

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 05/19/2008

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Suzanne Hilding
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 05/19/2008

ACTION REQUESTED: Revision of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200805-0648-005
AGENCY ICR TRACKING NUMBER:
TITLE: Alaska Individual Fishing Quota Temporary Transfers
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0569

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 10/31/2010

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	3,098	3,339	3,210
New	3,203	3,559	3,764
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	105	220	554
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Medical Transfer Application	NA	Application for medical transfer of IFQ	
Medical Transfer Application Letter of Appeal			50 CFR 679
Quota share holder ownership documentation			50 CFR 679
Military transfer application	NA	Application for temporary military transfer of IFQ	
Military transfer application letter of appeal			50 CFR 679

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

<p>1. Agency/Subagency originating request</p>	<p>2. OMB control number b. <input type="checkbox"/> None a. _____ - _____</p>
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement instructions</p>	<p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____</p> <p>c. <input type="checkbox"/> Delegated</p>
	<p>5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>6. Requested expiration date</p> <p>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____</p>
<p>7. Title</p>	
<p>8. Agency form number(s) (<i>if applicable</i>)</p>	
<p>9. Keywords</p>	
<p>10. Abstract</p>	
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms</p> <p>b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government</p> <p>c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual recordkeeping and reporting burden</p> <p>a. Number of respondents _____</p> <p>b. Total annual responses _____</p> <p> 1. Percentage of these responses collected electronically _____%</p> <p>c. Total annual hours requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>	<p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <p>a. Total annualized capital/startup costs _____</p> <p>b. Total annual costs (O&M) _____</p> <p>c. Total annualized cost requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>
<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <p> 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p> 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually</p> <p> 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____</p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>18. Agency Contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: _____</p> <p>Phone: _____</p>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

SUPPORTING STATEMENT
ALASKA INDIVIDUAL FISHING QUOTA TEMPORARY TRANSFERS
OMB CONTROL NO.: 0648-0569

INTRODUCTION

The United States (U.S) groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI) in the exclusive economic zone (EEZ) off the coast of Alaska are managed by National Marine Fisheries Service (NMFS) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)), 16 U.S.C. 1801 *et seq.*, as amended. The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska were prepared by the North Pacific Fishery Management Council (Council) and are implemented by regulations at 50 CFR part 679. The domestic fishery for Pacific halibut off Alaska is managed by the International Pacific Halibut Commission as provided by the [Northern Pacific Halibut Act of 1982](#), 16 U.S.C. 773, *et seq.*

The Individual Fishing Quota (IFQ) Program provides management measures for the commercial fisheries that use fixed gear to harvest sablefish and Pacific halibut. The IFQ Program limits access to the halibut and sablefish fisheries to those persons holding quota share in specific management areas.

Under the IFQ Program, quota share (QS) represents a harvesting privilege for a person. On an annual basis, QS holders are authorized to harvest specified poundage which is issued by NMFS as IFQ. The specific amount of IFQ held by a person is determined by the number of QS units held, the total number of QS units issued in a specific regulatory area, and the total pounds of sablefish or halibut allocated for the IFQ fisheries in a particular year. Fishermen may harvest the IFQ over the entire fishing season, which in 2007 was March 10 through November 15 for halibut (72 FR 11792; March 14, 2007) and sablefish (72 FR 9676; March 5, 2007). Generally, an IFQ permit holder must be onboard a vessel at the time his or her IFQ is fished. He or she also must comply with IFQ landing report requirements at § 679.5(1)(2).

IFQ regulations also restrict the type of QS and IFQ transfers that may occur including restrictions against the transfer of most types of QS, if the QS is subject to a lease or condition of repossession or resale by the person transferring the QS. This effectively precludes temporary transfers of QS and IFQ between parties. QS is categorized by vessel size and type. IFQ derived from QS associated with catcher vessels may not be temporarily transferred or leased, with limited exception.

This action adds the option to obtain a temporary military transfer of IFQ for members of the National Guard and military reserves who are mobilized to active duty. This temporary transfer of their annual halibut and sablefish IFQ to other eligible IFQ recipients would allow guardsmen and reservists to accrue some economic benefit from their annual IFQ if unable to harvest it due to military service. In addition, the name of the collection is changed from “Medical Transfer for Pacific Halibut and Sablefish Individual Fishing Quotas to read “Alaska Individual Fishing Quota (IFQ) Temporary Transfers.” This collection will be integrated into the IFQ Program Collection, Office of Management and Budget (OMB) Control No.: 0648-0272.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The proposed rule, identified number (RIN) 0648-AV64, would implement the Council's recommendation to allow halibut and sablefish QS holders to request a temporary IFQ transfer, if the applicant meets specified requirements related to eligibility and evidence of military mobilization or activation. This proposed regulatory change would not jeopardize the Council's policy of having an owner operator IFQ fleet. This alternative may further promote stable, owner-operated businesses in the halibut and sablefish IFQ fisheries.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

a. Application for Temporary Military Transfer

This action would amend IFQ Program regulations to allow military reservists and National Guardsmen to temporarily transfer their halibut or sablefish IFQ to other eligible IFQ recipients, should they be mobilized to active duty. This proposed change is intended to allow reservists and guardsmen the potential to gain some economic benefit from their QS, should they be unavailable to fish their IFQ during a given year due to active military duty or deployment. This would decrease the likelihood that such QS holder would suffer economic hardship from being unable to catch his or her halibut or sablefish IFQ. Furthermore, this action would minimize adverse impacts that may be attributable to idled IFQ that could accrue to processors, fishery dependent communities, and other fishing support businesses.

Existing QS and IFQ transfer regulations generally do not allow temporary transfers (leasing) of IFQ. Such restrictions are intended to ensure that QS owners also fish the IFQ associated with their quota shares, rather than leasing or otherwise assigning it to other parties to fish on their behalf. Thus, mobilized reservists and guardsmen (who are not otherwise authorized to hire a master to harvest their IFQ) currently may not temporarily transfer their annual IFQ so that it may be fished by another party. The inability to temporarily transfer IFQs during a military mobilization could constitute an economic hardship to affected service members and their dependents.

The Council advised NMFS that it wished to address a long-term solution to situations where QS holders in the military reserves or National Guard are mobilized without any recourse except to leave their annual IFQ allocation unharvested or to sell their quota share. The proposed rule would implement the Council's recommendation to allow halibut and sablefish QS holders to request temporary IFQ transfers, if the applicant meets specified requirements related to eligibility and evidence of military mobilization or activation. An application and appeals process would be added to 50 CFR part 679. This proposed regulatory change would not jeopardize the Council's policy of having an owner-operator IFQ fleet.

This type of transfer would be limited to guardsmen and reservists that were deemed eligible to make such transfers, based on eligibility criteria established by NMFS. Such criteria would include evidence of valid, pending mobilization orders that would preclude the QS holder from fishing his/her IFQ during a given time period. A temporary military transfer (TMT) could be restricted in duration to a given fishing year. Qualified applicants would be required to request a TMT annually, even if the length of their deployment or mobilization exceeded one year.

The recipient of IFQ transferred via a TMT would presumably compensate the QS holder for the transferred IFQ, thus allowing QS holders to avoid some of the economic loss associated with their inability to fish their IFQ in a given year. This arrangement would benefit the mobilized QS holder and the temporary recipient of the IFQ. It could also result in a small increase in the use of the Halibut and Sablefish IFQ Program allocations compared to the status quo. The active use of IFQ that would otherwise be idled due to a guardsman or reservist's mobilization also would promote economic activity among fishing support industry sectors, and provide structural stability to the Council's "owner on board" policy by allowing guardsmen and reservists to retain their QS and resume IFQ fishing following a military deployment.

The general benefits associated with TMT include:

- ◆ Provide operational and economic flexibility to fishermen that are subject to military mobilization orders
- ◆ Provide an income stream to such fishermen that may sustain them economically and allow their future participation in the IFQ fisheries
- ◆ Provide an incremental increase in the amount of halibut and sablefish delivered to seafood processors
- ◆ Sustain demand for services and supplies from fishing industry support sectors
- ◆ Ensure a continued supply of fisheries products derived from the IFQ fishery to consumers; and
- ◆ Ensure that any associated jobs, value added production, tax revenues, and other benefits attributable to the economic activity made possible by the temporary transfer of otherwise inactive IFQ are sustained.

A temporary military transfer application may be obtained at www.alaskafisheries.noaa.gov or by calling 1-800-304-4846. Completed applications must be mailed to:

NMFS, Alaska Region
Restricted Access Management Program
P.O. Box 21668
Juneau, AK 99802-1668

At present, NMFS does not have sufficient ownership and affiliation information to determine the number of military reservists or guardsmen that hold the category of QS that may not be legally fished by a hired master under current rules. The number of these "citizen soldiers" who

hold such restricted QS and who may be mobilized to active duty status during their fishing career cannot be determined; therefore for purposes of this analysis, NMFS estimates that number to be 100 per year.

The information requested in Block A is needed to determine eligibility of the two parties for the transfer to take place. Block B is a checklist for required attachments, which include: TMT application; copy of IFQ permit or QS Certificate; and documentation of active military mobilization or deployment, needed to authenticate the military transfer. Block C information is needed to identify the person applying for the TMT and his or her eligibility. Block D information is needed to identify the person receiving the TMT transfer and his or her eligibility. Block E information is needed to identify the IFQ to be transferred.

Blocks F and G information are needed for certification of the individuals involved in the transfer. The IFQ Program was implemented to both maintain rigorous safeguards on use of fishing privileges for a public resource and to provide safeguards for program constituents. Use of notarized signatures is the best way for NMFS to ensure that only authorized persons are granted privileges so that NMFS may act in certainty with requests for program services or commercial transactions (for transfers). By employing this widely accepted means of unequivocally establishing the identity of submitters, this requirement removes ambiguity about whether constituents have specific knowledge of the terms and conditions of requested benefits

Application for Temporary Military Transfer

Block A

Indicate (YES or NO) whether Transferee holds a Transfer Eligibility Certificate (TEC)

Indicate (YES or NO) whether Transferor qualifies for a hired master exception under 50 CFR 679.42(i)(1)

If YES, Stop! You do not qualify for a TMT

Block B – Attachments

Completed, signed, and notarized application

Copy of IFQ permit or QS Certificate

Documentation of active military mobilization or deployment, including the following:

Copy of official documentation, such as mobilization or deployment orders, that direct the transferor to report to active duty status or to mobilize for a military deployment.

Concise description of the length and nature of the military deployment including verification that the applicant is unable to participate in the IFQ fishery for which he or she holds IFQ permits during the IFQ season because of his/her active duty military status.

Block C – Transferor information

Full name, NMFS person ID, and date of birth of transferor

Permanent business mailing address. Temporary mailing address may be provided, if appropriate

Business telephone number, fax number, and e-mail address (if any)

Block D -- Transferee information

Full name, NMFS person ID, and date of birth of transferee

Permanent business mailing address. Temporary mailing address may be provided, if appropriate

Business telephone number, fax number, and email address (if any)

Block E – Identification of IFQ to be transferred

Whether the transfer is for halibut or sablefish IFQ

IFQ regulatory area

Number of units

Range of serial numbers for IFQ to be transferred

Actual number of IFQ pounds

Transferor IFQ permit number

Fishing year

Block F – Certification of transferor (seller)

Signature, printed name, and date signed of transferor

Signature, seal or attest, and commission expiration date of a notary public
 If authorized agent, attach authorization.

Block G – Certification of transferee (buyer)

Signature, printed name, and date signed of transferee
 Signature, seal or attest, and commission expiration date of a notary public.
 If authorized agent, attach authorization

Temporary Military Transfer Application, Respondent	
Estimated number of respondents	100
Total annual responses	100
Number of responses per year = 1	
Total Time burden	200 hr
Time requirement per response = 2 hr	
Total personnel cost	\$5,000
Cost per hour = \$25	
Total miscellaneous cost	\$551
Postage (0.41 x 100 = 41)	
Photocopy (0.05 x 2 x 100 = 10)	
Notary (\$5 x 100 = 500)	

Temporary Military Transfer Application, Federal Government	
Total annual responses	100
Total Time burden	50 hr
Time requirement per response (30 min/60 min = 0.5)	
Total personnel cost	\$1,250
Cost per hour = \$25	
Total miscellaneous cost	0

b. Letter of Appeal

The Regional Administrator will evaluate an application for a temporary military transfer submitted in accordance with § 679.41(c)(1) through (c)(9). An applicant who fails to submit the information specified in the application for a temporary military transfer will be provided a reasonable opportunity to submit the specified information or submit a revised application.

The Regional Administrator will prepare and send an Initial Administrative Determination (IAD) to the applicant if the Regional Administrator determines that the application provided by the applicant is deficient or if the applicant fails to submit the specified information or a revised application. The IAD will indicate the deficiencies in the application, including any deficiencies with the information on the revised application. An applicant who receives an IAD may appeal under the appeals procedures set out at § 679.43. For purposes of this analysis, 5 percent of those participants filing a TMT are estimated to file a letter of appeal.

TMT Letter of Appeal, Respondent	
Estimated number of respondents	5
Total annual responses	5
Number of responses per year = 1	
Total Time burden	20 hr
Time requirement per response = 4 hr	
Total personnel cost	\$100
Cost per hour = \$25	
Total miscellaneous cost (2.55)	\$3
Postage (0.41 x 5= 2.05)	
Photocopy (0.05 x 2 x 5 = 0.50)	

TMT Letter of Appeal, Federal Government	
Total annual responses	5
Total Time burden	
Time requirement for each appeal = 4 hr	20
Total personnel cost	\$2,000
Cost per hour = \$100	
Total miscellaneous cost	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

A “fillable” application is available at the NMFS Alaska Region Home Page at www.alaskafisheries.noaa.gov, for the participant to download, print, and mail or deliver to NMFS. NMFS is pursuing an Internet method in the future whereby all of the information will be entered online and submitted directly and automatically into a database.

