

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet. (NGVD) | |
|-------|------------------|--------------------------------------|---|---|----------|
| | | | | Existing | Modified |
| | | Kettle River Reach 2 (Near Orient). | Approximately 10.5 miles upstream of confluence with the Columbia River. | None | *1,310 |
| | | | Approximately 10.86 miles upstream of confluence with the Columbia River. | None | *1,312 |
| | | Kettle River Reach 3 (Near Laurier). | Approximately 18.62 miles upstream of confluence with the Columbia River. | None | *1,389 |
| | | | Approximately 19.17 miles upstream of confluence with the Columbia River. | None | *1,392 |
| | | | Approximately 27.24 miles upstream of confluence with the Columbia River. | None | *1,435 |
| | | | Approximately 27.8 miles upstream of confluence with the Columbia River. | None | *1,440 |
| | | | Approximately 28.26 miles upstream of confluence with the Columbia River. | None | *1,443 |

Maps are available for inspection at the Stevens County Planning Department, 260 South Oak Street, Colville, Washington. Send comments to The Honorable Alan L. Mack, Chairperson, Stevens County Commissioners, County Courthouse, 215 South Oak Street, Colville, Washington 99114.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")
 Dated: November 29, 1995.
 Richard T. Moore,
Associate Director for Mitigation.
 [FR Doc. 95-29706 Filed 12-5-95; 8:45 am]
BILLING CODE 6718-04-P

Radio, P.O. Box 572, Ripley, Mississippi 38663 (petitioner).
FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-173, adopted November 8, 1995, and released November 30, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Federal Communications Commission.
 John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.
 [FR Doc. 95-29656 Filed 12-5-95; 8:45 am]
BILLING CODE 6712-01-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-173; RM-8725]

Radio Broadcasting Services; Calhoun City, MS

AGENCY: Federal Communications Commission.
ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by WKZU Radio, licensee of Station WKZU(FM), Channel 272A, Ripley, Mississippi, proposing the deletion of vacant Channel 272A at Calhoun City, Mississippi. Any party wishing to express an interest in Channel 272A at Calhoun City, Mississippi, should file their expression of interest by the initial comment deadline specified herein.

DATES: Comments must be filed on or before January 22, 1996, and reply comments on or before February 6, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Harry Holliday, WKZU

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 675, 676, and 677

[Docket No. 95112820-5280-01; I.D. 111495A]

Groundfish Fishery of the Bering Sea and Aleutian Islands; Limited Access; Foreign Fishing; Proposed 1996 Initial Harvest Specifications

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

ACTION: Proposed 1996 initial specifications for groundfish and associated management measures; request for comments.

SUMMARY: NMFS proposes 1996 initial harvest specifications, prohibited species bycatch allowances, and associated measures for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to inform the public about proposed 1996 harvest specifications and associated management measures. The intended effect is to conserve and manage the groundfish resources in the BSAI and to

provide an opportunity for public participation in this process.

DATES: Comments must be submitted by January 4, 1996.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

The preliminary 1996 Stock Assessment and Fishery Evaluation (SAFE) report, dated September 1995, is available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99510-2252, 907-271-2817.

FOR FURTHER INFORMATION CONTACT: Ellen R. Varosi, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Groundfish fisheries in the BSAI are governed by Federal Regulations (50 CFR 675) that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). Other applicable regulations are found at 50 CFR 611.93 (Foreign Fishing) and 50 CFR part 676 (Limited Access Management of Federal Fisheries In and Off of Alaska) and 50 CFR part 677 (North Pacific Fisheries Research Plan). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify for each calendar year the total allowable catch (TAC) for each target species and the "other species" category, the sum of which must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 675.20(a)(2)). Regulations under § 675.20(a)(7)(i) further require NMFS to publish annually and solicit public comment on proposed annual TAC amounts, apportionments of each TAC, prohibited species catch (PSC) allowances, seasonal allowances of the pollock TAC, and seasonal allowances of the pollock Community Development Quota (CDQ) reserve. The specifications set forth in Tables 1-7 of this action satisfy these requirements. For 1996, the proposed sum of TAC amounts is 2.0 million mt. Under § 675.20(a)(7)(ii), NMFS will publish the final annual specifications for 1996 after considering: (1) Comments received within the comment period (see **DATES**), and (2) consultations with the Council at its December 1995 meeting.

The specified TAC amounts for each species are based on the best available biological and socioeconomic

information. At its September and December meetings, the Council, its Advisory Panel, and its Scientific and Statistical Committee (SSC), annually review biological information about the condition of groundfish stocks in the BSAI. This information is compiled by the Council's BSAI Groundfish Plan Team (Plan Team) and is presented in the SAFE Report. The Plan Team annually produces such a report as the first step in the process of specifying TAC amounts. The SAFE Report contains a review of the latest scientific analyses and estimates of each species' biomass, maximum sustainable yield (MSY), acceptable biological catch (ABC) and other biological parameters, as well as summaries of the ecosystem and the economic condition of groundfish fisheries off Alaska. A preliminary 1996 SAFE Report, dated September 1995, provides an update on status of stocks. These preliminary assessments will be updated based on biological survey work done during the summer of 1995. Assessments will be made available by the Plan Team in November 1995 and included in the final edition of the 1996 SAFE Report. Final ABC amounts for the 1996 fishing year will be based on the most recent stock assessments. The proposed ABC amounts adopted by the Council for the 1996 fishing year are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass.

