7,170	7,170	.....	9,440
Rex sole: ⁵				
W	1,190	1,190	.....	.....
C	5,490	5,490	.....	.....
E	2,470	2,470	.....	.....
Total	9,150	9,150	.....	11,920
Flathead sole:				
W	8,440	2,000	.....	.....
C	15,630	5,000	.....	.....
E	2,040	2,040	.....	.....
Total	26,110	9,040	.....	34,010
Flatfish ⁶ (shallow-water):				
W	22,570	4,500	.....	.....
C	19,260	12,950	.....	.....
E	1,320	1,180	.....	.....
Total	43,150	18,630	.....	59,540
Arrowtooth flounder:				
W	31,340	5,000	.....	.....
C	142,100	25,000	.....	.....
E	24,400	5,000	.....	.....
Total	197,840	35,000	.....	280,800
Sablefish: ⁷				
W	1,860	1,860	.....	.....
C	6,410	6,410	.....	.....
WYK	2,410	2,410	.....	.....

TABLE 1.—1997 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND FISH (METRIC TONS) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA—Continued

Species and area ¹	ABC (mt)	TAC (mt)	Initial TAC (mt) ²	Overfishing (mt)
SEO	3,840	3,840	.....	.....
Total	14,520	14,520	.....	39,950
Pacific ⁸ ocean perch:				
W	1,840	1,472	.....	2,790
C	6,690	5,352	.....	10,180
E	4,460	2,366	.....	6,790
Total	12,990	9,190	.....	19,760
Short raker/rougheye: ⁹				
W	160	160	.....	.....
C	970	970	.....	.....
E	460	460	.....	.....
Total	1,590	1,590	.....	2,740
Other rockfish: ^{10, 11, 12}				
W	20	20	.....	.....
C	650	650	.....	.....
E	4,590	1,500	.....	.....
Total	5,260	2,170	.....	7,560
Northern Rockfish: ¹³				
W	840	840	.....	.....
C	4,150	4,150	.....	.....
E	10	10	.....	.....
Total	5,000	5,000	.....	9,420
Pelagic shelf rockfish: ¹⁴				
W combined	570	570	.....	.....
C nearshore	260	260	.....	.....
C offshore	3,320	3,320	.....	.....
E combined	990	990	.....	.....
Total	5,140	5,140	.....	8,400
Demersal shelf rockfish: ¹² SEO	950	950	.....	1,450
Thornyhead rockfish: GW	1,700	1,700	.....	2,400
Atka mackerel: GW	1,000	1,000	.....	6,200
Other ¹⁵ species: GW	N/A ¹⁶	13,470	.....	.....
Total ¹⁷	493,050	282,815	55,292	784,860

¹Regulatory areas and districts are defined at §679.2.

²Twenty percent of Pacific cod TAC is put into a reserve. The initial TAC is the remaining TAC after subtracting the reserve (see §679.20(b)(2) and "Apportionments of Reserves" below).

³Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area (Table 3), each of which is further divided into three seasonal allowances. In the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

⁴Pacific cod is allocated 90 percent for processing by the inshore, and 10 percent for processing by the offshore component. Component allocations are shown in Table 4.

⁵"Deep water flatfish" means Dover sole and Greenland turbot.

⁶"Shallow water flatfish" means flatfish not including "deep water flatfish," flathead sole, rex sole, or arrowtooth flounder.

⁷Sablefish is allocated to trawl and hook-and-line gears (Table 2).

⁸"Pacific ocean perch" means *Sebastes alutus*.

⁹"Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

¹⁰"Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District means Slope rockfish.

¹¹"Slope rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), and *S. reedi* (yellowmouth).

¹²"Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

¹³"Northern rockfish" means *Sebastes polyspinis*.

¹⁴"Pelagic shelf rockfish" means *Sebastes melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail). "Pelagic shelf rockfish nearshore" means *Sebastes melanops* (black) and *S. mystinus* (blue). "Pelagic shelf rockfish offshore" means *Sebastes ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

¹⁵ "Other species" means sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC for "other species" equals 5 percent of the TACs of target species.