4. Describe efforts to identify duplication.

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This collection-of-information does not impose a significant impact on small entities. The Initial Regulatory Flexibility Analysis prepared for this action assumes that all halibut and sablefish QS holders are small entities, for Regulatory Flexibility Act purposes.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Existing QS and IFQ transfer regulations generally do not allow temporary transfers (leasing) of IFQ. Such restrictions are intended to ensure that QS owners also fish the IFQ associated with their quota shares, rather than leasing or otherwise assigning it to other parties to fish on their behalf. Thus, mobilized reservists and guardsmen (who are not otherwise authorized to hire a

master to harvest their IFQ) may not temporarily transfer their annual IFQ so that it may be fished by another party. The inability to temporarily transfer IFQs during a military mobilization could constitute an economic hardship to affected service members and their dependents.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

No special circumstances exist.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The NMFS Alaska Region will submit a proposed rule, RIN 0648-AV64, coincident with this submission, requesting comments from the public.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift will be provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*); and also under NOAA Administrative Order (AO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection does not involve information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

Estimated total unique respondents: 2,977, up from 2,877. Estimated total responses: 3,203, up from 3,098. Estimated total burden hours: 3,559, up from 3,339. Estimated total personnel costs: \$88,975, up from \$83,475. Personnel labor costs are estimated to the average wage equivalent to a GS-9 employee in Alaska, including COLA, at \$25 per hour.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

Estimated total miscellaneous costs: \$3,764, up from \$3,210.

14. Provide estimates of annualized cost to the Federal government.

Estimated total burden hours: 3,092, up from 3,022. Estimated total personnel costs: \$78,800, up from \$75,550.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The temporary military transfer and associated appeal are results of a program change that will be integrated into OMB Control No.: 0648-0272. This program change adds 100 unique respondents, 105 responses (100 requests and 5 appeals), and 220 hours, as well as \$554 in mailing, photocopying and notary costs.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The information collected will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.


In accordance with OMB requirements, the control number and the expiration date of OMB approval are shown on the TMT application. If an appeal is filed, no form exists.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions to the certification statement are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Application For TEMPORARY MILITARY TRANSFER (TMT) OF IFQ	U.S. Department of Commerce NOAA Fisheries Service, Alaska Region Restricted Access Management (RAM) Post Office Box 21668 Juneau, Alaska 99802-1668	
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NOTE: A separate application must be submitted for each IFQ Temporary Military Transfer. Temporary Military Transfers shall be valid only during the calendar year for which the associated IFQ is issued.

A temporary military transfer will be issued only for the IFQ derived from the QS held by the applicant.

BLOCK A—QUALIFYING QUESTIONS		
Does the Transferor (Military) qualify for a hired master exception under 50 CFR 679.42(i)(1)?	YES []	NO []
Does the Transferee (Not Military) hold a Transfer Eligibility Certificate (TEC)?	YES []	NO []
BLOCK B – ATTACHMENTS		
<p>USE THIS LIST TO ENSURE YOUR APPLICATION IS COMPLETE.</p> <p>INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.</p> <p>NOTE: FAXED APPLICATIONS ARE NOT ACCEPTABLE. PLEASE SUBMIT ORIGINALS.</p> <p>[] Completed, signed, and notarized application</p> <p>[] Copy of permit or QS Certificate</p> <p>[] Documentation of active military mobilization or deployment, including the following:</p> <p style="padding-left: 20px;">[] Copy of official documentation, such as mobilization or deployment orders, that direct the transferor to report to active duty status or to mobilize for a military deployment.</p> <p style="padding-left: 20px;">[] Concise description of the length and nature of the military deployment including verification that the applicant is unable to participate in the IFQ fishery for which he or she holds IFQ permits during the IFQ season because of his/her active duty military status.</p>		
BLOCK C – TRANSFEROR INFORMATION		
1. Name:	2. NMFS Person ID:	
	3. Date of Birth:	
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone No.:	7. Business Fax No.:	8. e-mail Address (if any):

BLOCK D – TRANSFEREE INFORMATION

1. Name:		2. NMFS Person ID:
		3. Date of Birth:
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone No.:	7. Business Fax No.:	8. E-mail Address (if any)

BLOCK E – IDENTIFICATION OF IFQ TO BE TRANSFERRED

1. Halibut [] or Sablefish []	2. IFQ Regulatory Area:	3. Number of Units:
4. Numbered To and From (Serial Numbers are shown on the QS Certificate):		
5. Actual Number of IFQ Pounds:	6. Transferor (Seller) IFQ Permit Number:	
7. Fishing Year: 20_____		

NOTE: This application for transfer must be completed, signed, and notarized by both parties. Failure to have signatures properly notarized will result in delays in the processing of this application.

BLOCK F – CERTIFICATION OF TRANSFEROR (SELLER)

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature of Transferor (Seller) or Authorized Agent:	2. Date:
3. Printed Name Transferor (Seller) or Authorized Agent Note: If agent, attach authorization:	
4. Notary Public Signature: ATTEST	5. Affix Notary Stamp or Seal Here:
6. Commission Expires:	

BLOCK G – CERTIFICATION OF TRANSFEREE (BUYER)

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature Transferee (Buyer) or Authorized Agent:

2. Date:

3. Printed Name Transferee (Buyer) or Authorized Agent **Note:** If agent, attach authorization:

4. Notary Public Signature:

ATTEST

5. Affix Notary Stamp or Seal Here:

5. Commission Expires:

PUBLIC REPORTING BURDEN STATEMENT

Public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

Application for
**TEMPORARY MILITARY TRANSFER (TMT)
OF IFQ**

A quota share (QS) holder may apply for a temporary military transfer by submitting a temporary military transfer application to the Alaska Region, NMFS. A QS holder who has received an approved temporary military transfer from NMFS Restricted Access Program (RAM) may transfer the individual fishing quota (IFQ) derived from his or her own QS to an individual eligible to receive IFQ.

In the event of a military mobilization affecting a QS holder that prevents him or her from being able to participate in the halibut or sablefish IFQ fisheries, the Regional Administrator may approve a temporary military transfer for the IFQ derived from the QS held by a QS holder affected by the military mobilization.

General. A temporary military transfer will be approved if the QS holder demonstrates that he or she is unable to participate in the IFQ fishery for which he or she holds QS because of a military mobilization or activation to duty status.

Eligibility. To be eligible to receive a temporary military transfer, a QS holder must:

- ◆ Be a member of a branch of the U.S. National Guard or other U.S. military reserve.
- ◆ Possess one or more catcher vessel IFQ permits.
- ◆ Not qualify for a hired master exception under § 679.42(i)(1).

Note: A Separate Application must be submitted for each Temporary Military Transfer of IFQ.

A temporary military transfer application is available at <http://www.alaskafisheries.noaa.gov>. The original application must be submitted — an application sent by facsimile will not be processed.

Please allow at least ten working days for your application to be processed. Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or corporate account number for express delivery.

If you need assistance in completing this application or need additional information, call Restricted Access Management at (800) 304-4846 (#2) or (907) 586-7202 (#2).

When completed, mail or deliver the application to

**NMFS Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668
or
709 West 9th Street, Room 713**

Note: It is important that all blocks are completed and all necessary documents are attached. Failure to answer any of the questions, provide attachments, or to have signatures notarized could result in delays in the processing of your application.

A complete application must include:

BLOCK A – QUALIFYING QUESTIONS

Any person that received QS/IFQ as an Initial Issuee or that holds a Transfer Eligibility Certificate (TEC) is eligible to receive QS/IFQ by transfer. If you answer NO, the transferee (buyer) will need to contact RAM for instructions on eligibility procedures and a TEC application form.

Persons who qualify for a hired master exception under 50 CFR §679.42(i) are ineligible to receive a temporary military transfer. If you check YES, the submitted temporary military transfer application will be denied.

BLOCK B – ATTACHMENTS

Use this list as a guide to make sure you have included all the necessary items in the mailing of your application. This will ensure timely processing of your transfer application.

BLOCKS C & D -- TRANSFEROR (SELLER) AND TRANSFEREE (BUYER)

1. Name: Full name as it appears on QS Certificate and/or TEC.
2. NMFS Person ID: As found on QS Certificate or TEC.
3. Date of Birth: Birth date of the person.
4. Permanent Business Mailing Address: Include street or P.O. Box number, city, state, and zip code.
5. Temporary Business Mailing Address: Address you want the transfer documentation sent if somewhere other than to the permanent address. Include street or P.O. Box number, city, state, and zip code.
- 6-8 Business Telephone Number, Fax Number (Include the area codes), and E-mail Address (if any).

BLOCK E – IDENTIFICATION OF IFQ TO BE TRANSFERRED

1. Indicate whether halibut or Sablefish IFQ
2. IFQ Regulatory Area
3. Number of Units
4. Numbered To and From (Serial Numbers are shown on the QS Certificate)
5. Actual Number of IFQ Pounds
6. Transferor (Seller) IFQ Permit Number
7. Indicate Fishing Year

BLOCK F -- CERTIFICATION OF TRANSFEROR

1. Sign and print your name and date the application. If completed by a representative, attach authorization..
2. A Notary Public must Attest, affix Notary Stamp, and provide date commission expires. The Notary Public cannot be the person(s) submitting this application.

BLOCK G - CERTIFICATION OF TRANSFEREE

1. Sign and print your name and date the application. If completed by a representative, attach authorization.
2. A Notary Public must Attest, affix Notary Stamp, and provide date commission expires. The Notary Public cannot be the person(s) submitting this application.

From the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 3, 2005]
[Document not affected by Public Laws enacted between
January 3, 2005 and June 19, 2006]
[CITE: 16USC773c]

TITLE 16--CONSERVATION

CHAPTER 10--NORTHERN PACIFIC HALIBUT FISHING

SUBCHAPTER IV--NORTHERN PACIFIC HALIBUT ACT OF 1982

Sec. 773c. General responsibility

(a) Secretary of Commerce

The Secretary shall have general responsibility to carry out the Convention and this subchapter.

(b) Adoption of regulations; cooperation with Canadian officials

In fulfilling this responsibility, the Secretary--

(1) shall, in consultation with the Secretary of the department in which the Coast Guard is operating, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this subchapter; and

(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the Government of Canada.

(c) Regional Fishery Management Council involvement

The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in section 1853(b)(6) of this title. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges: Provided, That the Regional Council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial halibut fishery in areas in the Bering Sea to the north of 56 degrees north latitude during a 3 year development period.

(Pub. L. 97-176, Sec. 5, May 17, 1982, 96 Stat. 79; Pub. L. 104-208, div. A, title I, Sec. 101(a) [title II, Sec. 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

Amendments

1996--Subsec. (c). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1853(b)(6) of this title.

Effective Date of 1996 Amendment

Section 101(a) [title II, Sec. 211(b)] of div. A of Pub. L. 104-208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

Transfer of Functions

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

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(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.

(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

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(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.

95-354

(7) A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

16 U.S.C. 1801
MSA § 2

101-627

(8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.

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(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.

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(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.

109-479

(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.

109-479

(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.

(b) PURPOSES.—It is therefore declared to be the purposes of the Congress in this Act—

99-659, 101-627, 102-251

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species and Continental Shelf fishery resources[, and fishery resources in the special areas]*;

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

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(3) to promote domestic commercial and recreational fishing under sound conservation and management principles, including the promotion of catch and release programs in recreational fishing;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

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(5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States;

95-354, 96-561, 104-297

(6) to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska, and to that end, to ensure that optimum yield determinations promote such development in a non-wasteful manner; and

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(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.

(c) POLICY.—It is further declared to be the policy of the Congress in this Act—

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this Act;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this Act;

101-627, 104-297

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this Act;

16 U.S.C. 1801-1802
MSA §§ 2-3

99-659, 101-627

(5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for effective conservation and management of fishery resources, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation;

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(6) to foster and maintain the diversity of fisheries in the United States; and

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(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.

SEC. 3. DEFINITIONS

16 U.S.C. 1802

As used in this Act, unless the context otherwise requires—

(1) The term "anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

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(2) The term "bycatch" means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

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(3) The term "charter fishing" means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46, United States Code) who is engaged in recreational fishing.

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(4) The term "commercial fishing" means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

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SEC. 402. INFORMATION COLLECTION

16 U.S.C. 1881a

109-479

(a) COLLECTION PROGRAMS.—

(1) COUNCIL REQUESTS.—If a Council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this paragraph regarding a Council request shall be made within a reasonable period of time after receipt of that request.

(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.

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(b) CONFIDENTIALITY OF INFORMATION.—

(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

(D) when required by court order;

(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

(B) when such information is necessary in proceedings to adjudicate observer certifications; or

(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

(ii) to validate the accuracy of the observer information collected.

(3) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (2)(A).

(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—

(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

16 U.S.C. 1881a-1881b
MSA §§ 402-403

(d) **CONTRACTING AUTHORITY.**—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

(e) **RESOURCE ASSESSMENTS.**—

(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

(2) The Secretary, in consultation with the appropriate Council and the fishing industry--

(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

(C) may permit fish harvested during such survey to count toward a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.

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SEC. 403. OBSERVERS

16 U.S.C. 1881b

(a) **GUIDELINES FOR CARRYING OBSERVERS.**—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and opportunity for public comment, for fishing vessels that carry observers. The regulations shall include guidelines for determining—

(1) when a vessel is not required to carry an observer on board because the facilities of such vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; and

(2) actions which vessel owners or operators may reasonably be required to take to render such facilities adequate and safe.

Title 50: Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Subpart A—General

§ 679.1 Purpose and scope.

Regulations in this part were developed by the Council under the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Along with part 600 of this chapter, these regulations implement the following:

(a) *Fishery Management Plan for Groundfish of the Gulf of Alaska*. (1) Regulations in this part govern commercial fishing for groundfish in the GOA by vessels of the United States (see subparts A, B, D, and E of this part).

(2) The following State of Alaska regulations are not preempted by this part for vessels regulated under this part fishing for demersal shelf rockfish in the Southeast Outside District, and which are registered under the laws of the State of Alaska: 5 AAC 28.110, fishing seasons; 5 AAC 28.130, gear; 5 AAC 28.160, harvest guidelines; 5 AAC 28.190, harvest of bait by commercial permit holders.