Regulations at § 675.20(a)(7)(i) require that one-fourth of each proposed initial TAC (ITAC) amount and apportionment thereof, one-fourth of each PSC allowance established under § 675.21(b), and the first seasonal allowances of pollock become effective 0001 hours, A.l.t., January 1, on an interim basis and remain in effect until superseded by the final harvest specifications, which will be published in the Federal Register.

NMFS is publishing, in the Rules and Regulations section of this Federal Register issue, interim TAC specifications and apportionments thereof for the 1996 fishing year that will become available 0001 hours, Alaska local time, January 1, 1996, and remain in effect until superseded by the final 1996 harvest specifications.

Procedure for Estimating ABC

The Council bases its calculation of ABC on the definition contained in 50 CFR part 602—Guidelines For Fishery Management Plans (602 Guidelines). The 602 Guidelines (§ 602.11(e)(1)) state that:

ABC is a preliminary description of the acceptable harvest (or range of harvests) for a given stock or stock complex. Its derivation focuses on the status and dynamics of the stock, environmental conditions, other ecological factors, and prevailing technological characteristics of the fishery.

The 602 Guidelines also provide the Council with the flexibility needed to define overfishing appropriate to the individual stock or species characteristics, as long as it is defined in a way that allows the Council and NMFS to evaluate the condition of the stock relative to the definition (§ 602.11(c)). Application of the overfishing definition requires some flexibility because the amount of data for different stocks varies. The calculations used to derive preliminary overfishing levels for a given stock or stock complex are described in the preliminary 1996 SAFE Report.

Calculation of ABC varies among species, depending on the quality of available data and prior knowledge of a species' stock status. The Plan Team has adopted three steps for estimating ABC amounts. First, the exploitable biomass of a stock is estimated. Second, the ABC for a stock is calculated by multiplying an exploitation rate times the estimated exploitable biomass. Various exploitation rates or fishing mortality rates (F) may be used in this calculation, depending on the data available and the degree of risk the Plan Team is willing to accept. For example, the exploitation rate that would produce MSY (F_{MSY}) may be used when the stock is known to be in good condition, high in abundance, and not in danger of drastic decline. When more conservative stock management is desirable, a $F_{0.1}$ harvest strategy is used to determine an exploitation rate. This strategy determines a level of F at which the marginal increase in yield-per-recruit due to an increase in F is 10 percent of the marginal yield-per-recruit in a newly exploited fishery. Recruitment refers to the growth of juvenile fish into the adult or exploitable population. Generally, $F_{0.1}$ is a more conservative exploitation rate than F_{MSY} . Another alternative is to use historical exploitation rates when historical fishery data indicate that a stock is not affected adversely by such rates. A switch in harvest strategy from $F_{.35}$ to F =natural mortality rate (M) can be used when current maturity parameter estimates are unreliable. Finally, an empirical estimation of ABC based on historical catch levels may be used when information is insufficient to estimate the biomass of a stock. Details of overfishing, ABC, and other calculation procedures are discussed in

the preliminary 1996 SAFE Report. This report is available from the Council (see ADDRESSES).

The Plan Team's recommendations for preliminary ABC amounts for each species for 1996 and other biological data are provided in the preliminary 1996 SAFE Report. At its September 1995 meeting, the Council's SSC reviewed the Plan Team's preliminary recommendations for 1996 ABC amounts. The SSC concurred with the Plan Team's recommendations except for Aleutian Basin (Bogoslof) pollock and Greenland turbot. The SSC's revisions to the ABC amounts for these two species are discussed below.

Bogoslof Pollock. The Plan Team indicated in the preliminary 1996 SAFE Report that the current estimate of

biomass of Aleutian Basin pollock (1,020,000 mt) is conservative. This biomass estimate is based on the preliminary results from the 1995 hydroacoustic survey of the southeastern Aleutian Basin near Bogoslof Island, which indicated that the 1995 biomass is sustained almost entirely by 1988 and 1989 year classes. The Plan Team estimated an ABC for Bogoslof pollock of 265,000 mt using the biomass estimate and a target exploitation rate of 26 percent. However, the SSC used a more conservative exploitation strategy, based on a natural mortality rate of $M=0.2$ divided by 2 to derive an ABC of 102,000 mt.

Greenland Turbot. The Plan Team used the stock synthesis model to

estimate the ABC, which was updated with 1995 catch and survey data. The Plan Team maintained the 1996 ABC at the level recommended by the Plan Team last year (18,500 mt). However, the SSC recommended a continuation of the present 7,000 mt ABC for this species in recognition of continued poor recruitment and stock abundance levels since the early 1980's. The SSC's recommendation will be reevaluated in December, after an updated assessment analysis containing results from the bottom trawl survey for the 1996 estimate becomes available.

