

[Federal Register: October 17, 1994]

-----  
DEPARTMENT OF COMMERCE 50 CFR Part 675 [Docket No. 941089-4289; I.D. 092694A]  
RIN 0648-AF02

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Proposed rule; request for comments.  
-----

SUMMARY: This proposed rule would implement Amendment 21a to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands management area (BSAI), and would prohibit the use of trawl gear in specified areas surrounding the Pribilof Islands. This action is necessary to protect areas of biological importance to certain crab stocks and to reduce interference with seabird and marine mammal populations. It is intended to promote the objectives of the FMP.

DATES: Comments must be submitted by November 28, 1994.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendment 21a and the environmental assessment/regulatory impact review (EA/RIR) prepared for the amendment are available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, telephone: 907-271-2809. FOR FURTHER INFORMATION CONTACT: Ellen R. Varosi, 907-586-7228.

SUPPLEMENTARY INFORMATION: Fishing for groundfish by U.S. vessels in the exclusive economic zone (EEZ) of the BSAI is managed by NMFS according to the FMP for the Groundfish Fishery of the BSAI. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) (Magnuson Act), and is implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 675 and 676. General regulations that pertain to U.S. fisheries are codified at 50 CFR part 620.

This action proposes regulations to implement Amendment 21a to the FMP. If approved, this amendment would prohibit the use of trawl gear in specified areas of the EEZ surrounding the Pribilof Islands. A description of, and reasons for, the proposed measures are presented below.

Fishing for groundfish using trawl gear is authorized in the waters off St. Paul, St. George, Walrus, and Otter Islands (Pribilof Islands area) under regulations at 50 CFR part 675. In addition to providing habitat for commercially important groundfish, the Pribilof Islands area provides the necessary habitat for blue king crab, juvenile groundfish, Korean hair crab, marine mammals, seabirds, and their prey species. The rocky benthic habitat immediately surrounding the Pribilof Islands area provides essential food resources and protection for juvenile crab and fish species, which are prey species for marine mammals and seabirds.

NMFS trawl surveys indicate that during 1975, the historic estimated abundance of blue king crab in the Pribilof Islands area decreased significantly. During 1980-1992, the abundance decreased from 106 million animals to 10 million animals, according to the estimates obtained from NMFS trawl surveys. Unlike other crab species, blue king crab populations do not extend uniformly across the Bering Sea shelf, but are found in isolated populations located in waters surrounding the Pribilof, St. Matthew, and St. Lawrence Islands. As a result of the decrease in crab abundance, commercial

crab fisheries in the Pribilof Islands area have not been authorized since 1987. Continued trawling under the current FMP for groundfish in the Pribilof Islands area could jeopardize the recovery of depressed blue king crab stocks and the productivity of marine resources living in this habitat.

The Pribilof Islands area contributes an essential food resource of prey species that allows for optimal foraging and breeding opportunities for marine resources dependent on the habitat in this area. Fish, crab, seabird, and marine mammal populations are dependent on the habitat that the Pribilof Islands area provides. Although sea lions and red-legged kittiwakes are listed as a threatened species and as a candidate for threatened species, respectively, this action would further protect these species. The northern fur seal is listed as depleted under the Marine Mammal Protection Act. During the breeding season, approximately two-thirds of the northern fur seal population, and an estimated 88 and 92 percent of red-legged kittiwakes and Alaskan thick-billed murre, respectively, breed in the Pribilof Islands area. The Pribilof Islands area also provides the rocky habitat necessary to protect fish and crab populations during their juvenile stages.

In 1989, the Central Bering Sea Fishermen's Association initiated a proposal to establish areas closed to trawling in the Pribilof Islands area. The intent of this proposal was to protect this unique habitat and ecosystem so that it could contribute long-term benefits to the fisheries surrounding the waters of the Pribilof Islands area.

At its meeting in September 1991, the Council requested that an analysis be prepared to identify those areas needing protection. The State of Alaska Department of Fish and Game prepared a draft EA/RIR for that proposal. The Pribilof Islands habitat conservation area was determined by the Council at its April 1992 meeting, based on an analysis of the distribution of crab and groundfish species.