(b) *Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area*. Regulations in this part govern commercial fishing for groundfish in the BSAI by vessels of the United States (see subparts A, B, C, D, and E of this part).

(c) [Reserved]

(d) *IFQ Program for sablefish and halibut*. The IFQ management measures for the commercial fisheries that use fixed gear to harvest sablefish and halibut (see subparts A, B, D, and E of this part).

(1) *Sablefish*. (i) Regulations in this part govern commercial fishing for sablefish by vessels of the United States:

(A) Using fixed gear within that portion of the GOA and the BSAI over which the United States exercises exclusive fishery management authority; and

(B) Using fixed gear in waters of the State of Alaska adjacent to the BSAI and the GOA, provided that aboard such vessels are persons who currently hold quota shares, IFQ permits, or IFQ cards.

(ii) Regulations in this part do not govern commercial fishing for sablefish in Prince William Sound or under a State of Alaska limited entry program.

(2) *Halibut*. Regulations in this part govern commercial fishing for halibut by vessels of the United States using fixed gear, as that term is defined in 50 CFR 679.2, in and off of Alaska.

(e) *Western Alaska CDQ Program*. The goals and purpose of the CDQ program are to allocate CDQ to eligible Western Alaska communities to provide the means for starting or supporting commercial fisheries business activities that will result in an ongoing, regionally based, fisheries-related economy.

(f) *Groundfish Observer Program* (applicable through December 31, 2007). Regulations in this part govern elements of the Groundfish Observer Program for the BSAI groundfish and GOA groundfish fisheries under the Council's authority (see subpart E of this part).

(g) *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs*. Regulations in this part govern commercial fishing for king and Tanner crab in the Bering Sea and Aleutian Islands Area by vessels of the United States, and supersede State of Alaska regulations applicable to the commercial king and Tanner crab fisheries in the Bering Sea and Aleutians Islands Area EEZ that are determined to

be inconsistent with the FMP (see subpart A, B, and E of this part). Additional regulations governing commercial fishing for, and processing of, king and Tanner crab managed pursuant to section 313(j) of the Magnuson-Stevens Act and the Crab Rationalization Program are codified at 50 CFR part 680.

(h) *Fishery Management Plan for the Scallop Fishery off Alaska*. (1) Regulations in this part govern commercial fishing for scallops in the Federal waters off Alaska by vessels of the United States (see subpart A of this part).

(2) State of Alaska laws and regulations that are consistent with the FMP and with the regulations in this part apply to vessels of the United States that are fishing for scallops in the Federal waters off Alaska.

(i) *Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska (Salmon FMP)*.

(1) Regulations in this part govern fishing for salmon by fishing vessels of the United States in the Salmon Management Area.

(2) State of Alaska laws and regulations that are consistent with the Salmon FMP and with the regulations in this part apply to vessels of the United States that are fishing for salmon in the Salmon Management Area.

(j) *License Limitation Program (LLP)*. (1) Regulations in this part implement the LLP for the commercial groundfish fisheries in the EEZ off Alaska and the LLP for the commercial crab fisheries in the Bering Sea and Aleutians Islands Area.

(2) Regulations in this part govern the commercial fishing for groundfish under the LLP by vessels of the United States using authorized gear within the GOA and the Bering Sea and Aleutians Islands Area and the commercial fishing for crab species under the LLP by vessels of the United States using authorized gear within the Bering Sea and Aleutians Islands Area.

(k) *American Fisheries Act and AI directed pollock fishery measures*. Regulations in this part were developed by NMFS and the Council under the Magnuson-Stevens Act, the American Fisheries Act (AFA), and the Consolidated Appropriations Act of 2004 to govern commercial fishing for BSAI pollock according to the requirements of the AFA and the Consolidated Appropriations Act of 2004. This part also governs payment and collection of the loan, under the AFA, the Magnuson-Stevens Act, and Title XI of the Merchant Marine Act, 1936, made to all those persons who harvest pollock from the directed fishing allowance allocated to the inshore component under section 206(b)(1) of the AFA.

[61 FR 31230, June 19, 1996]

Editorial Note: For Federal Register citations affecting § 679.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 679.2 Definitions.

[Link to an amendment published at 71 FR 17381, Apr. 6, 2006.](#)

In addition to the definitions in the Magnuson-Stevens Act and in part 600 of this chapter, the terms used in this part have the following meanings:

Active/inactive periods (see § 679.5(a)(7)(i)).

Adequate evidence, for purposes of subpart E of this part, means information sufficient to support the reasonable belief that a particular act or omission has occurred.

ADF&G means the State of Alaska Department of Fish and Game.

ADF&G fish ticket number means a nine-digit number designated by one alphabet letter (i.e., G = groundfish), two numbers that identify the year (i.e., 98), followed by six numbers.

ADF&G processor code means State of Alaska Department of Fish & Game (ADF&G) Intent to operate processor license number (example: F12345).

AFA catcher/processor means a catcher/processor permitted to harvest BS pollock under § 679.4(l)(2).

AFA catcher vessel means a catcher vessel permitted to harvest BS pollock under § 679.4(l)(3).

Fishery Conservation and Management

§ 679.5

whose landings were used to meet the eligibility requirements for the license holder's groundfish license, if not the same person.

(1) The license holder at the time of the unavoidable circumstance held a specific intent to conduct directed fishing for BSAI Pacific cod in a manner sufficient to meet the landing requirements in the table at paragraph (k)(9)(ii) of this section but that this intent was thwarted by a circumstance that was:

- (i) Unavoidable;
- (ii) Unique to the license holder, or unique to the vessel that was used as the basis of eligibility for the license holder's groundfish license; and
- (iii) Unforeseen and reasonably unforeseeable to the license holder.

(2) The circumstance that prevented the license holder from conducting directed fishing for BSAI Pacific cod in a manner sufficient to meet the landing requirements in paragraph (k)(9)(ii) actually occurred;

(3) The license holder took all reasonable steps to overcome the circumstance that prevented the license holder from conducting directed fishing for BSAI Pacific cod in a manner sufficient to meet the landing requirements in paragraph (k)(9)(ii) of this section; and

(4) Any amount of Pacific cod was harvested in the BSAI aboard the vessel that was used as the basis of eligibility for the license holder's groundfish license after the vessel was prevented from participating by the unavoidable circumstance but before April 16, 2000.

[61 FR 31230, June 19, 1996]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 679.4, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 67 FR 18138, Apr. 15, 2002, § 679.4, paragraph (k)(9) was added effective May 15, 2002, except for paragraph (k)(9)(i) which is effective Jan. 1, 2003.

§ 679.5 Recordkeeping and reporting.

(a) *General requirements*—(1) *Applicability*—(i) *Who must comply with recordkeeping and reporting requirements?* Except as provided in paragraphs (a)(1)(iii) and (iv) of this section, the

owner, operator, or manager of the following participants must comply with the recordkeeping and reporting requirements of this section:

(A) Any catcher vessel, mothership, catcher/processor, or tender vessel, 5 net tons or larger, that is required to have a Federal fisheries permit under § 679.4.

(B) Any shoreside processor, stationary floating processor, mothership, or buying station that receives groundfish from vessels issued a Federal fisheries permit under § 679.4.

(C) Any buying station that receives or delivers groundfish in association with a mothership issued a Federal fisheries permit under § 679.4(b) or with a shoreside processor or stationary floating processor issued a Federal processor permit under § 679.4(f).

(D) Any shoreside processor or stationary floating processor that is required to have a Federal processor permit under § 679.4.

(E) For purposes of this section, “operator or manager” means “the operator of a catcher/processor or mothership, the manager of a shoreside processor or stationary floating processor, or the operator or manager of a buying station.”

(ii) *What fish need to be recorded and reported?* A shoreside processor, stationary floating processor, mothership, or buying station subject to recordkeeping and reporting requirements must report all groundfish and prohibited species received, including:

(A) Fish received from vessels not required to have a federal fisheries permit.

(B) Fish received under contract for handling or processing for another processor.

(iii) *Who is exempt from recordkeeping and reporting requirements?* (A) *Catcher vessels less than 60 ft (18.3 m) LOA.* A catcher vessel less than 60 ft (18.3 m) LOA is not required to comply with recordkeeping and reporting requirements contained in paragraphs (a) through (k) of this section.

(B) *Catcher vessels that take groundfish in crab pot gear for use as crab bait on that vessel.* (1) Owners or operators of catcher vessels who, during open crab season, take groundfish in crab pot gear for use as crab bait on board their

SECTION 515 PRE-DISSEMINATION REVIEW & DOCUMENTATION GUIDELINES

Background

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554, aka the Data Quality Act or Information Quality Act) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies.” OMB complied by issuing guidelines which direct each federal agency to 1) issue its own guidelines; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB 515 Guidelines or the agency guidelines; and 3) report periodically to OMB on the number and nature of complaints received by the agency and how the complaints were handled. The OMB Guidelines can be found at:

<http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>

The Department of Commerce Guidelines can be found at: <http://www.osec.doc.gov/cio/oipr/iqg.htm>

The NOAA Section 515 Information Quality Guidelines, created with input and reviews from each of the components of NOAA Fisheries, went into effect on October 1, 2002. **The NOAA Information Quality Guidelines are posted on the NOAA home page under “Information Quality.”** <http://www.noaanews.noaa.gov/stories/iq.htm>

The guidelines apply to a wide variety of government information products and all types of media, including printed, electronic, broadcast or other. The guidelines define “Information” as, “any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.” For example, this definition includes information that an agency disseminates from a web page. The guidelines define “Dissemination” as, “agency initiated or sponsored distribution of information to the public.” Explicitly **not** included within this term is distribution limited to “government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law.” It also does not include distribution limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes. (See the NOAA IQ Guidelines, pgs 5-6).

To assist in Data Quality Act compliance, NOAA Fisheries has established a series of actions that should be completed for each new information product subject to the Data Quality Act. (See “Information Generation and Compliance Documentation” and “Pre-Dissemination Review” below.) **In addition to the information contained in this document, familiarity with the NOAA Section 515 Information Quality Guidelines (<http://www.noaanews.noaa.gov/stories/iq.htm>) is crucial for NOAA Fisheries employees who engage in the generation and dissemination of information.**

Information Generation and Compliance Documentation

- The fundamental step in the process is to create a Sec. 515 Information Quality file for each new information product. To aid in this process, a Section 515 Pre-Dissemination Review and Documentation form has been created. These guidelines are intended to serve as a supplement to the Pre-Dissemination Review and Documentation Form. The basic steps to the documentation process are outlined below.
- Complete general information (e.g., author/responsible office, title/description) section of the form.
- Determine the information category (i.e., original data; synthesized products; interpreted products; hydrometeorological, hazardous chemical spill, and space weather warnings, forecasts, and advisories; experimental products; natural resource plans; corporate and general information). **For most information products, you will only need to check one box.** More complex documents may be an “aggregate” of different categories of information products.
- Generate the information in a way that meets each of the applicable standards for the appropriate information category. See the NOAA Information Quality Guidelines.
- Document how the standards for **utility, integrity and objectivity** are met for each information product, describing what measures were taken to meet each of the applicable standards. Use the 2 page Pre-Dissemination Review & Documentation Form to document compliance with the Utility and Integrity standards contained in NOAA’s Information Quality Guidelines. The Utility and Integrity standards pertain to all categories of information disseminated by NOAA. Use these guidelines (pgs 4-11) to document compliance with the applicable objectivity standards for your information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.
- Maintain the Sec. 515 Information Quality file in a readily accessible place. [Pre-Dissemination Review](#)
- Before information is disseminated, it must be reviewed for compliance with the NOAA Sec. 515 Information Quality Guidelines. This is accomplished by reviewing the information and the Sec. 515 Information Quality file.
- The Pre-Dissemination Review should be conducted during the normal course of clearing the information product for release. The person conducting the Pre-Dissemination Review will sign and date the Pre-Dissemination Review & Documentation Form. The reviewing official must be at least one level above the person generating the information product.
- The Pre-Dissemination Review form and the supporting information quality documentation must accompany the information product through the clearance process and be maintained on file.

Completing the Section 515 Pre-Dissemination Review & Documentation Form

Using the Section 515 Pre-Dissemination Review & Documentation Form and these guidelines, document how the information product meets the

following standards for **Utility, Integrity and Objectivity**. **Please note:** Use the Pre-Dissemination Review & Documentation Form to document how the information product complies with the Utility and Integrity standards that pertain to all categories of information products. The Utility and Integrity standards are presented here for your convenience. Use these guidelines to explain how the information product meets the applicable Objectivity standards for the information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.

I. Utility of Information Product

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain or use.

- A. Is the information helpful, beneficial or serviceable to the intended user? Explain.
- B. Who are the intended users of the data or information product? (e.g., the American public; other federal agencies; state and local governments; recreational concerns; national and international organizations). Is this data or information product an improvement over previously available information? Is it more detailed or current? Is it more useful or accessible to the public? Has it been improved based on comments or interactions with users?
- C. What media are used in the dissemination of the information? Printed publications? CD-ROM? Internet?
Is the product made available in a standard data format?
Does it use consistent attribute naming and unit conventions to ensure that the information is accessible to a broad range of users with a variety of operating systems and data needs?

II. Integrity of Information Product

Integrity refers to security - the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Prior to dissemination, NOAA information, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. **Please note: all electronic information disseminated by NOAA adheres to the standards set forth in paragraph A below. If the information product is disseminated electronically, simply circle paragraph II(A) on the form.** You may also contact your IT Manager for further information.

Explain (circle) how the information product meets the following standards for integrity:

- A. All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.
- B. If information is confidential, it is safeguarded pursuant to the Privacy Act and Titles 13, 15, and 22 of the U. S. Code (confidentiality of census, business and financial information).
- C. Other/Discussion
(e.g., 50 CFR 600, Subpart E, Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act.)

III. Objectivity of Information Product

(1) Indicate which one of the following categories of information products apply for this product (check one):

- Original Data - go to Section A
- Synthesized Products - go to Section B
- Interpreted Products - go to Section C
- Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories - go to Section D
- Experimental Products - go to Section E
- Natural Resource Plans - go to Section F
- Corporate and General Information - go to Section G

(2) Describe how this information product meets the applicable objectivity standards.