The Council adopted the ABC amounts recommended by the SSC (Table 1).

TABLE 1.—Proposed 1996 Acceptable Biological Catch (ABC), Proposed Total Allowable Catch (TAC), Initial TAC (ITAC), and Overfishing Levels (OFL) of Groundfish in the Bering Sea and Aleutian Islands Area (AI)^{1 2}

| Species | ABC | TAC | ITAC=DAP/3/ | OFL |
|---|-----------|-----------|-------------|-----------|
| Pollock: | | | | |
| BS | 1,250,000 | 1,250,000 | 1,062,500 | 1,500,000 |
| AI | 56,600 | 56,600 | 48,110 | 60,400 |
| Bogoslof District | 102,000 | 1,000 | 850 | 102,000 |
| Pacific cod | 328,000 | 250,000 | 212,500 | 390,000 |
| Sablefish: ⁴ | | | | |
| BS | 1,600 | 1,600 | 680 | ..... |
| AI | 2,200 | 2,200 | 468 | ..... |
| Total | 3,800 | 3,800 | 1,148 | 4,900 |
| Atka mackerel: | | | | |
| Western AI | 71,600 | 41,520 | 35,292 | ..... |
| Central AI | 19,300 | 11,200 | 9,520 | ..... |
| Eastern AI/BS | 47,100 | 27,280 | 23,188 | ..... |
| Total | 138,000 | 80,000 | 68,000 | 164,000 |
| Yellowfin sole | 277,000 | 190,000 | 161,500 | 319,000 |
| Rock sole | 347,000 | 60,000 | 51,000 | 388,000 |
| Greenland turbot: | | | | |
| BS | 4,690 | 4,690 | 3,987 | ..... |
| AI | 2,310 | 2,310 | 1,963 | ..... |
| Total | 7,000 | 7,000 | 5,950 | 27,200 |
| Arrowtooth flounder | 113,000 | 10,227 | 8,693 | 138,000 |
| Flathead sole | 138,000 | 30,000 | 25,500 | 167,000 |
| Other flatfish ⁵ | 117,000 | 19,540 | 16,609 | 137,000 |
| Pacific ocean perch: | | | | |
| BS | 1,850 | 1,850 | 1,573 | 2,910 |
| AI | 10,500 | 10,500 | 8,925 | 15,900 |
| Other red rockfish: ⁶ BS | 1,400 | 1,260 | 1,070 | 1,400 |
| Sharpchin/Northern AI | 5,670 | 5,103 | 4,338 | 5,670 |
| Shortraker/Rougheye AI | 1,220 | 1,098 | 933 | 1,220 |
| Other rockfish: ⁷ | | | | |
| BS | 365 | 329 | 280 | 365 |
| AI | 770 | 693 | 589 | 770 |
| Squid | 3,110 | 1,000 | 850 | 3,110 |
| Other Species ⁸ | 27,600 | 20,000 | 17,000 | 136,000 |
| Totals | 2,929,885 | 2,000,000 | 1,697,918 | 3,564,845 |

¹ Amounts are in metric tons. These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) area unless otherwise specified. With the exception of pollock, and for the purpose of these specifications, the BS includes the Bogoslof District.

² Zero amounts of groundfish are specified for Joint Venture Processing and Total Allowable Level of Foreign Fishing.

³ Except for the portion of the sablefish TAC allocated to hook-and-line and pot gear, 0.15 of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.

⁴Twenty percent of the sablefish hook-and-line gear or pot gear final TAC amount will be reserved for use by Community Development Quota (CDQ) participants. (See § 676.24(b)) Regulations at § 675.20(c) do not provide for the establishment of an ITAC for the hook-and-line and pot gear allocation for sablefish. The ITAC for sablefish reflected in Table 1 is for trawl gear only.

⁵"Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, and yellowfin sole.

⁶"Other red rockfish" includes shortraker, roughey, sharpchin, and northern.

⁷"Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker, and roughey.

⁸"Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

Proposed TAC Specifications

The Council recommended adopting the Advisory Panel's recommendation for the 1996 BSAI TAC amounts, which equalled the 1995 TAC amounts and apportionments with one exception. The apportionment of the Atka mackerel TAC among the Aleutian Island districts and the Bering Sea was proposed to be revised as follows: Western Aleutians—41,520 mt (51.9 percent); Central Aleutians—11,200 (14.0 percent); and Eastern Aleutians and Bering Sea—27,280 mt (34.1 percent).

The 1,000 mt TAC proposed for pollock of the Bogoslof subarea was intended by the Council only to provide sufficient amounts of pollock to meet bycatch needs in other fisheries. The Council will consider updated information on the status of this resource at its December 1995 meeting to decide whether to allow a directed fishery under the final 1996 specifications.

The Council developed its TAC recommendations based on the preliminary ABC amounts as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 1.4–2.0 million mt. Each of the Council's recommended TAC amounts for 1996 is equal to or less than the final 1996 ABC for each species category. Therefore, NMFS finds that the recommended proposed TAC amounts are consistent with the biological condition of groundfish stocks. The preliminary ABC and TAC amounts, initial TAC (ITAC) amounts, overfishing levels, and initial apportionments of groundfish in the BSAI area for 1996 are given in Table 1 of this action. The apportionment of TAC amounts among fisheries and seasons is discussed below.

