

discards between the two fisheries. Catches of sablefish by fixed gear during other periods may be retained up to and including the maximum retainable bycatch amount specified at §§ 672.20(g) and 675.20(h) of this chapter if an individual is aboard when the catch is made who has a valid IFQ card and unused IFQ in the account on which the card was issued. Catches of sablefish in excess of the maximum retainable bycatch amounts and catches made without IFQ must be treated in the same manner as prohibited species.

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50 CFR Part 673

[I.D. 042595A]

Scallop Fishery off Alaska; Closure of Federal Waters to Protect Scallop Stocks

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

ACTION: Notice of availability of fishery management plan; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has requested NMFS to implement a proposed Fishery Management Plan for the Scallop Fishery off Alaska (FMP). The FMP would authorize an interim closure of Federal waters off Alaska to fishing for scallops for up to a 1-year period. The interim closure is necessary to prevent overfishing of scallop stocks during the period of time an alternative fishery management plan is developed that would allow the controlled harvest of scallops in Federal waters. This action is intended to promote the objective of the proposed FMP to prevent overfishing of the scallop resource that could otherwise result

from unregulated fishing for scallops in Federal waters. Comments are requested from the public. Copies of the revised FMP amendments may be obtained from NMFS (see **ADDRESSES**).

DATES: Comments on the proposed FMP must be submitted by June 26, 1995.

ADDRESSES: Comments on the revised FMP amendments must be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Copies of the proposed amendments and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for the FMP may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Sue Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION:

The scallop resource off Alaska has been commercially exploited for almost 30 years. Between 1969 and 1991, about 40 percent of the annual scallop harvests came from State waters. Since 1991, however, Alaska scallop harvests increasingly have occurred in Federal waters. In 1994, only 14 percent of the 1.2 million lbs (544 metric tons (mt)) landed were harvested in State waters, with the remainder harvested in Federal waters off Alaska.

The State of Alaska has managed the scallop fishery in State and Federal waters, consistent with section 306(a)(3) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act), which allows a state to directly regulate any fishing vessel outside state waters if the vessel is registered under the laws of that state. Until 1995, all vessels participating in the Alaska scallop fishery were registered under the laws of the State of Alaska and the fishery was monitored and controlled under State jurisdiction. However, participation in the 1995

scallop fishery by at least one vessel fishing outside the jurisdiction of the State, contemplation by other vessel owners to fish in Federal waters outside State regulations governing the scallop fishery, and the likelihood that uncontrolled fishing for scallops could occur anywhere off Alaska by the highly mobile scallop processor fleet now requires that Federal regulations be implemented to control scallop fishing activity by vessels that choose not to register with the State of Alaska.

To respond to the need for Federal management of the scallop fishery, the Council adopted the proposed FMP under section 303 of the Magnuson Act. The FMP would specify a long-term optimum yield for the scallop fishery in Federal waters off Alaska as a numerical range of 0-1.1 million lbs (0-499 mt) of shucked scallop meats. The FMP also would authorize up to a 1-year closure of Federal waters to fishing for scallops. During the period of time Federal waters are closed to fishing for scallops under the FMP, the OY would be equal to zero. The intent of the FMP is to prevent an unregulated and uncontrolled fishery for scallops in Federal waters that could result in overfishing of scallop stocks during the period of time an alternative fishery management plan is developed that would authorize fishing for scallops in Federal waters under a Federal management regime.

The Secretary will consider the public comments received during the comment period in determining whether to approve the proposed FMP. The proposed regulations are scheduled to be published within 15 days of this document.

Dated: April 24, 1995.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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