General Standard: Information is presented in an accurate, clear, complete, and unbiased manner, and in proper context. The substance of the information is accurate, reliable, and unbiased; in the scientific, financial or statistical context, original and supporting data are generated and the analytical results are developed using sound, commonly accepted scientific and research methods. "Accurate" means that information is within an acceptable degree of imprecision or error appropriate to the particular kind of information at issue and otherwise meets commonly accepted scientific, financial and statistical standards.

If the information is "influential," that is, it is expected to have a genuinely clear and substantial impact on major public policy and private sector decisions, it is noted as such and it is presented with the highest degree of transparency. If influential information constitutes an assessment of risks to human health, safety or the environment, indicate whether the risk assessment was qualitative or quantitative, and describe which SDWA-adapted quality standards at page 9 of NOAA's Section 515 Information Quality Guidelines were applied to the information product.

Use of third party information in the product (information not collected or generated by NOAA) is only done when the information is of known quality and consistent with NOAA's Section 515 Guidelines; any limitations, assumptions, collection methods, or uncertainties concerning the information are taken into account and disclosed.

Specific Standards: Specific objectivity standards for categories of information products disseminated by NOAA are listed below. Document how the general and specific objectivity standards for the particular information product were met.

A. Original Data

Original Data are data in their most basic useful form. These are data from individual times and locations that have not been summarized or processed to higher levels of analysis. While these data are often derived from other direct measurements (e.g., spectral signatures from a chemical analyzer, electronic signals from current meters), they represent properties of the environment. These data can be disseminated in both real time and retrospectively. Examples of original data include buoy data, survey data (e.g., living marine resource and hydrographic surveys), biological and chemical properties, weather observations, and satellite data.

Objectivity of original data is achieved using sound quality control techniques.

Detail how the data collection methods, systems, instruments, training, and/or tools are appropriate to meet the requirements of the intended users.

Were the methods, systems, instruments, etc., validated before use?

Were standard operating procedures (SOPs) followed for time series data collections? If not, document the valid scientific reasons for the deviation.

Document the quality control techniques used, for example:

- Gross error checks for data that fall outside of physically realistic ranges (e.g., a minimum, maximum or maximum change)
- Comparisons made with other independent sources of the same measurement
- Examination of individual time series and statistical summaries
- Application of sensor drift coefficients determined by a comparison of pre- and post-deployment calibrations
- Visual inspection of data

Describe any evolution and/or improvements in survey techniques, instrument performance and/or data processing.

Have metadata record descriptions and explanations of the methods and quality controls to which original data are subjected been included in the disseminated product? If not, they must be made available upon request.

B. Synthesized Products

Synthesized Products are those that have been developed through analysis of original data. This includes analysis through statistical methods; model interpolations, extrapolations, and simulations; and combinations of multiple sets of original data.

While some scientific evaluation and judgment is needed, the methods of analysis are well documented and relatively routine.

Examples of synthesized products include summaries of fisheries landings statistics, weather statistics, model outputs, data display through Geographical Information System techniques, and satellite-derived maps.

The objectivity of synthesized products is achieved by using data of known quality, applying sound analytical techniques, and reviewing the products or processes used to create them before dissemination. For synthesized products, please document the following:

Identify data sources (preferred option) or be prepared to make them available upon request.

Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities?

Are the methods used to create the synthesized product published in standard methods manuals or generally accepted by the relevant scientific and technical communities? Are the methods documented in readily accessible formats by the disseminating office?

Describe the review process used to ensure the validity of the synthesized product or the procedures used to create them, e.g., statistical procedures, models, or other analysis tools.

If the synthesized product is unique or not regularly produced, was this product reviewed by internal and/or external experts?

If this is a routinely produced synthesized product, was the process for developing the product reviewed by internal and/or external experts?

Does the synthesized product include information about the methods used to create the product? If not, the methods must be made available upon request.

C. Interpreted Products

Interpreted Products are those that have been developed through interpretation of original data and synthesized products. In many cases, this information incorporates additional contextual and/or normative data, standards, or information that puts original data and synthesized products into larger spatial, temporal, or issue contexts. This information is subject to scientific interpretation, evaluation, and judgment. Examples of interpreted products include journal articles, scientific papers, technical reports, and production of and contributions to integrated assessments.

Objectivity of interpreted products is achieved by using data of known quality or from sources acceptable to the relevant scientific and technical communities and reliable supporting products, applying sound analytical techniques, presenting the information in the proper context, and reviewing the products before dissemination.

Are all data and information sources identified or properly referenced?

Are the methods used to create the interpreted product generally accepted by the relevant scientific and technical communities?

Is information concerning the quality and limitations of the interpreted product provided to help the user assess the suitability of the product for the user's application?

Describe the review process used to ensure that the product is valid, complete, unbiased, objective and relevant. For example, peer reviews, ranging from internal peer review by staff who were not involved in the development of the product to formal, independent, external peer review. The review should be conducted at a level commensurate with the importance of the interpreted product.

Does the interpreted product include a description of the methods used to create the product? If not, they must be made available upon

request.

D. Hydrometeorological, Hazardous Chemical Spill, and Space Weather

Warnings, Forecasts, and Advisories

Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories are time-critical interpretations of original data and synthesized products, prepared under tight time constraints and covering relatively short, discrete time periods. As such, these warnings, forecasts, and advisories represent the best possible information in given circumstances. They are subject to scientific interpretation, evaluation, and judgment. Some products in this category, such as weather forecasts, are routinely prepared. Other products, such as tornado warnings, hazardous chemical spill trajectories, and solar flare alerts, are of an urgent nature and are prepared for unique circumstances.

Objectivity of information in this category is achieved by using reliable data collection methods and sound analytical techniques and systems to ensure the highest possible level of accuracy given the time critical nature of the products.

What is the source of the data or information used in the product? Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities? Are the sources included in the information product? If not, they must be made available upon request. Are the methods used to create the product generally accepted by the relevant scientific and technical communities?

Please note if individual best judgment was used due to the time-critical nature of the product.

What mechanisms were used to evaluate the accuracy of the information product? Statistical analysis may be carried out for a subset of products for verification purposes.

E. Experimental Products

Experimental products are products that are experimental (in the sense that their quality has not yet been fully determined) in nature, or are products that are based in part on experimental capabilities or algorithms. Experimental products fall into two classes.

They are either (1) disseminated for experimental use, evaluation or feedback, or (2) used in cases where, in the view of qualified scientists who are operating in an urgent situation in which the timely flow of vital information is crucial to human health, safety, or the environment, the danger to human health, safety, or the environment will be lessened if every tool available is used. Examples of experimental products include imagery or data from non-NOAA sources, algorithms currently being tested and evaluated, experimental climate forecasts, and satellite imagery processed with developmental algorithms for urgent needs (e.g., wildfire detection).

Objectivity of experimental products is achieved by using the best science and supporting studies available, in accordance with sound and objective scientific practices, evaluated in the relevant scientific and technical communities, and peer-reviewed where feasible.

Describe the science and/or supporting studies used, the evaluation techniques used, and note any peer-review of the experimental product. Were the results of initial tests or evaluations made available where possible? Describe the review, by the appropriate NOAA unit, of the experimental products and capabilities documentation, along with any tests or evaluations.

Are explicit limitations provided concerning the quality of the experimental product? Is the degree of uncertainty indicated?

Describe the testing process used, e.g., the experimental product or capabilities are used only after careful testing, evaluation, and review by NOAA experts, and then are approved for provisional use only by selected field offices or other NOAA components. This process is repeated as needed to ensure an acceptable and reliable level of quality.

F. Natural Resource Plans

Natural Resource Plans are information products that are prescribed by law and have content, structure, and public review processes (where applicable) that will be based upon published standards, e.g., statutory or regulatory guidelines. Examples of such published standards include the National Standard Guidelines (50 CFR Part 600, Subpart D), Essential Fish Habitat Guidelines, and Operational Guidelines - Fishery Management Plan Process, all under the Magnuson-Stevens Fishery Conservation and Management Act; and the National Marine Sanctuary Management Plan Handbook (16 U.S.C. section 1434) under the National Marine Sanctuary Act. These Natural Resource Plans are a composite of several types of information (e.g., scientific, management, stakeholder input, and agency policy) from a variety of internal and external sources. Examples of Natural Resources Plans include fishery, protected resource, and sanctuary management plans and regulations, and natural resource restoration plans.

Objectivity of Natural Resource Plans will be achieved by adhering to published standards, using information of known quality or from sources acceptable to the relevant scientific and technical communities, presenting the information in the proper context, and reviewing the products before dissemination.

What published standard(s) governs the creation of the Natural Resource Plan? Does the Plan adhere to the published standards? (See the NOAA Sec. 515 Information Quality Guidelines, Section II(F) for links to the published standards for the Plans disseminated by NOAA.)

Was the Plan developed using the best information available? Please explain.

Have clear distinctions been drawn between policy choices and the supporting science upon which they are based? Have all supporting materials, information, data and analyses used within the Plan been properly referenced to ensure transparency?

Describe the review process of the Plan by technically qualified individuals to ensure that the Plan is valid, complete, unbiased, objective and relevant. For example, internal review by staff who were not involved in the development of the Plan to formal, independent, external peer review. The level of review should be commensurate with the importance of the Plan and the constraints imposed by legally enforceable deadlines.

G. Corporate and General Information

Corporate or general information includes all non-scientific, non-financial, non-statistical information. Examples include program and organizational descriptions, brochures, pamphlets, education and outreach materials, newsletters, and other general descriptions of NOAA operations and capabilities.

Corporate and general information disseminated by NOAA must be presented in a clear, complete, and unbiased manner, and in a context that enhances usability to the intended audience. To the extent possible, identify the sources of the disseminated information, consistent with confidentiality, privacy and security considerations and protections, and taking into account timely presentation, the medium of dissemination, and the importance of the information, balanced against the resources required and the time available.

Information disseminated by NOAA is reliable and accurate to an acceptable degree of error as determined by factors such as the importance of the information, the intended use, time sensitivity, expected degree of permanence, relation to the primary mission(s) of the disseminating office, and the context of the dissemination, balanced against the resources required and the time available.

For non-scientific, non-statistical information, has the information product been reasonably determined to be factually correct in the view of the disseminating office as of the time of dissemination?

Describe the review process for the information product. Review can be accomplished in a number of ways, including but not limited to combinations of the following:

- Active personal review of information by supervisory and management layers, either by reviewing each individual dissemination, or selected samples, or by any other reasonable method.
- Use of quality check lists, charts, statistics, or other means of tracking quality, completeness, and usefulness.
- Process design and monitoring to ensure that the process itself imposes checks on information quality .
- Review during information preparation.
- Use of management controls.
- Any other method, which serves to enhance the accuracy, reliability and objectivity of the information.

Administrative Management and Executive Secretariat

NAO 216-100

PROTECTION OF CONFIDENTIAL FISHERIES STATISTICS Eff: 7/18/94; Iss: 7/26/94

SECTION 1. PURPOSE.

. 01 This Order:

a. prescribes policies and procedures for protecting the confidentiality of data submitted to and collected by the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) as authorized or required by law;

b. informs authorized users of their obligations for maintaining the confidentiality of data received by NMFS;

c. provides for operational safeguards to maintain the security of data; and

d. states the penalties provided by law for disclosure of confidential data.

SECTION 2. SCOPE.

This Order covers all confidential data received, collected, maintained, or used by NMFS.

SECTION 3. DEFINITIONS.

. 01 **Access to data** means the freedom or ability to use data, conditioned by a statement of nondisclosure and penalties for unauthorized use.

. 02 **Aggregate or summary form** means data structured so that the identity of the submitter cannot be determined either from the present release of the data or in combination with other releases.

. 03 **Agreement** refers to all binding forms of mutual commitment under a stated set of conditions to achieve a specific objective.

. 04 **Assistant Administrator** means the Assistant Administrator for Fisheries, NOAA, or a designee authorized to have access to confidential data.

. 05 **Authorized Use/User.**

a. **Authorized use** is that specific use authorized under the governing statute, regulation, order, contract or agreement.

b. An **authorized user** is any person who, having the need to collect or use confidential data in the performance of an official activity, has read this Order and has signed a statement of nondisclosure affirming the user's understanding of NMFS obligations with respect to confidential data and the penalties for unauthorized use and disclosure.

. 06 **Confidential data** means data that are identifiable with any person, accepted by the Secretary, and prohibited by law from being disclosed to the public. The term "as used" does not convey data sensitivity for national security purposes [See Executive Order (E.O.) 12356 dated April 2, 1982].

. 07 **Data** refers to information used as a basis for reasoning, discussion, or calculation that a person may submit, either voluntarily or as required by statute or regulation.

. 08 **GC** means the Office of General Counsel, NOAA.

. 09 **Person** means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of such governments, including Regional Fishery Management Councils (Councils).

. 10 **Public** means any person who is not an authorized user.

. 11 **Region** means NMFS Regional field offices, Fisheries Science Centers, and associated laboratories.

. 12 **Source document** means the document, paper, or electronic format on which data are originally recorded.

. 13 **State employee** means any member of a State agency responsible for developing and monitoring the State's program for fisheries or Marine Mammal Protection Act (MMPA) program.

. 14 **Submitter** means any person or the agent of any person who provides data to NMFS either

voluntarily or as required by statute or regulation.

SECTION 4. POLICY.

For data subject to this Order, it is NMFS policy that:

- a. confidential data shall only be disclosed to the public if required by the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a, or by court order. Disclosure of data pursuant to a subpoena issued by an agency of competent jurisdiction is a lawful disclosure. Disclosure pursuant to a subpoena must be approved by GC;
- b. individual identifiers shall be retained with data, unless the permanent deletion is consistent with the needs of NMFS and good scientific practice [See Section 6.02c]; and
- c. a notice is required on all report forms requesting data and must comply with 5 U.S.C. 552a(e)(3) and Paperwork Reduction Act requirements in NAO 216-8, Information Collections and Requirements Needing Office of Management and Budget Clearance. [See E.O. 12600 of June 23, 1987, for additional information regarding the rights of submitters to designate commercial confidential data at the time of submission.]