Apportionment of TAC

As required by § 675.20(a)(3) and § 675.20(a)(7)(i), each species' TAC initially is reduced by 15 percent, except the hook-and-line and pot gear allocation for sablefish. The sum of these 15-percent amounts is the reserve. The reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category

during the year, providing that such reapportionments are consistent with § 675.20(a)(2)(i) and do not result in overfishing.

The ITAC for each target species and the "other species" category at the beginning of the year is apportioned between the domestic annual harvest (DAH) category and the total allowable level of foreign fishing (TALFF), if any. Each DAH amount is further apportioned between two categories of U.S. fishing vessels. The domestic annual processing (DAP) category includes U.S. vessels that process their catch on board or deliver it to U.S. fish processors. The joint venture processing (JVP) category includes U.S. fishing vessels working in joint ventures with foreign processing vessels authorized to receive catches in the exclusive economic zone.

In consultation with the Council, the initial amounts of DAP and JVP are determined by the Director, Alaska Region, NMFS (Regional Director). Consistent with the final 1991–95 initial specifications, the Council recommended that 1996 DAP specifications be set equal to ITAC and that no groundfish be allocated to JVP and TALFF. In making this recommendation, the Council considered the capacity of DAP harvesting and processing operations and anticipated that 1996 DAP operations would harvest the full TAC specified for each BSAI groundfish species category. The proposed ABC amounts, proposed TAC and ITAC amounts, overfishing levels, and initial apportionments of groundfish in the BSAI area for 1996 are given in Table 1.

These proposed specifications are subject to change as a result of public comment, analysis of the current biological condition of the groundfish stocks, new information regarding the fishery, and consultation with the Council at its meeting scheduled for December 4–11, 1995.

Seasonal Allowances of Pollock TAC

Under § 675.20(a)(2)(ii), the TAC of pollock for each subarea or district of the BSAI area is divided, after subtraction of reserves (§ 675.20(a)(3)), into two seasonal allowances. The first allowance will be available for directed fishing from January 1 to April 15 (roe

season) and the second allowance will be available from August 15 through the end of the fishing year (non-roe season). In 1995, the opening of the pollock roe season was delayed for the offshore component fishery to January 26th (§ 675.23(e)(2)). On September 18, 1995, a notice of proposed rulemaking was published in the Federal Register (60 FR 48087) that, if approved by NMFS, would continue to authorize a delay of the offshore component roe fishery.

The Council recommended that the seasonal allowances for the Bering Sea pollock roe and non-roe seasons be specified at 45 percent and 55 percent of the ITAC amounts, respectively (Table 2). These seasonal apportionments are unchanged from 1995. As in past years, the pollock TAC amounts specified for the Aleutian Islands subarea and the Bogoslof District are not seasonally apportioned.

When specifying seasonal allowances of the pollock TAC, the Council and NMFS consider the following nine factors as specified in section 14.4.10 of the FMP:

1. Estimated monthly pollock catch and effort in prior years;
2. Expected changes in harvesting and processing capacity and associated pollock catch;
3. Current estimates of, and expected changes in, pollock biomass and stock conditions; conditions of marine mammal stocks; and biomass and stock conditions of species taken as bycatch in directed pollock fisheries;
4. Potential impacts of expected seasonal fishing for pollock on pollock stocks, marine mammals, and stocks and species taken as bycatch in directed pollock fisheries;
5. The need to obtain fishery-related data during all or part of the fishing year;
6. Effects on operating costs and gross revenues;
7. The need to spread fishing effort over the year, minimize gear conflicts, and allow participation by various elements of the groundfish fleet and other fisheries;
8. Potential allocative effects among users and indirect effects on coastal communities; and
9. Other biological and socioeconomic information that affects the consistency

of seasonal pollock harvests with the goals and objectives of the FMP.

The publication of the final 1995 initial groundfish and PSC specifications (60 FR 8479; February 14, 1995) 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 1995.

Apportionment of the Pollock TAC to the Inshore and Offshore Components

Regulations at § 675.20(a)(2)(iii) require that the proposed pollock ITAC

amounts specified for the BSAI be allocated between the inshore and offshore processing components. These regulations are scheduled to expire at the end of 1995 although the Council has adopted Amendment 38 to the FMP and NMFS approved that amendment. Amendment 38 would continue apportionment of the pollock ITAC amounts between the inshore and offshore components. NMFS published a notice of proposed rulemaking in the Federal Register (60 FR 48087; September 18, 1995) that would extend

these regulations and a final rule will be issued shortly. Consequently, in these proposed specifications, the pollock ITAC is apportioned between the inshore and offshore sectors as specified in the proposed rule. For the purpose of this action, the inshore and offshore components would be apportioned 35 percent and 65 percent, respectively, of the pollock ITAC specified for each subarea or district (Table 2).