¹⁶ N/A means not applicable.

¹⁷ The total ABC is the sum of the ABCs for target species.

2. Apportionments of Reserves

Regulations implementing the FMP require 20 percent of each TAC for pollock, Pacific cod, flounder, and the "other species" category be set aside in reserves for possible apportionment at a later date (§ 679.20(b)(2)). For the preceding 9 years, including 1996, NMFS has reapportioned all of the reserves in the final harvest specifications. NMFS proposed reapportionment of all reserves for 1997 in the proposed GOA groundfish specifications published in the Federal Register on December 4, 1996 (61 FR 64310). NMFS received no public comments on the proposed reapportionments. For 1997, NMFS reapportions all the reserves for pollock, flounder, and "other species." NMFS is retaining the Pacific cod reserves at this time to provide for a management buffer to account for excessive fishing effort and/or incomplete or late catch

reporting. In recent years, unpredictable increases in fishing effort and harvests, uncertainty of bycatch needs in other directed fisheries throughout the year, and untimely submission and revision of weekly processing reports have resulted in early and late closures of the Pacific cod fishery. NMFS believes that the retention of Pacific cod reserve amounts to provide for TAC management difficulties later in the year is a conservative approach that will lead to a more orderly fishery and provide greater assurance that Pacific cod bycatch may be retained throughout the year. Specifications of TAC shown in Table 1 reflect apportionment of reserve amounts for pollock, flatfish species, and "other species." Table 1 also lists the initial TACs for Pacific cod that reflect the withholding of the Pacific cod TAC reserves as follows: 4,845 mt in the Western GOA, 8,738 mt in the Central GOA, and 240 mt in the Eastern GOA.

3. Allocations of the Sablefish TACs to Vessels Using Hook-and-Line and Trawl Gear

Under § 679.20(a)(4)(i) and (ii), sablefish TACs for each of the regulatory areas and districts are allocated to hook-and-line and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to hook-and-line gear and 20 percent to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is allocated to hook-and-line gear and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used as bycatch to support directed fisheries for other target species. Sablefish caught in the GOA with gear other than hook-and-line or trawl gear must be treated as prohibited species and may not be retained. Table 2 shows the allocations of the 1997 sablefish TACs between hook-and-line and trawl gear.

TABLE 2.—1997 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ALLOCATIONS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR
[Values are in metric tons]

Area/district	TAC	Hook-and-line share	Trawl share
Western	1,860	1,488	372
Central	6,410	5,128	1,282
West Yakutat	2,410	2,290	120
Southeast Outside	3,840	3,648	192
Total	14,520	12,554	1,966

4. Apportionments of Pollock TAC Among Regulatory Areas, Seasons, and Allocation for Processing Between Inshore and Offshore Components

In the GOA, pollock is apportioned by area, season, and allocated for processing by inshore and offshore components. Regulations at § 679.20(a)(5)(ii)(A) require that the TAC for pollock in the combined Western and Central GOA be apportioned among statistical areas Shumagin (610), Chirikof (620), and Kodiak (630) in proportion to the known distribution of the pollock biomass. This measure was intended to provide spatial distribution of the pollock harvest as a sea lion protection measure. Each statistical area apportionment is further apportioned into three seasonal allowances of 25, 25, and 50 percent, respectively (§ 679.20(a)(5)(ii)(B)). As established under § 679.23(d)(2), the first, second,

and third seasonal allowances are available on January 1, June 1, and September 1, respectively. Within any fishing year, any unharvested amount of any seasonal allowance of pollock TAC is added in equal proportions to all subsequent seasonal allowances, resulting in a sum for each allowance not to exceed 150 percent of the initial seasonal allowance. Similarly, harvests in excess of a seasonal allowance of TAC are deducted in equal proportions from the remaining seasonal allowances of that fishing year. The Eastern Regulatory Area pollock TAC of 5,580 mt is not allocated among smaller areas or seasons.