SECTION 5. OPERATIONAL RESPONSIBILITIES.

. 01 The Regional Director of each region (or, in the case of headquarters, each Office Director) has the responsibility to maintain the confidentiality of all data collected, maintained, and disclosed by the respective region.

. 02 Each region shall submit to the Assistant Administrator specific procedures governing the collection, maintenance, and disclosure of confidential data. These documents shall be compiled as regional handbooks following the guidelines and standards:

- a. handbooks are to be developed in detail to ensure the maintenance of confidential data on a functional basis in each region; and
- b. handbooks shall be coordinated through the National Data Management Committee (a NMFS group established by the Assistant Administrator to develop data management policies and procedures) and reviewed annually. The regional handbooks will address, at minimum, the contents of Sections 6-7.

SECTION 6. PROCEDURES.

. 01 **Data Collection.** To collect data, the Secretary may use Federal employees, contractor employees, or, pursuant to an agreement, State employees.

a. General Requirements.

1. Personnel authorized to collect Federal data must maintain all documents containing confidential data in secure facilities; and
2. may not disclose confidential data, whether recorded or not, to anyone not authorized to receive and handle such data.

b. Specific Requirements.

1. Each Federal or contractor employee collecting or processing confidential data will be required to read, date, and sign a statement of nondisclosure, that affirms the employee's understanding of NMFS obligations with respect to confidential data and the penalties for unauthorized use and disclosure of the data. Upon signature, the employee's name will be placed on record as an "authorized user," and the employee will be issued certification.
2. Data collected by a contractor must be transferred timely to authorized Federal employees; no copies of these data may be retained by the contractor. NMFS may permit contractors to retain aggregated data. A data return clause shall be included in the agreement. All procedures applicable to Federal employees must be followed by contractor employees collecting data with Federal authority.
3. Under agreements with the State, each State data collector collecting confidential data will sign a statement at least as protective as the one signed by Federal employees, which affirms that the signer understands the applicable procedures and regulations and the penalties for unauthorized disclosure.

.02 Maintenance.

- a. Maintenance is defined as the procedures required to keep confidential data secure from the time the source documents are received by NMFS to their ultimate disposition, regardless of format. [See National Institute of Standards and Technology "Computer Security Publications, List 91" for guidance.]
- b. Specific procedures in regional handbooks must deal with the following minimum security requirements, as well as any others that may be necessary because of the specific data, equipment, or physical facilities:
 1. the establishment of an office or person responsible for evaluating requests for access to data;

2. the identifications of all persons certified as authorized users. These lists shall be kept current and reviewed on an annual basis;
 3. the issuance of employee security rules that emphasize the confidential status of certain data and the consequences of unauthorized removal or disclosure;
 4. the description of the security procedures used to prevent unauthorized access to and/or removal of confidential data;
 5. the development of a catalog/inventory system of all confidential data received including: the type of source document; the authority under which each item of data was collected; any statutory or regulatory restriction(s) which may apply; and routing from the time of receipt until final disposition; and
 6. The development of an appropriate coding system for each set of confidential data so that access to data that identifies, or could be used to identify, the person or business of the submitter is controlled by the use of one or more coding system(s). Lists that contain the codes shall be kept secure.
- c. The permanent deletion of individual identifiers from a database shall be addressed on a case-by-case basis. Identifiers may only be deleted after:
1. future uses of data have thoroughly been evaluated, e.g., the need for individual landings records for allocating shares under an individual transferable quota program;
 2. consultation with the agency(s) collecting data (if other than NMFS), the relevant Council(s), and NMFS Senior Scientist; and
 3. concurrence by the Assistant Administrator has been received prior to deletion.

.03 Access to Data Subject to This Order.

- a. **General Requirements.** In determining whether to grant a request for access to confidential data, the following information shall be taken into consideration:

1. the specific types of data required;
2. the relevance of the data to the intended uses;
3. whether access will be continuous, infrequent, or one-time;
4. an evaluation of the requester's statement of why aggregate or nonconfidential summaries of data would not satisfy the requested needs; and
5. the legal framework for the disclosure, in accordance with GC and this Order.

- b. **Within NMFS.** NMFS employees requesting confidential data must have certification as being authorized users for the particular type of data requested.

- b. **Councils.** Upon written request by the Council Executive Director:

1. "authorized user" status for confidential data collected under the Magnuson Fishery Conservation and Management Act (Magnuson Act) may be granted to a Council for use by the Council for conservation and management purposes consistent with the approval of the Assistant Administrator as described in 50 CFR 603.5;
2. "authorized user" status for confidential data, collected under the Magnuson Act and MMPA, will be granted to Council employees who are responsible for Fishery Management Plan development and monitoring; and
3. Councils that request access to confidential data must submit, on an annual basis, a copy of their procedures for ensuring the confidentiality of data to the region, or in the case of intercouncil fisheries, regions. The procedures will be evaluated for their effectiveness and, if necessary, changes may be recommended. As part of this procedure, an updated statement of nondisclosure will be included for each employee and member who requires access to confidential data.

d. **States.**

1. Requests from States for confidential data shall be directed in writing to the NMFS office that maintains the source data.
2. Each request will be processed in accordance with any agreement NMFS may have with the State:
 - (a) confidential data collected **solely** under Federal authority will be provided to a State by NMFS only if the Assistant Administrator finds that the State has authority to protect the confidentiality of the data comparable to, or more stringent than, NMFS' requirements; and
 - (b) the State will exercise its authority to limit subsequent access and use of the data to those uses allowed by authorities under which the data was collected.

3. If the State has no agreement with NMFS for the collection and exchange of confidential data, the request shall be treated as a public request and disclosure may be denied subject to FOIA or the Privacy Act.

4. Where a State has entered into a cooperative exchange agreement with another State(s), NMFS will facilitate transfer or exchange of State collected data in its possession if:

- (a) NMFS has written authorization for data transfer from the head of the collecting State agency; and
- (b) the collecting State has provided NMFS a list of authorized users in the recipient State(s); and
- (c) the collecting State agrees to hold the United States Government harmless for any suit that may arise from the misuse of the data.

e. Contractors.

1. Pursuant to an agreement with NMFS, a NMFS contractor (including universities, Sea Grant investigators, etc.) may be granted "authorized user" status consistent with this Order if the use furthers the mission of NMFS.

2. The region will notify the contractor of its decision on access in writing within 30 calendar days after receipt of the request.

3. Contingent upon approval, the contractor will be provided with details regarding conditions of data access, any costs involved, formats, timing, and security procedures. If the request is denied, the reason(s) for denial will be given by the NMFS office involved. The denial will not preclude NMFS consideration of future requests from the contractor.

4. If access is granted, language in the agreement specifically dealing with confidentiality of data will be required. The language shall include all of the relevant portions of this Order and shall prohibit the further disclosure of the data. No data may be retained beyond the termination date of the agreement; and any disclosure of data derived from the accessed confidential data must be approved by NMFS.

5. Each agreement shall be reviewed by GC prior to its execution, and shall, to the extent possible, be consistent with the model agreement contained in Appendix D (Not included --WebEd).

f. Submitters. The Privacy Act allows for data to be released back to the submitter upon receipt and verification of a written request stating the data required.

04. Requests for Confidential Data. NMFS is authorized to collect data under various statutes [See Appendix A (Not include --WebEd)]. Two types of statutes govern the disclosure of confidential data collected by the Federal Government, those that contain specific and non-discretionary language within the Act, and those that provide overall guidance to the Federal Government. Sections of these Acts that deal with exceptions to disclosure may be found in Appendix B (Not included -- WebEd).

a. Magnuson Act and MMPA.

1. Data collected under 16 U.S.C. 1853 (a) or (b), and 16 U.S.C. 1383a (c),(d),(e),(f),or (h) will be handled in the following manner:

(a) data will only be disclosed to Federal employees and Council employees who are responsible for management plan development and monitoring; State employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person; a Council for conservation and management purposes [not applicable for MMPA data] or when required by court order. [See 50 CFR 229.10 and part 603];

(b) Council advisory groups are not permitted access to such confidential data [See 50 CFR 601.27(b)];

(c) requests from States that do not have an agreement with the Secretary will be processed in accordance with the Privacy Act or FOIA; and

(d) data collected by an observer under 16 U.S.C. 1853 (a) or (b) are not considered to have been "submitted to the Secretary by any person," and therefore are not confidential under Section 6.04.a of this Order. Data collected by an observer may be withheld from disclosure under the Privacy Act, or subsections (b)(3),(4),(5),(6), or (7) of FOIA.

2. Confidential data submitted to the Secretary under other Sections of the Magnuson Act or MMPA may only be disclosed in accordance with the Privacy Act or FOIA. Types of data and the collection authority may include among others:

(a) Processed Product Data -- 16 U.S.C. 1854(e);

(b) Fish Meal and Oil, Monthly -- 16 U.S.C. 1854(e);

(c) Data Collected Under State Authority and Provided to NMFS -- 16 U.S.C. 1854(e); and

(d) Tuna-Dolphin Observer Program -- 16 U.S.C. 1361 et seq.

b. **South Pacific Tuna Act.** Data collected under South Pacific Tuna Act 16 U.S.C. 973j is protected from disclosure to the public in accordance with section 973j(b).

c. **Other Statutes.** Confidential data collected under other NMFS programs as authorized by statutes other than South Pacific Tuna Act (16 U.S.C 973j), MMPA (16 U.S.C. 1361 et seq.), and Magnuson Act (16 U.S.C. 1801 et seq.), may only be disclosed to the public in accordance with the Privacy Act and FOIA. Types of data and the collection authority may include among others:

- (1) Monthly Cold Storage Fish Report -- 16 U.S.C. 742(a);
- (2) Market News Data -- 16 U.S.C. 742(a); and
- (3) Seafood Inspection Data -- 7 U.S.C. 1621 et seq.

d. Special Procedures.

1. **Cold Storage Summary Reports.** NMFS publishes monthly cold storage holdings of fishery products. Advance knowledge of the content of these reports could give those who trade in the products an opportunity to gain competitive advantage. Therefore, in addition to the confidential protection provided to individual reports, the monthly summary report will not be disclosed to the public until 3:00 p.m. Eastern Time of the official release date. Release dates for these data are published 1 year in advance in November, and can be obtained from the NMFS Fisheries Statistics Division.

2. **Surplus commodity purchases by USDA.** NMFS and the Department of Agriculture (USDA) have an interagency agreement relating to the purchase of surplus fishery products. NMFS is responsible for providing confidential data and recommendations to the USDA regarding these purchases. Advance knowledge of these data could cause a competitive advantage or disadvantage to the general public, fishing industry, and the program. Therefore, all NMFS personnel engaged in the surplus commodity purchase program will be required to sign a specific "USDA Responsibility Statement." A copy will be maintained in the Office of Trade Services.

3. **Agreements for Disclosure of Confidential Data.** A letter of agreement may authorize the disclosure of confidential data when both the Government and the submitter agree to disclosure of the data. The need to provide security for the data will vary depending on the type of data collected and the form of the disclosure. Disclosure can be undertaken if all the following conditions are met:

- (a) the person has agreed in writing to the disclosure and is aware that disclosure is irrevocable;
- (b) the recipient has been informed in writing of the sensitivity of the data; and
- (c) the wording of the agreement has been approved by GC.

.05 Disposal. NAO 205-1, NOAA Records Management Program, shall govern the disposition of records covered under this Order.

SECTION 7. PENALTIES.

.01 **Civil and Criminal.** Persons who make unauthorized disclosure of confidential data may be subject to civil penalties or criminal prosecution under:

- a. Trade Secrets Act (18 U.S.C. 1905);
- b. Privacy Act (5 U.S.C. 552a(i)(1));
- c. Magnuson Act (16 U.S.C. 1858); and
- d. MMPA (16 U.S.C. 1375).

.02 **Conflict of Interest.** Employees are prohibited by Department of Commerce employee conduct regulations [15 CFR part 0] and by ethics regulations applicable to the Executive Branch [5 CFR 2635.703] from using nonpublic information subject to this Order for personal gain, whether or not there is a disclosure to a third party.

.03 **Disciplinary Action.** Persons may be subject to disciplinary action, including removal, for failure to comply with this Order. Prohibited activities include, but are not limited to, unlawful disclosure or use of the data, and failure to comply with implementing regulations or statutory prohibitions relating to the collection, maintenance, use and disclosure of data covered by this Order.

SECTION 8. EFFECT ON OTHER ISSUANCES. None.

Dated: February 22, 2007.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7-3724 Filed 3-2-07; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213032-7032-01; I.D. 022807A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is reopening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA) for 24 hours. This action is necessary to fully use the A season allowance of the 2007 total allowable catch (TAC) of pollock specified for Statistical Area 630 of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 1, 2007, through 1200 hrs, A.l.t., March 2, 2007. Comments must be received at the following address no later than 4:30 p.m., A.l.t., March 15, 2007.

ADDRESSES: Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Comments may be submitted by:

- Mail to: P.O. Box 21668, Juneau, AK 99802;

- Hand delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, Alaska;

- FAX to 907-586-7557;

- E-mail to 630pollock2@noaa.gov and include in the subject line of the e-mail comment the document identifier: "g63plkro4" (E-mail comments, with or without attachments, are limited to 5 megabytes); or

- Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS closed the directed fishery for pollock in Statistical Area 630 of the GOA under § 679.20(d)(1)(iii) on January 22, 2007 (72 FR 2793, January 23, 2007). The fishery was subsequently reopened on February 6, 2007 and closed on February 8, 2007 (72 FR 5346, February 6, 2007), reopened on February 12, 2007 and closed on February 14, 2007 (72 FR 7353, February 15, 2007), and reopened on February 20, 2007 and closed on February 22, 2007 (72 FR 8132, February 23, 2007).