TABLE 2.—SEASONAL ALLOWANCES OF THE INSHORE AND OFFSHORE COMPONENT ALLOCATIONS OF POLLOCK TAC AMOUNTS^{1 2}

| Subarea | TAC | ITAC ³ | Roe season | Non-roe season |
|----------------------------------|-----------|-------------------|------------|------------------|
| Bering Sea:^{4 5} | | | | |
| Inshore | | 371,875 | 167,344 | 204,531 |
| Offshore | | 690,625 | 310,781 | 379,844 |
| | 1,250,000 | 1,062,500 | 478,125 | 584,375 |
| Aleutian Islands: | | | | |
| Inshore | | 16,838 | 16,838 | (⁶) |
| Offshore | | 31,272 | 31,272 | (⁶) |
| | 56,600 | 48,110 | 48,110 | (⁶) |
| Bogoslof: | | | | |
| Inshore | | 298 | 298 | (⁶) |
| Offshore | | 552 | 552 | (⁶) |
| | 1,000 | 850 | 850 | (⁶) |

¹ TAC = total allowable catch.

² Based on an offshore component allocation of 0.65(TAC) and an inshore component allocation of 0.35(TAC).

³ ITAC = initial TAC = 0.85 of TAC.

⁴ January 1 through April 15—based on a 45/55 split (roe = 45 percent).

⁵ August 15 through December 31—based on a 45/55 split (non-ro-e = 55 percent).

⁶ Remainder.

Pollock CDQ Allocations

Regulations at § 675.20(a)(3)(ii) require that one-half of the pollock TAC placed in the reserve for each subarea or district, or 7.5 percent of each TAC, be assigned to a Community Development Quota (CDQ) reserve for each subarea or

district. These regulations expire on December 31, 1995, although the Council has adopted Amendment 38 to the FMP and NMFS has approved that amendment. Amendment 38 would extend the CDQ Program for 3 additional years. A notice of proposed rulemaking was published in the

Federal Register on September 18, 1995 (60 FR 48087) and a final rule is expected to be issued shortly. If the pollock TAC amount remains as specified in Table 1, the 1996 CDQ reserve amounts for each subarea would be as follows:

| BSAI Subarea | Pollock CDQ | Roe season | Non-roe season |
|------------------------|-----------------|-----------------|----------------|
| Bering Sea | 93,750 mt | 42,188 mt | 51,562 mt. |
| Aleutian Islands | 4,245 mt | 4,245 mt | Remainder. |
| Bogoslof | 75 mt | 75 mt | Remainder. |

Under the proposed regulations that would govern the CDQ program, NMFS may allocate the 1996 pollock CDQ reserves to eligible Western Alaska communities or groups of communities that have an approved Community Development Plan (CDP). The State of Alaska received six CDP applications pursuant to § 675.27 and State of Alaska regulations at 6 AAC 93. All six

applications were submitted in conformance with both sets of regulations and have been fully reviewed by the State and the Council. The NMFS-approved allocations of the 1996 CDQ reserve to the successful CDP recipients are expected to be published in the Federal Register prior to the 1996 fishing year.

Apportionment of Pollock TAC to the Nonpelagic Trawl Gear Fishery

Regulations at § 675.24(c)(2) authorize NMFS, in consultation with the Council, to limit the amount of pollock TAC that may be taken in the directed fishery for pollock using nonpelagic trawl gear. This authority is intended to reduce the amount of halibut and crab

bycatch that occurs in nonpelagic trawl operations.

The Council did not propose to limit the amount of pollock TAC that may be taken in the 1996 directed fishery for pollock by vessels using nonpelagic trawl gear. However, the Council will consider limiting the pollock TAC amounts that may be harvested by vessels using nonpelagic trawl gear at its December 1995 meeting, pending information on prohibited species bycatch amounts in the 1995 pelagic and nonpelagic trawl gear fisheries and an assessment of the effectiveness of regulations at § 675.7(n) to reduce halibut and crab bycatch in the pelagic trawl fishery.

Proposed Allocation of the Pacific Cod TAC

Under § 675.20(a)(2)(iv), 2 percent of the Pacific cod ITAC is allocated to vessels using jig gear, 44 percent to vessels using hook-and-line gear or pot gear, and 54 percent to vessels using trawl gear. At its September 1995 meeting, the Council proposed to roll over the 1995 seasonal apportionments of the portion of the Pacific cod TAC allocated to the hook-and-line and pot gear fisheries. The seasonal apportionments are intended to provide for the harvest of Pacific cod when flesh quality and market conditions are optimum and Pacific halibut bycatch

rates are low. The Council's recommendations for seasonal apportionments are set out in Table 3 and are unchanged from the percentages of seasonal apportionments specified for 1995 (60 FR 8479; February 14, 1995). These seasonal apportionments were based on: (1) Seasonal distribution of Pacific cod relative to prohibited species distributions, (2) expected variations in prohibited species bycatch rates experienced in the Pacific cod fisheries throughout the year, and (3) economic effects of any seasonal apportionment of Pacific cod on the hook-and-line and pot gear fisheries.