Regulations at § 679.20(a)(6)(ii) require that the pollock TAC in all regulatory areas and all seasonal allowances thereof be allocated for processing by the inshore and offshore components. One hundred percent of

the pollock TAC in each regulatory area is allocated to vessels catching pollock for processing by the inshore component after subtraction of amounts that are projected by the Administrator, Alaska Region, NMFS (Regional Administrator) to be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. The amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is that amount actually taken as bycatch during directed fishing for groundfish species other than pollock, up to the maximum retainable bycatch amounts allowed under regulations at § 679.20(e). At this time, these bycatch amounts are unknown and will be determined during the fishing year. The distribution of pollock within the combined Western and Central Regulatory Areas is shown

in Table 3, except allocations of pollock for processing by the inshore and offshore component are not shown.

TABLE 3.—DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (W/C GOA); BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND QUARTERLY ALLOWANCES. ABC FOR THE W/C GOA IS 74,400 METRIC TONS (MT). BIOMASS DISTRIBUTION IS BASED ON 1996 SURVEY DATA. TACS ARE EQUAL TO ABC. INSHORE AND OFFSHORE ALLOCATIONS OF POLLOCK ARE NOT SHOWN. ABCS AND TACS ARE ROUNDED TO THE NEAREST 10 MT.

Statistical area	Biomass percent	1997 ABC = TAC	Seasonal allowances		
			First	Second	Third
Shumagin (610)	25	18,600	4,650	4,650	9,300
Chirikof (620)	42	31,250	7,812	7,812	15,626
Kodiak (630)	33	24,550	6,138	6,138	12,274
Total	100	74,400	18,600	18,600	37,200

5. Allocations for Processing of Pacific Cod TAC Between Inshore and Offshore Components

Regulations at § 679.20(a)(6)(iii) require that the TAC apportionment of Pacific cod in all regulatory areas be allocated to vessels catching Pacific cod for processing by the inshore and offshore components. Ninety percent of the Pacific cod TAC in each regulatory area is allocated to vessels catching Pacific cod for processing by the inshore component. The remaining 10 percent of the TAC is allocated to vessels catching Pacific cod for processing by the offshore component. These allocations of the 69,115 mt Pacific cod TAC for 1997 are shown in Table 4. The Pacific cod reserves are not included in the table.

TABLE 4.—1997 ALLOCATION (METRIC TONS) OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS

Regulatory area	Initial TAC	Component allocation	
		Inshore (90%)	Off-shore (10%)
Western	19,380	17,442	1,938
Central	34,952	31,457	3,495
Eastern	960	864	96

TABLE 4.—1997 ALLOCATION (METRIC TONS) OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS—Continued

Regulatory area	Initial TAC	Component allocation	
		Inshore (90%)	Off-shore (10%)
Total	55,292	49,763	5,529

6. "Other Species" TAC

The FMP specifies that amounts for the "other species" category are calculated as 5 percent of the combined TAC amounts for target species. The GOA-wide "other species" TAC is 13,470 mt, which is 5 percent of the sum of the combined TAC amounts for the target species.

7. Closures to Directed Fishing

The "Interim 1997 Harvest Specifications of Groundfish, Associated Management Measures, and Closures" for the GOA (61 FR 64299, December 4, 1996) contained several closures to directed fishing for groundfish during 1997. The closures for the final specifications, which supersede the closures announced in the interim specifications, are listed in Table 5.

Under § 679.20(d)(1)(iii)(A), the Regional Administrator determined that the entire TACs or allocations of TAC of groundfish species and species groups listed in Table 5 will be needed as incidental catch to support other anticipated groundfish fisheries during 1997. The Regional Administrator is establishing directed fishing allowances of zero mt and prohibiting directed fishing for the remainder of the year for the fisheries listed in Table 5. Maximum retainable bycatch amounts for the aforementioned closures may be found at § 679.20(e).