NMFS has determined that approximately 2,850 mt of pollock remain in the directed fishing allowance in Statistical Area 630 of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C) and (a)(2)(iii)(D), and to fully utilize the A season allowance of the 2007 TAC of pollock in Statistical Area 630, NMFS is terminating the previous closure and is reopening directed fishing for pollock in Statistical Area 630 of the GOA. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be reached after 24 hours. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA after the 24 hours, effective 1200 hrs, A.l.t., March 2, 2007.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of pollock in Statistical Area 630 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most

recent, relevant data only became available as of February 27, 2007.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the fishery for pollock in Statistical Area 630 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 15, 2007.

This action is required by § 679.25 and § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 28, 2007.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 07-988 Filed 2-28-07; 12:48 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No.070213032-7032-01; I.D. 112206B]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; 2007 and 2008 Final Harvest Specifications for Groundfish

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

ACTION: Final rule; closures.

SUMMARY: NMFS announces 2007 and 2008 final harvest specifications, reserves and apportionments thereof, Pacific halibut prohibited species catch (PSC) limits, and associated management measures for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits and associated management measures for groundfish during the 2007 and 2008 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the GOA in

accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

DATES: The 2007 and 2008 final harvest specifications and associated management measures are effective at 1200 hrs, Alaska local time (A.l.t.), March 5, 2007, through 2400 hrs, A.l.t., December 31, 2008.

ADDRESSES: Copies of the Final Environmental Impact Statement (EIS), Record of Decision (ROD), and Final Regulatory Flexibility Analysis (FRFA) prepared for this action are available from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, or from the Alaska Region website at <http://www.fakr.noaa.gov>. Copies of the final 2006 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated November 2006, are available from the North Pacific Fishery Management Council (Council), West 4th Avenue, Suite 306, Anchorage, AK 99510 2252 (907 271 2809), or from its website at <http://www.fakr.noaa.gov/npfmc>.

FOR FURTHER INFORMATION CONTACT: Tom Pearson, Sustainable Fisheries Division, Alaska Region, 907-481-1780, or e-mail at tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone of the GOA under the FMP. The Council prepared the FMP under the authority of the MSA, 16 U.S.C. 1801, *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify and apportion the total allowable catch (TAC) for each target species and for the "other species" category, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt). The final specifications set forth in Tables 1 through 22 of this document satisfy this requirement. For 2007, the sum of the TAC amounts is 269,912 mt. For 2008, the sum of the TAC amounts is 286,173 mt.

Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on proposed annual TACs, halibut PSC amounts, and seasonal allowances of pollock and inshore/offshore Pacific cod. The proposed GOA groundfish specifications and Pacific halibut PSC allowances for 2007 and 2008 were published in the **Federal Register** on December 15, 2006 (71 FR 75437). Comments were invited and accepted through January 16, 2007.

NMFS received 2 letters of comment on the proposed specifications. These letters of comment are summarized in the Response to Comments section of this action. In December 2006, NMFS consulted with the Council regarding the 2007 and 2008 harvest specifications. After considering public comments received, as well as biological and economic data that were available at the Council's December 2006 meeting, NMFS is implementing the 2007 and 2008 final harvest specifications, as recommended by the Council.

Acceptable Biological Catch (ABC) and TAC Specifications

In December 2006, the Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC), reviewed current biological and harvest information about the condition of groundfish stocks in the GOA. This information was compiled by the Council's GOA Plan Team and was presented in the final 2006 SAFE report for the GOA groundfish fisheries, dated November 2006 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses and estimates of each species= biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species or species category.

The final ABC levels are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and revised methods used to calculate stock biomass. The FMP specifies the formulas, or tiers, to be used to compute ABCs and overfishing levels (OFLs). The formulas applicable to a particular stock or stock complex are determined by the level of reliable information available to fisheries scientists. This information is categorized into a successive series of six tiers with tier one representing the highest level of information and tier six the lowest level of information.

The final TAC recommendations were based on the ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 116,000 to 800,000 mt. The Council adopted the AP's TAC recommendations. The Council recommended TACs for 2007 and 2008 equal to ABCs for pollock, deep-water flatfish, rex sole, sablefish, Pacific ocean

perch, shortraker rockfish, rougheye rockfish, northern rockfish, pelagic shelf rockfish, thornyhead rockfish, demersal shelf rockfish, big skate, longnose skate, and other skates. The Council recommended TACs less than the ABCs for Pacific cod, flathead sole, shallow-water flatfish, arrowtooth flounder, other rockfish, and Atka mackerel. None of the Council's recommended TACs for 2007 and 2008 exceeds the final ABC for any species or species category. The 2007 and 2008 harvest specifications approved by the Secretary of Commerce (Secretary) are unchanged from those recommended by the Council and are consistent with the preferred harvest strategy alternative in the EIS. The 2007 and 2008 TACs are less than the maximum permissible ABCs recommended by the Council's plan teams and SSC. NMFS finds that the recommended ABCs and TACs are consistent with the biological condition of the groundfish stocks as described in the 2006 SAFE report and approved by the Council. The apportionment of TAC amounts among gear types, processing sectors, and seasons is discussed below.

NMFS finds that the Council's recommendations for OFL, ABC, and TAC amounts are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the OY range. NMFS reviewed the Council's recommended TAC specifications and apportionments and approves these specifications under § 679.20(c)(3)(ii).

Tables 1 and 2 list the final 2007 and 2008 OFLs, ABCs, TACs, and area apportionments of groundfish in the GOA. The sum of 2007 ABCs is 490,327 mt, which is lower than the 2006 ABC total of 500,625 mt (71 FR 10870, March 3, 2006), while the sum of 2008 ABCs of 511,838 mt is higher than the 2006 total.

Specification and Apportionment of TAC Amounts

As in 2006, the SSC and Council recommended the method of apportioning the sablefish ABC among management areas in 2007 and 2008 include commercial fishery and survey data. NMFS stock assessment scientists believe the use of unbiased commercial fishery data reflecting catch-per-unit effort provides a desirable input for stock distribution assessments. The use of commercial fishery data is evaluated annually to ensure unbiased information is included in stock distribution models. The Council's recommendation for sablefish area apportionments also takes into account

the prohibition on the use of trawl gear in the Southeast Outside (SEO) District of the Eastern Regulatory Area and makes available 5 percent of the combined Eastern Regulatory Area ABCs to trawl gear for use as incidental catch in other directed groundfish fisheries in the West Yakutat (WYK) District (§ 679.20(a)(4)(i)).

Since the inception of a State of Alaska (State) managed pollock fishery in Prince William Sound (PWS), the GOA Plan Team has recommended the guideline harvest level (GHL) for the pollock fishery in PWS be deducted from the ABC for the western stock of pollock in the GOA in the Western/Central/West Yakutat (W/C/WYK) Area. For the 2007 and 2008 pollock fisheries in PWS the State's GHL is 1,650 mt.

The apportionment of annual pollock TAC among the Western and Central Regulatory Areas of the GOA reflects the seasonal biomass distribution and is discussed in greater detail below. The annual pollock TAC in the Western and Central Regulatory Areas of the GOA is apportioned among Statistical Areas 610, 620, and 630, as well as equally among each of the following four seasons: the A season (January 20 through March 10), the B season (March 10 through May 31), the C season (August 25 through October 1), and the D season (October 1 through November 1) (§§ 693.23(d)(2)(i) through (iv) and 679.20(a)(5)(iii)(B)).

The SSC, AP, and Council adopted the Plan Team's OFL and ABC recommendations for all groundfish species categories.

The SSC, AP, and Council recommended apportionment of the ABC for Pacific cod in the GOA among regulatory areas based on the three most recent NMFS summer trawl surveys.

The 2007 and 2008 Pacific cod TACs are affected by the State's fishery for Pacific cod in State waters in the Central and Western Regulatory Areas, as well as in PWS. The SSC, AP, and Council recommended that the sum of all State and Federal water Pacific cod removals not exceed the ABC. Accordingly, the Council recommended reduction of the 2007 and 2008 Pacific cod TACs from the ABCs in the Central and Western Regulatory Areas to account for State GHLs. Therefore, the 2007 Pacific cod TACs are less than the ABCs by the following amounts: (1) Eastern GOA, 413 mt; (2) Central GOA, 9,468 mt; and (3) Western GOA, 6,714 mt. Similarly, the 2008 Pacific cod TACs are less than the ABCs as follows: (1) Eastern GOA, 428 mt; (2) Central GOA, 9,817 mt; and (3) Western GOA, 6,961 mt. These amounts reflect the sum of the State's 2007 and 2008 GHLs in these areas,

which are 10 percent, 25 percent, and 25 percent of the Eastern, Central, and Western GOA ABCs, respectively. The percentages of ABC used to calculate the GHLs for the State managed Pacific cod fisheries are unchanged from 2006.

NMFS also is establishing seasonal apportionments of the annual Pacific cod TAC in the Western and Central Regulatory Areas. Sixty percent of the annual TAC is apportioned to the A season for hook-and-line, pot, and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10. Forty percent of the annual TAC is apportioned to the B season for hook-and-line, pot, and jig gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (§§ 679.23(d)(3) and 679.20(a)(11)).

As in 2006, NMFS establishes for 2007 and 2008 an A season directed fishing allowance (DFA) for the Pacific cod fisheries in the GOA based on the management area TACs minus the recent average A season incidental catch of Pacific cod in each management area before June 10 (§ 679.20(d)(1)). The DFA and incidental catch before June 10 will be managed such that total harvest in the A season will be no more than 60 percent of the annual TAC. Incidental catch taken after June 10 will continue to accrue against the B season TAC. This action meets the intent of the Steller Sea Lion Protection Measures by achieving temporal dispersion of the Pacific cod removals and by reducing the likelihood of harvest exceeding 60 percent of the annual TAC in the A season (January 1 through June 10). The seasonal apportionments of the annual Pacific cod TAC are discussed in greater detail below.

The FMP specifies that the amount for the "other species" category be set at an amount less than or equal to 5 percent of the combined TAC amounts for target species. The final 2007 and 2008 annual GOA-wide TACs of 4,500 mt are less than 5 percent of the combined TAC amounts for target species. The sums of the TACs for all GOA groundfish is 269,912 mt for 2007 and 286,173 mt for 2008, which are within the OY range specified by the FMP. The sums of the 2007 and 2008 TACs are lower than the 2006 TAC sum of 291,950 mt.

Central Gulf of Alaska Rockfish Pilot Program

Congress granted NMFS specific statutory authority to manage Central GOA rockfish fisheries in Section 802 of the Consolidated Appropriations Act of 2004 (Public Law 108-199). The Council adopted a proposed Central Gulf of Alaska Rockfish Pilot Program

(Rockfish Program) to meet the requirements of Section 802 on June 6, 2005. The elements of the Rockfish Program are discussed in detail in the proposed rule to Amendment 68 to the FMP (71 FR 33040, June 7, 2006) and in the final rule to implement the Rockfish Program (71 FR 67210, November 20, 2006). The final rule became effective December 20, 2006. The Rockfish Program is authorized for five years, from January 1, 2007, until December 31, 2011. A brief overview of major provisions of the Rockfish Program which have implications for the 2007 and 2008 harvest specifications follows.

The Rockfish Program allocates exclusive harvesting and processing privileges for primary rockfish species and for associated species harvested incidentally to those rockfish in the Central GOA, an area from 147° W. longitude to 159° W. longitude. The primary rockfish species are northern rockfish, Pacific ocean perch, and pelagic shelf rockfish. Secondary species are those species incidentally harvested during the harvest of the primary rockfish species fisheries and include Pacific cod, rougheye rockfish, shortraker rockfish, sablefish, and thornyhead rockfish. The Rockfish Program also allocates a portion of the total GOA halibut mortality limit annually specified under § 679.21 to participants based on historic halibut mortality rates in the primary rockfish species fisheries. The amounts of primary rockfish species, secondary species, and halibut mortality to be allocated to the Rockfish Program will not be known until eligible participants apply for participation in the Program. These amounts will be posted on the Alaska Region website at <http://www.fakr.noaa.gov> when they become available early in 2007.

The Rockfish Program also establishes catch limits, commonly called "sideboards," to limit the ability of participants eligible for the Rockfish Program to harvest fish in fisheries other than the Central GOA rockfish fisheries. Sideboards limit the total amount of catch in other groundfish fisheries that can be taken by eligible harvesters to historic levels, including harvests made in the State's parallel groundfish fisheries. Parallel fisheries are authorized by the State in its waters concurrent with the Federal fishery. Parallel fisheries catch is deducted from the Federal TACs. Sideboards limit catch in specific rockfish fisheries and the amount of halibut bycatch that can be used in certain flatfish fisheries. Tables 18 and 19 list the 2007 and 2008 final groundfish sideboard limitations.

Table 20 lists the 2007 and 2008 final halibut mortality limitations.

Changes From the Proposed 2007 and 2008 Harvest Specifications in the GOA

In October 2006, the Council's recommendations for the proposed 2007 and 2008 harvest specifications (71 FR 75437, December 15, 2006) were based largely upon information contained in the final 2005 SAFE report for the GOA groundfish fisheries, dated November 2005. The Council recommended that OFLs and ABCs for stocks in tiers 1 through 3 be based on biomass projections as set forth in the 2005 SAFE report and estimates of groundfish harvests through the 2006 and 2007 fishing years. For stocks in tiers 4 through 6, for which biomass projections could not be made, the Council recommended the same OFL and ABC levels for 2006 until the final 2006 SAFE report could be completed.

The 2006 SAFE report, dated November 2006, which was not available when the Council made its

recommendations in October 2006, contains the best and most recent scientific information on the condition of the groundfish stocks. This report was considered in December 2006 by the Council when it made recommendations for the final 2007 and 2008 harvest specifications. Based on the final 2006 SAFE report, the sum of the 2007 final TACs for the GOA (269,912 mt) is 5,544 mt greater than the sum of the proposed TACs (264,367 mt). The largest 2007 increases occurred for Pacific cod, from 44,705 mt to 52,264 mt (17 percent increase); rex sole, from 8,700 mt to 9,100 mt (5 percent increase); sablefish, from 13,700 mt to 14,310 mt (4 percent increase); and for pelagic shelf rockfish, from 5,461 mt to 5,542 mt (1 percent increase). The largest decreases occurred for pollock, from 70,507 mt to 68,307 mt (3 percent decrease); and for northern rockfish, from 5,900 mt to 4,938 mt (16 percent decrease). Other increases or decreases in 2007 and 2008 are within these ranges.