TABLE 3.—1996 GEAR SHARES OF THE BSAI PACIFIC COD INITIAL TAC

| Gear | Percent of TAC | Share of ITAC (mt) | Seasonal Apportionment | | |
|---------------------|----------------|--------------------|------------------------|---------|-------------|
| | | | Date | Percent | Amount (mt) |
| Jig | 2 | 4,250 | Jan. 1–Dec. 31 | 100 | 4,250 |
| Hook-and-line | 44 | 93,500 | Jan. 1–Apr. 30 | 73 | 168,000 |
| Pot gear ..... | ..... | ..... | May 1–Aug. 31 | 19 | 18,000 |
| ..... | ..... | ..... | Sep. 1–Dec. 31 | 8 | 7,500 |
| Trawl gear | 54 | 114,750 | Jan. 1–Dec. 31 | 100 | 114,750 |
| Total | 100 | 212,500 | | | |

¹ Any portion of the first seasonal apportionment that is not harvested by the end of the first season will become available on September 1, the beginning of the third season.

Sablefish Gear Allocation and Sablefish CDQ Allocations

Regulations under § 675.24(c)(1) require that sablefish TAC amounts for BSAI subareas be divided between trawl and hook-and-line/pot gear types. Gear

allocations of TAC amounts are specified in the following proportions: Bering Sea subarea: Trawl gear—50 percent; hook-and-line/pot gear—50 percent; and Aleutian Islands subarea: Trawl gear—25 percent; hook-and-line/pot gear—75 percent. In addition,

regulations under § 676.24(b) require NMFS to withhold 20 percent of the hook-and-line and pot gear sablefish allocation as a sablefish CDQ reserve. Gear allocations of sablefish TAC amounts and CDQ reserve are specified in Table 4.

TABLE 4.—1996 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TAC

| Subarea | Gear | Percent of TAC (mt) | Share of TAC (mt) | Initial TAC (mt) ¹ | CDQ Share |
|-------------------------------|-------------------------------------|---------------------|-------------------|-------------------------------|-----------|
| Bering Sea ² | Trawl | 50 | 800 | 680 | N/A |
| | Hook-and-line/pot gear ³ | 50 | 800 | N/A | 160 |
| Total | | | | 680 | ..... |
| Aleutian Islands | Trawl | 25 | 550 | 468 | N/A |
| | Hook-and-line/pot gear ³ | 75 | 1,650 | N/A | 330 |
| Total | | | | 468 | 490 |

¹ Except for the sablefish hook-and-line and pot gear allocation, 0.15 of TAC is apportioned to reserve. The ITAC is the remainder of the TAC after the subtraction of these reserves.

² Includes Bogoslof District.

³ For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 0.20 of the allocated TAC is reserved for use by CDQ participants. Regulations at § 675.20(a)(3) do not provide for the establishment of an ITAC for sablefish hook-and-line or pot gear.

Allocation of PSC Limits for Crab, Halibut, and Herring

PSC limits of red king crab and *C. bairdi* Tanner crab in Bycatch Limitation Zones (50 CFR 675.2) of the BS subarea, and for Pacific halibut throughout the BSAI area are specified under § 675.21(a). At this time, the 1996 PSC limits are:

1. Zone 1 trawl fisheries, 200,000 red king crabs;
2. Zone 1 trawl fisheries, 1 million *C. bairdi* Tanner crabs;
3. Zone 2 trawl fisheries, 3 million *C. bairdi* Tanner crabs;
4. BSAI trawl fisheries, 3,775 mt mortality of Pacific halibut;
5. BSAI nontrawl fisheries, 900 mt mortality of Pacific halibut; and
6. BSAI trawl fisheries, 1,861 mt Pacific herring.

The PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. At this time, the best estimate of 1996 herring biomass is 186,000 mt. This amount was derived using 1994 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game (ADF&G). Therefore, the proposed herring PSC limit for 1996 is 1,861 mt. This value is subject to change, pending an updated forecast analysis of 1995 herring survey data that will be presented to the Council by the ADF&G during the Council's December 1995 meeting.

Regulations under § 675.21(b) authorize the apportionment of each PSC limit into PSC allowances for specified fishery categories. Regulations

at § 675.21(b)(1)(iii) specify seven fishery categories (midwater pollock, Greenland turbot/arrowtooth flounder/sablefish, rock sole/flathead sole/other flatfish, yellowfin sole, rockfish, Pacific cod, and bottom pollock/Atka mackerel/"other species"). Regulations at § 675.21(b)(2) authorize the apportionment of the nontrawl halibut PSC limit among three fishery categories (Pacific cod hook-and-line fishery, groundfish pot gear fishery, and other nontrawl fisheries). The PSC allowances for trawl and nontrawl are listed in Table 5. In general, the preliminary 1996 fishery bycatch allowances listed in Table 5 reflect the recommendations made to the Council by its Advisory Panel. These recommendations are unchanged from 1995, except for halibut in the Greenland turbot/arrowtooth flounder/sablefish category. A halibut bycatch allowance equal to zero is proposed for this fishery category in 1996. This means that directed fisheries for these species by vessels using trawl gear would be prohibited. This action is proposed for the following reasons.