Under authority of the interim 1997 specifications (61 FR 64299, December 4, 1996), pollock fishing opened on January 1, 1997, for amounts specified in that notice. NMFS has since closed Statistical Area 610 to directed fishing for pollock, effective 1200 hrs, A.l.t., January 26, 1997 (62 FR 4192, January 29, 1997); Statistical Area 620 to directed fishing for pollock, effective 1200 hrs, A.l.t., February 7, 1997 (62 FR 6132, February 11, 1997); and Statistical Area 630 to directed fishing for pollock, effective 1200 hrs, A.l.t., February 4, 1997 (62 FR 5781, February 7, 1997). The closures for Statistical Areas 610–630 will remain in effect until 1200 hrs, A.l.t., June 1, 1997, or until changed by subsequent notification in the Federal Register. The above closures are in addition to the closures listed in Table 5.

TABLE 5.—CLOSURES TO DIRECTED FISHING FOR TOTAL ALLOWABLE CATCHES IMPLEMENTED BY THIS ACTION.¹ BOTH = OFFSHORE AND INSHORE COMPONENTS; OFFSHORE = OFFSHORE COMPONENT; ALL = ALL GEARS; WG = WESTERN REGULATORY AREA; EG = EASTERN REGULATORY AREA; GOA = ENTIRE GULF OF ALASKA

Fishery	Component	Gear	Closed areas
Atka mackerel	Both	All	GOA.
Northern rockfish	Both	All	WG, EG.
Deep-water flatfish	Both	All	WG.
Other rockfish ²	Both	All	GOA.

TABLE 5.—CLOSURES TO DIRECTED FISHING FOR TOTAL ALLOWABLE CATCHES IMPLEMENTED BY THIS ACTION.¹ BOTH = OFFSHORE AND INSHORE COMPONENTS; OFFSHORE = OFFSHORE COMPONENT; ALL = ALL GEARS; WG = WESTERN REGULATORY AREA; EG = EASTERN REGULATORY AREA; GOA = ENTIRE GULF OF ALASKA—Continued

Fishery	Component	Gear	Closed areas
Pacific cod	Offshore	All	GOA.
Pollock	Offshore	All	GOA.
Sablefish	Both	All	GOA.
Shorthead/rougeye rockfish	Both	All	GOA.
Thornyhead rockfish	Both	All	GOA.

¹ These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 679.

² Other rockfish includes slope and demersal shelf rockfish in the Western and Central GOA.

8. Pacific Halibut Prohibited Species Catch (PSC) Mortality Limits

Under § 679.21(d), annual Pacific halibut PSC limits are established and apportioned to trawl and hook-and-line gear and may be established for pot gear.

As in 1996, the Council recommended that pot gear, jig gear, and the hook-and-line sablefish fishery be exempted from the non-trawl halibut limit for 1997. The Council recommended these exemptions because of the low halibut bycatch mortality experienced in the pot gear fisheries (17 mt in 1996) and the jig gear fisheries (not estimated in 1996) and because of the 1995 implementation of the sablefish and halibut Individual Fishing Quota program, which allows legal-sized halibut to be retained in the sablefish fishery.

As in 1996, the Council recommended a hook-and-line halibut PSC mortality limit of 300 mt. Ten mt of this limit are apportioned to the DSR fishery. The remainder is seasonally apportioned among the non-sablefish hook-and-line fisheries as shown in Table 6.

The Council continued to recommend a trawl PSC mortality limit of 2,000 mt. The PSC limit has remained unchanged since 1989. Regulations at § 679.21(d)(3)(iii) authorize separate apportionments of the trawl halibut PSC limit between trawl fisheries for deep-water and shallow-water species fisheries. Regulations at § 679.21(d)(5) authorize seasonal apportionments of halibut PSC limits.

NMFS concurs with the Council's recommendations listed above. The following types of information as presented in, and summarized from, the 1996 SAFE report, or as otherwise available from NMFS, Alaska Department of Fish and Game, the International Pacific Halibut Commission (IPHC) or public testimony were considered:

(A) Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is available from 1996 observations of the

groundfish fisheries as a result of the NMFS Observer Program. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through December 28, 1996, is 1,964 mt, 172 mt, and 17 mt, respectively, for a total of 2,153 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries throughout the year. Trawling for the deep-water fishery complex was closed during the first quarter on March 21, 1996 (61 FR 13462), for the second quarter on April 15, 1996 (61 FR 17256) and for the third quarter on August 7, 1996 (61 FR 41523). The shallow-water fishery complex was closed in the second quarter on May 13, 1996 (61 FR 24729) and in the third quarter on August 5, 1996 (61 FR 41363). All trawling was closed in the fourth quarter on December 2, 1996 (61 FR 64487).