Compared to the proposed 2007 and 2008 harvest specifications, the Council's final 2007 and 2008 TAC recommendations increase fishing opportunities for species for which the Council had sufficient information to raise TAC levels. These include, Pacific cod, rex sole, sablefish, and pelagic shelf rockfish. Conversely, the Council reduced TAC levels to provide greater protection for several species including pollock, deep water flatfish, Pacific ocean perch, and northern rockfish. The changes recommended by the Council for the 2007 and 2008 fishing years were based on the best scientific information available, consistent with National Standard 2 of the MSA, and within a reasonable range of variation from the proposed TAC recommendations so that the affected public was fairly apprized and could have made meaningful comments based on the proposed specifications. Tables 1 and 2 list the 2007 and 2008 final OFL, ABC, and TAC amounts of the GOA groundfish.

TABLE 1 - FINAL 2007 ABCs, TACs, AND OFLs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA
(values are rounded to the nearest metric ton)

Species	Area ¹	ABC	TAC	OFL
Pollock ²				
	Shumagin (610)	25,012	25,012	n/a
	Chirikof (620)	20,890	20,980	n/a
	Kodiak (630)	14,850	14,850	n/a
	WYK (640)	1,398	1,398	n/a
Subtotal	W/C/WYK	62,150	62,150	87,220
	SEO (650)	6,157	6,157	8,209
Total		68,307	68,307	95,429
Pacific cod ³	W	26,855	20,141	n/a
	C	37,873	28,405	n/a
	E	4,131	3,718	n/a
Total		68,859	52,264	97,600
Flatfish ⁴ (deep-water)	W	420	420	n/a
	C	4,163	4,163	n/a
	WYK	2,677	2,677	n/a
	SEO	1,447	1,447	n/a
Total		8,707	8,707	10,431
Rex sole	W	1,147	1,147	n/a
	C	5,446	5,446	n/a

TABLE 1 - FINAL 2007 ABCs, TACs, AND OFLS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA—Continued

(values are rounded to the nearest metric ton)

Species	Area ¹	ABC	TAC	OFL
	WYK	1,037	1,037	n/a
	SEO	1,470	1,470	n/a
Total		9,100	9,100	11,900
Flathead sole	W	10,908	2,000	n/a
	C	26,054	5,000	n/a
	WYK	2,091	2,091	n/a
	SEO	57	57	n/a
Total		39,110	9,148	48,658
Flatfish ⁵ (shallow-water)	W	24,720	4,500	n/a
	C	24,258	13,000	n/a
	WYK	628	628	n/a
	SEO	1,844	1,844	n/a
Total		51,450	19,972	62,418
Arrowtooth flounder	W	20,852	8,000	n/a
	C	139,582	30,000	n/a
	WYK	16,507	2,500	n/a
	SEO	7,067	2,500	n/a
Total		184,008	43,000	214,828
Sablefish ⁶	W	2,470	2,470	n/a
	C	6,190	6,190	n/a
	WYK	2,280	2,280	n/a
	SEO	3,370	3,370	n/a
Subtotal	E(WYK and SEO)	5,650	5,650	n/a
Total		14,310	14,310	16,906
Pacific ocean perch ⁷	W	4,244	4,244	4,976
	C	7,612	7,612	8,922
	WYK	1,140	1,140	n/a
	SEO	1,640	1,640	n/a
Subtotal	E(WYK and SEO)	2,780	2,780	3,260
Total		14,636	14,635	17,158
Shortraker rockfish ⁸	W	153	153	n/a
	C	353	353	n/a
	E	337	337	n/a
Total		843	843	1,124

TABLE 1 - FINAL 2007 ABCs, TACs, AND OFLS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA—Continued

(values are rounded to the nearest metric ton)

Species	Area ¹	ABC	TAC	OFL
Rougheye rockfish ⁹	W	136	136	n/a
	C	611	611	n/a
	E	241	241	n/a
Total		988	988	1,148
Other rockfish ^{10,11}	W	577	577	n/a
	C	386	386	n/a
	WYK	319	319	n/a
	SEO	2,872	200	n/a
Total		4,154	1,482	5,394
Northern rockfish ^{11,12}	W	1,439	1,439	n/a
	C	3,499	3,499	n/a
	E	0	0	n/a
Total		4,938	4,938	5,890
Pelagic shelf rockfish ¹³	W	1,466	1,466	n/a
	C	3,325	3,325	n/a
	WYK	307	307	n/a
	SEO	444	444	n/a
Total		5,542	5,542	6,458
Thornyhead rockfish	W	513	513	n/a
	C	989	989	n/a
	E	707	707	n/a
Total		2,209	2,209	2,945
Big skates ¹⁴	W	695	695	n/a
	C	2,250	2,250	n/a
	E	599	599	n/a
		3,544	3,544	4,726
Longnose skates ¹⁵	W	65	65	n/a
	C	1,969	1,969	n/a
	E	861	861	n/a
		2,895	2,895	3,860
Other skates ¹⁶	GW	1,617	1,617	2,156
Demersal shelf rockfish ¹⁷	SEO	410	410	650
Atka mackerel	GW	4,700	1,500	6,200
Other species ¹⁸	GW	n/a	4,500	n/a

TABLE 1 - FINAL 2007 ABCs, TACs, AND OFLS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA—Continued

(values are rounded to the nearest metric ton)

Species	Area ¹	ABC	TAC	OFL
TOTAL ¹⁹		490,327	269,912	615,879

¹. Regulatory areas and districts are defined at § 679.2.

². Pollock is apportioned in the Western/Central Regulatory Areas among three statistical areas. During the A season, the apportionment is based on an adjusted estimate of the relative distribution of pollock biomass of approximately 30 percent, 48 percent, and 22 percent in Statistical Areas 610, 620, and 630, respectively. During the B season, the apportionment is based on the relative distribution of pollock biomass at 30 percent, 59 percent, and 11 percent in Statistical Areas 610, 620, and 630, respectively. During the C and D seasons, the apportionment is based on the relative distribution of pollock biomass at 53 percent, 15 percent, and 32 percent in Statistical Areas 610, 620, and 630, respectively. Tables 5 and 6 list the seasonal apportionments. In the West Yakutat and Southeast Outside Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

³. The annual Pacific cod TAC is apportioned 60% to an A season and 40% to a B season in the Western and Central Regulatory Areas of the GOA. Pacific cod is allocated 90% for processing by the inshore component and 10% for processing by the offshore component. Tables 7 and 8 list the 2007 and 2008 proposed seasonal apportionments and component allocations of TAC.

⁴. "Deep-water flatfish" means Dover sole, Greenland turbot, and deepsea sole.

⁵. "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead or arrowtooth flounder.

⁶. Sablefish is allocated to trawl and hook-and-line gears for 2007 and to trawl gear in 2008. Tables 3 and 4 list these amounts.

⁷. "Pacific ocean perch" means *Sebastes alutus*.

⁸. "Shortraker rockfish" means *Sebastes borealis*.

⁹. "Rougheye rockfish" means *Sebastes aleutianus*.

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 SEO 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* (silvergry), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), and *S. reedi* (yellowmouth). In the Eastern GOA only, slope rockfish also includes northern rockfish, *S. polyspinus*.

¹². "Northern rockfish" means *Sebastes polyspinus*.

¹³. "Pelagic shelf rockfish" means *Sebastes ciliatus* (dark), *S. variabilis* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

¹⁴. Big skate means *Raja binoculata*.

¹⁵. Longnose skate means *Raja rhina*.

¹⁶. Other skates means *Bathyraja* spp.

¹⁷. "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).

¹⁸. "Other species" means sculpins, sharks, squid, and octopus. There is no OFL or ABC for "other species." The FMP specifies that the amount for the "other species" category be set at an amount less than or equal to 5% of the combined TAC amounts for target species.

¹⁹. The total ABC and OFL is the sum of the ABCs and OFLs for assessed target species.

TABLE 2 - FINAL 2008 ABCs, TACs, AND OFLS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (VALUES ARE ROUNDED TO THE NEAREST METRIC TON)

(values are rounded to the nearest metric ton)

Species	Area ¹	ABC	TAC	OFL
Pollock ²				
	Shumagin (610)	30,308	30,308	n/a
	Chirikof (620)	25,313	25,313	n/a
	Kodiak (630)	17,995	17,995	n/a
	WYK (640)	1,694	1,694	n/a
Subtotal	W/C/WYK	75,310	75,310	105,490
	SEO (650)	6,157	6,157	8,209
Total		81,467	81,467	113,699
Pacific cod ³	W	27,846	20,885	n/a
	C	39,270	29,453	n/a
	E	4,284	3,856	n/a
Total		71,400	54,194	86,000
Flatfish ⁴ (deep-water)	W	430	430	n/a
	C	4,296	4,296	n/a

TABLE 2 - FINAL 2008 ABCs, TACs, AND OFLS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (VALUES ARE ROUNDED TO THE NEAREST METRIC TON)—Continued

(values are rounded to the nearest metric ton)

Species	Area ¹	ABC	TAC	OFL
	WYK	2,763	2,763	n/a
	SEO	1,494	1,494	n/a
Total		8,983	8,983	11,412
Rex sole	W	1,122	1,122	n/a
	C	5,327	5,327	n/a
	WYK	1,014	1,014	n/a
	SEO	1,437	1,437	n/a
Total		8,900	8,900	11,600
Flathead sole	W	11,464	2,000	n/a
	C	27,382	5,000	n/a
	WYK	2,198	2,198	n/a
	SEO	60	60	n/a
Total		41,104	9,258	51,146
Flatfish ⁵ (shallow-water)	W	24,720	4,500	n/a
	C	24,258	13,000	n/a
	WYK	628	628	n/a
	SEO	1,844	1,844	n/a
Total		51,450	19,972	62,418
Arrowtooth flounder	W	21,164	8,000	n/a
	C	141,673	30,000	n/a
	WYK	16,754	2,500	n/a
	SEO	7,172	2,500	n/a
Total		186,763	43,000	218,020
Sablefish ⁶	W	2,458	2,458	n/a
	C	6,159	6,159	n/a
	WYK	2,269	2,269	n/a
	SEO	3,353	3,353	n/a
Subtotal	E(WYK and SEO)	5,622	5,622	n/a
Total		14,239	14,239	15,803
Pacific ocean perch ⁷	W	4,291	4,291	5,030
	C	7,694	7,694	9,019
	WYK	1,153	1,153	n/a
	SEO	1,659	1,659	n/a
Subtotal	E(WYK and SEO)	2,812	2,812	3,296

TABLE 2 - FINAL 2008 ABCs, TACs, AND OFLS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (VALUES ARE ROUNDED TO THE NEAREST METRIC TON)—Continued

(values are rounded to the nearest metric ton)

Species	Area ¹	ABC	TAC	OFL
Total		14,797	14,797	17,345
Shortraker rockfish ⁸	W	153	153	n/a
	C	353	353	n/a
	E	337	337	n/a
Total		843	843	1,124
Rougheye rockfish ⁹	W	137	137	n/a
	C	614	614	n/a
	E	242	242	n/a
Total		993	993	1,197
Other rockfish ^{10,11}	W	577	577	n/a
	C	386	386	n/a
	WYK	319	319	n/a
	SEO	2,872	200	n/a
Total		4,154	1,482	5,394
Northern rockfish ^{11,12}	W	1,383	1,383	n/a
	C	3,365	3,365	n/a
	E	0	0	n/a
Total		4,748	4,748	5,660
Pelagic shelf rockfish ¹³	W	1,752	1,752	n/a
	C	3,973	3,973	n/a
	WYK	366	366	n/a
	SEO	531	531	n/a
Total		6,622	6,622	8,186
Thornyhead rockfish	W	513	513	n/a
	C	989	989	n/a
	E	707	707	n/a
Total		2,209	2,209	2,945
Big skates ¹⁴	W	695	695	n/a
	C	2,250	2,250	n/a
	E	599	599	n/a
Total		3,544	3,544	4,726
Longnose skates ¹⁵	W	65	65	n/a
	C	1,969	1,969	n/a
	E	861	861	n/a

TABLE 2 - FINAL 2008 ABCs, TACs, AND OFLS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (VALUES ARE ROUNDED TO THE NEAREST METRIC TON)—Continued

(values are rounded to the nearest metric ton)

Species	Area ¹	ABC	TAC	OFL
Total		2,895	2,895	3,860
Other skates ¹⁶	GW	1,617	1,617	2,156
Demersal shelf rockfish ¹⁷	SEO	410	410	650
Atka mackerel	GW	4,700	1,500	6,200
Other species ¹⁸	GW	n/a	4,500	n/a
TOTAL ¹⁹		511,838	286,173	629,541

¹. Regulatory areas and districts are defined at § 679.2.

². Pollock is apportioned in the Western/Central Regulatory Areas among three statistical areas. During the A season, the apportionment is based on an adjusted estimate of the relative distribution of pollock biomass of approximately 30 percent, 48 percent, and 22 percent in Statistical Areas 610, 620, and 630, respectively. During the B season, the apportionment is based on the relative distribution of pollock biomass at 30 percent, 59 percent, and 11 percent in Statistical Areas 610, 620, and 630, respectively. During the C and D seasons, the apportionment is based on the relative distribution of pollock biomass at 53 percent, 15 percent, and 32 percent in Statistical Areas 610, 620, and 630, respectively. Tables 5 and 6 list the seasonal apportionments. In the West Yakutat and Southeast Outside Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

³. The annual Pacific cod TAC is apportioned 60% to an A season and 40% to a B season in the Western and Central Regulatory Areas of the GOA. Pacific cod is allocated 90% for processing by the inshore component and 10% for processing by the offshore component. Tables 7 and 8 list the 2007 and 2008 proposed seasonal apportionments and component allocations of TAC.