The analysis was released for public review on October 29, 1992, and again in September 1993. During both review processes, the Council recommended that additional alternatives be studied to define the areas that would protect a majority of the species and habitat, while providing access to groundfish resources. The analysis identified areas of high blue king crab bycatch and low groundfish harvests.

The analysis indicated that the proposed Pribilof Islands habitat conservation area would not significantly impact groundfish fishermen because it would affect only 14 vessels in the entire BSAI groundfish fleet and the operators of these vessels would have the opportunity to fish in the remainder of the BSAI.

At its meeting in December 1993, the Council again reviewed the draft EA/RIR and sent the document out for public review. At its meeting in April 1994, the Council considered the testimony and recommendations of its Advisory Panel, Scientific and Statistical Committee, fishing industry representatives, and the general public on alternative habitat protection zones and how these areas would be defined, established, and managed. The Council reviewed information about the distribution and habitat of blue king crab in the NMFS annual trawl surveys, and on observer data. The proposed trawl closure encompasses a major portion of the historic blue king crab distribution during years of low abundance and during years when the population was expanding.

Amendment 21a would prohibit trawling within the EEZ in an area bounded by a straight line connecting the following pairs of coordinates in the following order:

Latitude

Longitude

57 deg.57.0' N.	168 deg.30.0' W.
56 deg.55.2' N.	168 deg.30.0' W.
56 deg.48.0' N.	169 deg.2.4' W.
56 deg.34.2' N.	169 deg.2.4' W.
56 deg.30.0' N.	169 deg.25.2' W.
56 deg.30.0' N.	169 deg.44.1' W.
56 deg.55.8' N.	170 deg.21.6' W.
57 deg.13.8' N.	171 deg.0.0' W.
57 deg.57.0' N.	171 deg.0.0' W.
57 deg.57.0' N.	168 deg.30.0' W.

The Council determined that this area protects most of the crab habitat in the Pribilof Islands area, without significant adverse impacts on trawl operations for groundfish. This action balances the protection of the marine resources dependent on this habitat with the needs of the groundfish fishery. The Council voted to recommend that Amendment 21a, which prohibit trawling in this area, be submitted to NMFS for approval.

Section 304(a)(1)(D) of the Magnuson Act requires the publication of regulations proposed by a Council within 15 days of receipt of the FMP amendments and regulations. At this time, NMFS has not determined that the FMP amendment these regulations would implement are consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. NMFS, in making a final determination about the FMP amendment and in implementing a final rule, will take into account the data, views, and comments received during the comment period.

#### Classification

The Assistant General Counsel of the Department of Commerce certified to the Chief Counsel 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 proposed action would not have a significant economic impact on the fishing industry because less than 3 percent of the Bering Sea groundfish is harvested in the Pribilof Islands area by 14 vessels in the groundfish fleet. The volume of groundfish historically caught in this area can be harvested elsewhere in the Bering Sea. As a result, a regulatory flexibility analysis was not prepared.

This proposed rule has been determined to be not significant for purposes of E.O. 12866. List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: October 11, 1994. Gary Matlock, Program Management Officer, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 675 is proposed to be amended as follows:

#### PART 675--GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

1. The authority citation for part 675 continues to read as follows:  
Authority: 16 U.S.C. 1801 et seq.

2. In Sec. 675.22, paragraph (i) is added to read as follows:

Sec. 675.22 Time and area closures.

\* \* \* \* \*

(i) Time and area closure. Trawling is prohibited at all times within the EEZ in the area bounded by a straight line connecting the following pairs of coordinates in the following order:

Latitude	Longitude
57 deg.57.0' N.	168 deg.30.0' W.
56 deg.55.2' N.	168 deg.30.0' W.
56 deg.48.0' N.	169 deg.2.4' W.
56 deg.34.2' N.	169 deg.2.4' W.
56 deg.30.0' N.	169 deg.25.2' W.
56 deg.30.0' N.	169 deg.44.1' W.
56 deg.55.8' N.	170 deg.21.6' W.
57 deg.13.8' N.	171 deg.0.0' W.
57 deg.57.0' N.	171 deg.0.0' W.

[FR Doc. 94-25616 Filed 10-12-94; 3:34 pm] BILLING CODE 3510-22-W