The amount of groundfish that trawl gear might have harvested if halibut had not been seasonally limiting in 1996 is unknown.

(B) Expected Changes in Groundfish Stocks

At its December 1996 meeting, the Council adopted higher ABCs for pollock, Pacific cod, and POP than those established for 1996. The Council adopted lower ABCs for deep-water flatfish, rex sole, flathead sole, shallow-water flatfish, arrowtooth flounder, sablefish, other rockfish, northern rockfish, shorthead and rougeye rockfish, pelagic shelf rockfish, and Atka mackerel than those established for 1996. More information on these changes is included in the Final SAFE Report dated November 1996 and in the Council and SSC minutes.

(C) Expected Changes in Groundfish Catch

The total of the 1997 TACs for the GOA is 282,815 mt, a slight increase from the 1996 TAC total of 260,207 mt. At its December 1996 meeting, the Council changed the 1997 TACs for some fisheries from the 1996 TACs.

Those fisheries for which the 1997 TACs are lower than in 1996 are deep-water flatfish (decreased to 7,170 mt from 11,080 mt), rex sole (decreased to 9,150 mt from 9,690 mt), flathead sole (decreased to 9,040 mt from 9,740), sablefish (decreased to 14,520 mt from 17,080 mt), northern rockfish (decreased to 5,000 mt from 5,270 mt), shorthead and rougeye rockfish (decreased to 1,590 mt from 1,910 mt), pelagic shelf rockfish (decreased to 5,140 from 5,190 mt), and Atka mackerel (decreased to 1,000 mt from 3,240 mt). Those species for which the 1997 TACs are higher than in 1996 are pollock (increased to 79,980 mt from 54,810 mt), Pacific cod (increased to 69,115 mt from 65,000 mt), POP (increased to 9,190 mt from 6,959 mt), other rockfish (increased to 2,170 mt from 2,020 mt), and other species (increased to 13,470 mt from 12,390 mt).

(D) Current Estimates of Halibut Biomass and Stock Condition

The stock assessment for 1996 conducted by the IPHC indicates that the total exploitable biomass and recruitment of Pacific halibut in the Bering Sea and Aleutian Islands and GOA has been underestimated in previous years. Due to substantial changes in the assessment model and methods, new estimates of exploitable biomass are not yet available but will be included in next year's SAFE.

The increase in estimated biomass under the new method can be attributed to three factors: (1) Halibut size at age information (a growth rate parameter) is better represented in the population model. Growth rates have declined, and the new method more appropriately accounts for the capture of young halibut by setline gear. The estimated abundance of young halibut has increased accordingly; (2) bycatch mortality of legal-sized halibut (32 inches or greater) is now included in the assessment along with other removals such as commercial and sport. This increases the estimated biomass to account for the increase in removals; and (3) catch rates from IPHC setline

surveys are included in the analysis. These data support trends observed in the commercial fishery that the halibut population has increased.

The old method not only underestimated the exploitable biomass of halibut in recent years, but the catch limits were set lower than they might have been if it had been known that biomass was being underestimated. This low rate of exploitation plus above average recruitment of juvenile halibut during the 1980s allowed halibut abundance to increase beyond historically normal levels. The 1987 year class of halibut, although small in individual size, appears to be very abundant. The strength of this year class has increased current estimates of abundance and suggests that halibut biomass is likely to stay high for the next several years.

(E) Other Factors

Potential impacts of expected fishing for groundfish on halibut stocks and

U.S. halibut fisheries and methods available for, and costs of, reducing halibut bycatch in the groundfish fisheries were discussed in the proposed 1997 specifications (61 FR 64310, December 4, 1996). That discussion is not repeated here.