First, the management of the halibut bycatch allowance specified for the Greenland turbot/arrowtooth flounder/sablefish fishery category in past years has proved very difficult. In 1995, NMFS had provided for only a 3-day fishery for Greenland turbot to maintain halibut bycatch mortality within the specified allowance of 120 mt. After the fishery had closed, NMFS determined that the halibut bycatch mortality experienced during this 3-day fishery totaled 282 mt, or 235 percent of the specified allowance.

Second, existing regulations allow Greenland turbot, sablefish, or arrowtooth to be retained as bycatch in other trawl fisheries provided that retained amounts do not exceed maximum retainable bycatch amounts as calculated under § 675.20(h). Last, the halibut bycatch mortality that had been apportioned to this fishery category in 1995 (120 mt) is proposed to be equally redistributed among the yellowfin sole, rock sole/flathead sole/other flatfish and the Pacific cod fishery categories. The intent of this action is to better optimize the amount of total groundfish catch harvested under the halibut PSC limit established for the trawl gear fisheries.

The proposed apportionments of the PSC limits among specified trawl and nontrawl fisheries were based on last year's final recommendations that incorporated 1993 and 1994 bycatch amounts, anticipated 1996 harvest of groundfish by trawl gear and fixed gear, and assumed halibut mortality rates in the different groundfish fisheries based on analyses of 1993-1994 observer data.

Regulations at § 675.21(b)(2) authorize exemption of specified nontrawl fisheries from the halibut PSC limit. As in 1995, the Council proposes to exempt pot gear and the hook-and-line sablefish fishery from the nontrawl halibut limit for 1996. The Council proposed this exemption because of the low halibut bycatch mortality experienced in the pot gear fisheries (7 mt in 1995) and because of the 1995 implementation of the sablefish and halibut IFQ program, which would allow legal-sized halibut to be retained in the sablefish fishery.

TABLE 5.—PRELIMINARY 1996 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NONTRAWL FISHERIES

| Trawl fisheries | Zone 1 | Zone 2 | BSAI-wide |
|--|-----------|-----------|-----------|
| Red king crab, number of animals: | | | |
| yellowfin sole | 50,000 | | |
| rcksol/otherflat/flathead sole | 10,000 | | |
| rockfish | 0 | | |
| turb/arrow/sab/rockfish ¹ | 0 | | |
| Pacific cod | 10,000 | | |
| plck/Atka/other ² | 30,000 | | |
| Total | 200,000 | | |
| <i>C. bairdi</i> Tanner crab, number of animals: | | | |
| yellowfin sole | 225,000 | 1,525,000 | |
| rcksol/oth.flat/flathead sole | 475,000 | 510,000 | |
| turb/arrow/sabl | 0 | 5,000 | |
| rockfish | 0 | 10,000 | |
| Pacific cod | 225,000 | 260,000 | |
| plck/Atka/other | 75,000 | 690,000 | |
| Total | 1,000,000 | 3,000,000 | |
| Pacific halibut, mortality (mt): | | | |
| yellowfin sole | | | 790 |
| rcksol/oth.flat | | | 730 |
| turb/arrow/sabl | | | 0 |

TABLE 5.—PRELIMINARY 1996 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NONTRAWL FISHERIES—Continued

| Trawl fisheries | Zone 1 | Zone 2 | BSAI-wide |
|---------------------------------------|--------|--------|-----------|
| rockfish | | | 110 |
| Pacific cod | | | 1,590 |
| plck/Atka/other | | | 555 |
| Total | | | 3,775 |
| Pacific herring, mt: | | | |
| midwater pollock | | | 1,345 |
| yellowfin sole | | | 315 |
| rcksol/oth.flat | | | 0 |
| turb/arrow/sabl | | | 0 |
| rockfish | | | 8 |
| Pacific cod | | | 24 |
| plck/Atka/other ³ | | | 169 |
| Total | | | 1,861 |
| Nontrawl fisheries: | | | |
| Pacific halibut, mortality (mt) | | | 725 |
| Pacific cod Hook-and-line | | | 175 |
| Other nontrawl: | | | |
| Sablefish hook-and-line gear | | | 4 |
| Groundfish pot gear | | | 4 |
| Groundfish jig gear | | | 4 |
| Total | | | 900 |

¹ Greenland turbot, arrowtooth flounder, and sablefish fishery category.
² Pollock, Atka mackerel, and "other species" fishery category.
³ Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.
⁴ Exempt.

At its September 1995 meeting, the Council recommended that the proposed halibut bycatch allowances listed in Table 5 be apportioned seasonally as shown in Table 6. The prohibited species bycatch allowances and the seasonal apportionment of those allowances will be subject to change at

the December 1995 Council meeting, pending public comments, year-to-date information on bycatch performance and updated information on anticipated fishing patterns in 1996. For purposes of monitoring the fishery halibut bycatch mortality allowances specified in Table 6, the Regional Director will use observed

halibut bycatch rates and reported and observed groundfish catch to project when a fishery's halibut bycatch mortality allowance is reached. The Regional Director monitors the fishery bycatch mortality allowances using assumed mortality rates that are based on the best information available.

TABLE 6.—PROPOSED SEASONAL APPORTIONMENTS OF THE 1996 PACIFIC HALIBUT BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NONTRAWL FISHERIES

| | Seasonal bycatch allowances (mt halibut) |
|---|--|
| Fishery Trawl Gear: | |
| Yellowfin sole: | |
| Jan. 20–Jul. 31 | 295 |
| Aug. 1–Dec. 31 | 495 |
| Total | 790 |
| Rock sole/flathead sole/"other flatfish": | |
| Jan. 20–Mar. 31 | 453 |
| Apr. 1–Jun. 30 | 190 |
| Jul. 1–Dec. 31 | 87 |
| Total | 730 |
| Turbot/arrowtooth flounder/sablefish: | |
| Total | 0 |
| Rockfish: | |
| Jan. 20–Mar. 31 | 30 |
| Apr. 1–Jun. 30 | 60 |
| Jul. 1–Dec. 31 | 20 |
| Total | 110 |

TABLE 6.—PROPOSED SEASONAL APPORTIONMENTS OF THE 1996 PACIFIC HALIBUT BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NONTRAWL FISHERIES—Continued

| | Seasonal bycatch allowances (mt halibut) |
|--|--|
| Pacific cod: | |
| Jan. 20–Jun. 30 | 1,487 |
| Jul. 1–Dec. 31 | 103 |
| Total | 1,590 |
| Pollock/Atka mackerel/"other species": | |
| Jan. 20–Apr. 15 | 455 |
| Apr. 16–Dec. 31 | 100 |
| Total | 555 |
| Total Trawl Halibut Mortality | 3,775 |
| Fishery Nontrawl Gear: | |
| Pacific cod: | |
| Jan. 1–Apr. 30 | 475 |
| May. 1–Aug. 31 | 40 |
| Sep. 1–Dec. 31 | 210 |
| Total | 725 |
| Other nontrawl | 175 |
| Sablefish hook-and-line | (1) |
| Groundfish pot | (1) |
| Groundfish jig gear | (1) |
| Total Nontrawl Halibut Mortality | 900 |

¹ Exempt.

Preliminary assumed halibut mortality rates recommended by the International Pacific Halibut Commission (IPHC) for the 1996 BSAI groundfish fisheries are listed in Table 7. These mortality rates are based on an average of mortality rates determined from NMFS observer data collected during 1993 and 1994, except for the BSAI trawl arrowtooth flounder fishery, which is based on data from 1991 and 1992, the 2 most recent years the fishery operated. The Council proposed that revised halibut discard mortality rates recommended by the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1996 groundfish fisheries.

For most fisheries, the 1993–94 averages, on which the 1996 recommendations are based, are somewhat lower than the actual rates used in 1995. After the December 1995 Council meeting, NMFS will consider all available data and public comments and will publish pre-season assumed halibut mortality rates in the Federal Register as part of the final 1996 initial specifications of groundfish TAC amounts. However, the Council noted that the sablefish hook-and-line halibut fishery bycatch mortality rate is based on the fishery before the IFQ program was initiated and that the IPHC may have new data at the December 1995

meeting that would help reassess the halibut mortality rate in this fishery.

TABLE 7.—ASSUMED PACIFIC HALIBUT MORTALITY RATES PROPOSED FOR THE BSAI FISHERIES DURING 1996

| | Assumed mortality (percent) |
|--|-----------------------------|
| Hook-and-Line Gear Fisheries: | |
| BSAI sablefish | 27 |
| BSAI rockfish | 24 |
| BSAI Greenland turbot | 18 |
| BSAI Pacific cod | 13 |
| Trawl Gear Fisheries: | |
| midwater pollock | 86 |
| Rockfish | 77 |
| bottom pollock | 77 |
| Pacific cod | 77 |
| yellowfin sole | 74 |
| rock sole/flathead sole/other flatfish | 74 |
| Atka mackerel | 61 |
| Greenland turbot | 51 |
| arrowtooth | 49 |
| Pot Gear Fisheries—Pacific cod | 7 |

Groundfish PSC Limits

Section 675.20(a)(6) authorizes NMFS to specify PSC limits for groundfish species or species groups for which the TAC will be completely harvested by domestic fisheries. These PSC limits

apply only to JVP or TALFF fisheries. At this time, no groundfish are allocated to either JVP or TALFF and specifications of groundfish PSC limits are unnecessary.

Classification

This action is authorized under 50 CFR 611.93(b), 675.20, and 676.20 and is exempt from review under E.O. 12866.

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1996 SAFE Report will be available for public review at the December 4–8, 1995, Council meeting. After the December meeting, a final EA will be prepared on the final 1996 TAC amounts recommended by the Council.

Consultation pursuant to section 7 of the Endangered Species Act has been initiated for the 1996 BSAI initial specifications.

Authority: 16 U.S.C. 1801 *et seq.*
Dated: December 1, 1996.

Gary Matlock,
Program Management Officer, National Marine Fisheries Service.

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