9. Fishery and Seasonal Apportionments of the Halibut PSC Limits

Under § 679.21(d)(5), NMFS seasonally apportionments the halibut PSC limits based on recommendations from the Council. The FMP requires that the following information be considered by the Council in recommending seasonal apportionments of halibut: (a) Seasonal distribution of halibut, (b) seasonal distribution of target groundfish species relative to halibut distribution, (c) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catches of target groundfish species, (d) expected

bycatch rates on a seasonal basis, (e) expected changes in directed groundfish fishing seasons, (f) expected actual start of fishing effort, and (g) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

The publication of the final 1996 initial groundfish and PSC specifications (61 FR 4304, February 5, 1996) summarizes Council findings with respect to each of the FMP considerations set forth above. At this time, the Council's findings are unchanged from those set forth for 1996. Pacific halibut PSC limits, and apportionments thereof, are presented in Table 6. Regulations specify that any overages or shortfalls in a seasonal apportionment of a PSC limit will be deducted from or added to the next respective seasonal apportionment within the 1997 season.

TABLE 6.—FINAL 1997 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS. THE PACIFIC HALIBUT PSC LIMIT FOR HOOK-AND-LINE GEAR IS ALLOCATED TO THE DEMERSAL SHELF ROCKFISH (DSR) FISHERY AND FISHERIES OTHER THAN DSR

[Values are in metric tons]

Trawl gear		Hook-and-line gear			
Dates	Amount	Other than DSR		DSR	
		Dates	Amount	Dates	Amount
Jan 1–Mar 31	600 (30%)	Jan 1–May 17	250 (86%)	Jan 1–Dec 31	10 (100%)
Apr 1–Jun 30	400 (20%)	May 18–Aug 31	15 (5%)		
Jul 1–Sep 30	600 (30%)	Sep 1–Dec 31	25 (9%)		
Oct 1–Dec 31	400 (20%)				
Total	2,000 (100%)		290 (100%)		10 (100%)

Regulations at § 679.21(d)(3)(iii) authorize apportionments of the trawl halibut PSC limit to a deep-water species fishery, comprised of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder and a shallow-water species fishery, comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and other species. The apportionment for these two fishery categories is presented in Table 7.

TABLE 7.—FINAL 1997 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX

[Values are in metric tons]

Season	Shallow-water	Deep-water	Total
Jan. 20–Mar. 31	500	100	600
Apr. 1–Jun. 30 ...	100	300	400
Jul. 1–Sep. 30 ...	200	400	600
Jan. 20–Sep. 30 ¹	800	800	1,600
Oct. 1–Dec. 31 ..			400
Total			2,000

¹No apportionment between shallow-water and deep-water fishery categories during the 4th quarter.

The Council recommended that the revised halibut discard mortality rates recommended by the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1997 groundfish fisheries. NMFS concurs with the Council's recommendation. Most of the IPHC's assumed halibut mortality rates were based on an average of mortality rates determined from NMFS-observer data collected during 1994 and 1995. For fisheries where a steady trend from 1992 to 1995 towards increasing or decreasing mortality rates was observed, the IPHC recommended using the most recent year's observed rate. Rates for 1994 and 1995 were lacking for some fisheries, so rates from the most recent years were used. Seasonal variation in halibut mortality rates in the deep-water flatfish and rex sole target fisheries are not recommended for 1997 as they were in 1996, nor were separate rates for

pollock harvested for processing by the inshore component and the offshore component. Most of the assumed mortality rates recommended for 1997 differ slightly from those used in 1996. The recommended mortality rates for specific targets range from 6 to 27 percent for hook-and-line gear, from 51 to 66 percent for trawl gear, and from 19 to 100 percent for pot gear. The halibut mortality rates are listed in Table 8.

TABLE 8.—1997 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA

[Table values are percent of halibut bycatch assumed to be dead]

Gear and target	(percent)
Hook-and-line:	
Sablefish	27
Pacific cod	12
Rockfish	6
Other species	12
Trawl:	
Midwater pollock	51
Rockfish	65
Shallow-water flatfish	66
Pacific cod	59
Deep-water flatfish	58
Flathead sole	59
Rex sole	66
Bottom pollock	57
Atka mackerel	53
Sablefish	62
Other species	66
Pot:	
Pacific cod	19
Bottom pollock	100
Other species	19

Comment and Response

Comment. The draft environmental assessment prepared for the 1997 specifications provides an inadequate basis for a Finding of No Significant Impact. The environmental impact statement (EIS) prepared for the GOA groundfish fishery was drafted in 1977. Since that time, the conduct of the fisheries has changed, new information regarding the affected groundfish species exists, and substantial and unanalyzed questions exist regarding the impact of the groundfish fisheries on the GOA ecosystem. NMFS should prepare a supplement to the EIS that fully evaluates the potential impacts of the groundfish TACs on the GOA ecosystem.

Response. NMFS acknowledges that the final EIS prepared for the GOA groundfish fishery is 20 years old. Nonetheless, NMFS believes the final EA prepared for the 1997 GOA groundfish specifications, as well as the

documents incorporated by reference into the EA, adequately support a Finding of No Significant Impact (FONSI). The FONSI is based on the best available information contained in the SAFE report on the biological condition of groundfish stocks, the socioeconomic condition of the fishing industry, and consultation with the Council at its December 1996 meeting. For each species category, the Council recommended harvest amounts such that catches at or below these amounts would not result in overfishing as defined by the FMP. The Council's recommended final TACs for many groundfish species differ from the proposed TACs due to new information on status of stocks and/or changes in exploitation strategy. Each of the Council's recommended TACs for 1997 is equal to or less than the ABC for each species category. Therefore, NMFS finds that the recommended TACs are consistent with the biological condition of the groundfish stocks.

This action is authorized under 50 CFR 679.20 and is exempt from review under E.O. 12866.

This action adopts final 1997 harvest specifications for the GOA, revises associated management measures, and closes specified fisheries. Generally, this action does not significantly revise management measures in a manner that would require time to plan or prepare for those revisions. In some cases, such as closures, action must be taken immediately to conserve fishery resources. Without these closures, specified TAC amounts would be overharvested, and retention of these species would become prohibited, which would disadvantage fishermen who could no longer retain bycatch amounts of these species. In some cases, the interim specifications in effect would be insufficient to allow directed fisheries to operate during a 30-day delayed effectiveness period, which would result in unnecessary closures and disruption within the fishing industry; in many of these cases, the final specifications will allow the fisheries to continue without interruption. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources. Accordingly, the Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3) with respect to such provisions and to the apportionment discussed above.

Pursuant to Section 7 of the Endangered Species Act, NMFS and the U.S. Fish & Wildlife Service have determined that the groundfish fishery operating under the 1997 GOA TAC specifications is unlikely to jeopardize the continued existence or recovery of species listed as endangered or threatened or to adversely modify critical habitat.

NMFS prepared an environmental assessment (EA) on the 1997 TAC specifications. The AA concluded that no significant impact on the environment will result from their implementation. A copy of the EA is available (see ADDRESSES).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for the Advocacy of the Small Business Administration that this final specification will not have a significant economic impact on a substantial number of small entities. The number of fixed gear and trawl catcher vessels expected to be operating as small entities in the Gulf of Alaska groundfish fishery is 1,541, excluding catcher/processor vessels. All these small entities will be affected by the harvest limits established in the 1997 specifications but changes from 1996 are relatively minor and are expected to be shared proportionally among participants. For this reason, the expected effects would not likely cause a reduction in gross revenues of more than 5 percent, increase compliance costs by more than 10 percent, or force small entities out of business.

The Alaska commercial fishing industry is accustomed to shifting effort among alternative species and management areas in response to changes in TAC between years and inseason closures. Such mobility is necessary to survive in the open access fishery. Therefore, the annual specification process for Alaska groundfish for 1997 would not have significant economic impact on a significant number of small entities. No comments were received regarding this certification.

Authority: 16 U.S.C. 773 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: February 19, 1997.

Rolland A. Schmitt,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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