⁴. "Deep-water flatfish" means Dover sole, Greenland turbot, and deepsea sole.

⁵. "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead or arrowtooth flounder.

⁶. Sablefish is allocated to trawl and hook-and-line gears for 2007 and to trawl gear in 2008. Tables 3 and 4 list these amounts.

⁷. "Pacific ocean perch" means *Sebastes alutus*.

⁸. "Shortraker rockfish" means *Sebastes borealis*.

⁹. "Rougheye rockfish" means *Sebastes aleutianus*.

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 SEO 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* (silvergry), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), and *S. reedi* (yellowmouth). In the Eastern GOA only, slope rockfish also includes northern rockfish, *S. polyspinus*.

¹². "Northern rockfish" means *Sebastes polyspinus*.

¹³. "Pelagic shelf rockfish" means *Sebastes ciliatus* (dark), *S. variabilis* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

¹⁴. Big skate means *Raja binoculata*.

¹⁵. Longnose skate means *Raja rhina*.

¹⁶. Other skates means *Bathyraja* spp.

¹⁷. "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).

¹⁸. "Other species" means sculpins, sharks, squid, and octopus. There is no OFL or ABC for "other species." The FMP specifies that the amount for the "other species" category be set at an amount less than or equal to 5% of the combined TAC amounts for target species.

¹⁹. The total ABC and OFL is the sum of the ABCs and OFLs for assessed target species.

Apportionment of Reserves

Section 679.20(b)(2) requires 20 percent of each TAC for pollock, Pacific cod, flatfish, and the "other species" category be set aside in reserves for possible apportionment at a later date. In 2006, NMFS reapportioned all of the reserves in the final harvest specifications. For 2007 and 2008, NMFS proposed reapportionment of all the reserves in the proposed 2007 and 2008 harvest specifications published in the **Federal Register** on December 15, 2006 (71 FR 75437). NMFS received no public comments on the proposed reapportionments. For the final 2007 and 2008 harvest specifications, NMFS apportioned as proposed all of the reserves for pollock, Pacific cod, flatfish, and "other species." Specifications of

TAC shown in Tables 1 and 2 reflect apportionment of reserve amounts for these species and species groups.

Allocations of the Sablefish TAC Amounts to Vessels Using Hook-and-Line and Trawl Gear

Sections 679.20(a)(4)(i) and (ii) require allocations of sablefish TACs for each of the regulatory areas and districts 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 of each TAC is allocated 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 to support incidental catch of sablefish in directed fisheries for other target species (§ 679.20(a)(1)). In recognition of the trawl ban in the SEO District of the Eastern Regulatory Area, the Council recommended and NMFS concurs with the allocation of 5 percent of the combined Eastern Regulatory Area sablefish TAC to trawl gear in the WYK District and the remainder to vessels using hook-and-line gear. As a result, NMFS allocates 100 percent of the sablefish TAC in the SEO District to vessels using hook-and-line gear. The Council recommended that hook-and-line sablefish TAC be established annually to ensure that the Individual Fishery Quota (IFQ) fishery is conducted concurrent with the halibut IFQ fishery and is based on the most

recent survey information. This recommendation results in an allocation of 283 mt to trawl gear and 1,997 mt to hook-and-line gear in the WYK District

and 3,370 mt to hook-and-line gear in the SEO District in 2007, and 281 mt to trawl gear in the WYK District in 2008. Table 3 lists the allocations of the 2007

sablefish TACs between hook-and-line and trawl gear. Table 4 lists the allocations of the 2008 sablefish TACs to trawl gear.

TABLE 3 - FINAL 2007 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ALLOCATIONS TO HOOK-AND-LINE AND TRAWL GEAR
(values are rounded to the nearest metric ton)

Area/district	TAC	Hook-and-line allocation	Trawl allocation
Western	2,470	1,976	494
Central	6,190	4,952	1,238
West Yakutat	2,280	1,997	283
Southeast Outside	3,370	3,370	0
Total	14,310	12,295	2,015

TABLE 4 - FINAL 2008 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ALLOCATION TO TRAWL GEAR
(values are rounded to the nearest metric ton)

Area/district	TAC	Hook-and-line allocation	Trawl allocation
Western	2,458	n/a	492
Central	6,159	n/a	1,232
West Yakutat	2,269	n/a	281
Southeast Outside	3,353	n/a	0
Total	14,239	n/a	2,005

¹ The Council recommended that specifications for the hook-and-line gear sablefish IFQ fisheries be limited to 1 year.

Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components

In the GOA, pollock is apportioned by season and area, and is further allocated for processing by inshore and offshore components. Pursuant to § 679.20(a)(5)(iv)(B), the annual pollock TAC specified for the Western and Central Regulatory Areas of the GOA is apportioned into four equal seasonal allowances of 25 percent. As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively.

Pollock TACs in the Western and Central Regulatory Areas of the GOA are apportioned among Statistical Areas 610, 620, and 630. In the A and B seasons, the apportionments are in proportion to the distribution of pollock biomass based on the four most recent NMFS winter surveys. In the C and D seasons, the apportionments are in proportion to the distribution of pollock biomass based on the four most recent

NMFS summer surveys. For 2007 and 2008, the Council recommends averaging the winter and summer distribution of pollock in the Central Regulatory Area for the A season. The average is intended to reflect the distribution of pollock and the performance of the fishery in the area during the A season for the 2007 and 2008 fishing years. Within any fishing year, the underage or overage of a seasonal allowance may be added to, or subtracted from, subsequent seasonal allowances in a manner to be determined by the Regional Administrator. The rollover amount of unharvested pollock is limited to 20 percent of the seasonal apportionment for the statistical area. Any unharvested pollock above the 20 percent limit could be further distributed to the other statistical areas, in proportion to the estimated biomass in the subsequent season in those statistical areas (§ 679.20(a)(5)(iv)(B)). The WYK and SEO District pollock TACs of 1,398 mt and 6,157 mt in 2007 and 1,694 mt and 6,157 mt in 2008, respectively, are not allocated by season.

Section 679.20(a)(6)(i) requires the allocation of 100 percent of the pollock

TAC in all regulatory areas and all seasonal allowances to vessels catching pollock for processing by the inshore component after subtracting amounts projected by the 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 incidental catch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed by § 679.20(e) and (f). At this time, these incidental catch amounts are unknown and will be determined during the fishing year.

The 2007 and 2008 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal apportionments for the A, B, C, and D seasons are summarized in Tables 5 and 6, except that amounts of pollock for processing by the inshore and offshore components are not shown.

TABLE 5 - FINAL 2007 DISTRIBUTION OF POLLOCK IN THE CENTRAL AND WESTERN REGULATORY AREAS OF THE GULF OF ALASKA; SEASONAL BIOMASS DISTRIBUTION, AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC
(values are rounded to the nearest metric ton)

Area Apportionments Resulting From Seasonal Distribution of Biomass				
Season	Shumagin (Area 610)	Chirikof (Area 620)	Kodiak (Area 630)	Total
A	4,511 (29.70%)	7,357 (48.44%)	3,320 (21.86%)	15,188 (100%)
B	4,511 (29.70%)	8,924 (58.76%)	1,753 (11.54%)	15,188 (100%)
C	7,995 (52.64%)	2,304 (15.17%)	4,889 (32.19%)	15,188 (100%)
D	7,995 (52.64%)	2,304 (15.17%)	4,889 (32.19%)	15,188 (100%)
Annual Total	25,012	20,890	14,850	60,752

TABLE 6 - FINAL 2008 DISTRIBUTION OF POLLOCK IN THE CENTRAL AND WESTERN REGULATORY AREAS OF THE GULF OF ALASKA; SEASONAL BIOMASS DISTRIBUTION, AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC
(values are rounded to the nearest metric ton)

Area Apportionments Resulting From Seasonal Distribution of Biomass				
Season	Shumagin (Area 610)	Chirikof (Area 620)	Kodiak (Area 630)	Total
A	5,466 (29.70%)	8,915 (48.44%)	4,023 (21.86%)	18,404 (100%)
B	5,466 (29.70%)	10,814 (58.76%)	2,124 (11.54%)	18,404 (100%)
C	9,688 (52.64%)	2,792 (15.17%)	5,924 (32.19%)	18,404 (100%)
D	9,688 (52.64%)	2,792 (15.17%)	5,924 (32.19%)	18,404 (100%)
Annual Total	30,308	25,313	17,995	73,616

Seasonal Apportionments of Pacific Cod TAC and Allocations for Processing of Pacific Cod TAC Between Inshore and Offshore Components

Pacific cod fishing is divided into two seasons in the Western and Central Regulatory Areas of the GOA. For hook-and-line, pot, and jig gear, the A season is January 1 through June 10, and the B season is September 1 through December 31. For trawl gear, the A season is January 20 through June 10, and the B season is September 1 through November 1 (§ 679.23(d)(3)). After subtracting incidental catch from the A

season, 60 percent of the annual TAC will be available as a DFA during the A season for the inshore and offshore components. The remaining 40 percent of the annual TAC will be available for harvest during the B season. The seasonal allocations will be apportioned between the inshore and offshore components, as provided in § 679.20(a)(6)(ii). Under § 679.20(a)(11)(ii), any overage or underage of the Pacific cod allowance from the A season may be subtracted from or added to the subsequent B season allowance.

Section 679.20(a)(6)(ii) requires allocation of the TAC apportionments of Pacific cod in all regulatory areas 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. Tables 7 and 8 list the seasonal apportionments and allocations of the 2007 and 2008 Pacific cod TACs.

TABLE 7 - FINAL 2007 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS
(values are rounded to the nearest metric ton)

Season	Regulatory area	TAC	Component allocation	
			Inshore (90%)	Offshore (10%)
A season (60%) B season (40%)	Western	20,141	18,127	2,014
		12,085	10,876	1,208
A season (60%) B season (40%)	Central	8,056	7,251	806
		28,405	25,565	2,840
A season (60%) B season (40%)	Central	17,043	15,339	1,704
		11,362	10,226	1,136
	Eastern	3,718	3,346	372
Total		52,264	47,038	5,226

TABLE 8 - FINAL 2008 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS

(values are rounded to the nearest metric ton)

Season	Regulatory area	TAC	Component allocation	
			Inshore (90%)	Offshore (10%)
A season (60%) B season (40%)	Western	20,885	18,796	2,089
		12,531	11,278	1,253
		8,354	7,519	835
A season (60%) B season (40%)	Central	29,453	26,508	2,945
		17,672	15,905	1,767
		11,781	10,603	1,178
	Eastern	3,856	3,470	386
Total		54,194	48,775	5,419

Demersal Shelf Rockfish (DSR)

In a commercial fisheries news release dated December 18, 2006, the Alaska Department of Fish and Game (ADF&G) announced the closure of directed fishing for DSR in the SEO District in 2007. The ADF&G estimates that the incidental catch mortality in the commercial halibut fishery will require the entire commercial TAC; therefore, a directed fishery in the SEO District cannot be prosecuted (5 AAC 28.160). NMFS reminds all fishermen that full retention of all DSR by federally permitted catcher vessels using hook-and-line or jig gear fishing for groundfish and Pacific halibut in the SEO District of the GOA is required (§ 679.20(j)).

Apportionments to the Central GOA Rockfish Pilot Program

Section 679.81(a)(2) requires the allocation of the primary rockfish species after deducting incidental catch needs in other directed groundfish fisheries in the Central Regulatory Area. Five percent (2.5 percent to trawl gear and 2.5 percent to fixed gear) of the final TACs for Pacific ocean perch, northern rockfish, and pelagic shelf rockfish in the Central Regulatory Area are allocated to the entry level rockfish fishery and the remaining 95 percent to those vessels eligible to participate in the Rockfish Program as described in the proposed and final rules for the Rockfish Program (71 FR 33040, June 7, 2006, and 71 FR 67210, November 20, 2006, respectively). NMFS is setting aside in 2007 and 2008 incidental catch amounts of 330 mt of Pacific ocean perch, 120 mt of northern rockfish, and 100 mt of pelagic shelf rockfish for other directed fisheries in the Central Regulatory Area. These amounts are based on the 2003 through 2006 average incidental catch in the Central

Regulatory Area by these other groundfish fisheries.

Halibut PSC Limits

Section 679.21(d) establishes the annual halibut PSC limit apportionments to trawl, hook-and-line and pot gear. In December 2006, the Council recommended that NMFS maintain the 2006 halibut PSC limits of 2,000 mt for the trawl fisheries and 300 mt for the hook-and-line fisheries. Ten mt of the hook-and-line limit is further allocated to the DSR fishery in the SEO District. The DSR fishery is defined at § 679.21(d)(4)(iii)(A). This fishery has been apportioned 10 mt in recognition of its small scale harvests. Most vessels in the DSR fishery are less than 60 ft (18.3 m) length overall (LOA) and are exempt from observer coverage. Therefore, observer data are not available to verify actual bycatch amounts. NMFS assumes the halibut bycatch in the DSR fishery is low because of the short soak times for the gear and duration of the DSR fishery. Also, the DSR fishery occurs in the winter when less overlap occurs in the distribution of DSR and halibut.

Section 679.21(d)(4)(i) authorizes the exemption of specified non-trawl fisheries from the halibut PSC limit. NMFS, after consultation with the Council, exempts pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery from the non-trawl halibut limit for 2007 and 2008. The Council recommended these exemptions because (1) the pot gear fisheries have low annual halibut bycatch mortality (averaging 18 mt annually from 2001 through 2006 and 21 mt in 2006 alone); (2) the halibut and sablefish IFQ fisheries have low halibut bycatch mortality because the IFQ program requires retention of legal-sized halibut by vessels using hook-and-line gear if a halibut IFQ permit holder is aboard and

is holding unused halibut IFQ; and (3) halibut mortality for the jig gear fisheries is assumed to be negligible. Halibut mortality is assumed to be negligible in the jig gear fisheries given the small amount of groundfish harvested by jig gear (averaging 323 mt annually from 2001 through 2006 and 128 mt in 2006 alone), the selective nature of jig gear, and the likelihood that halibut caught with jig gear have high survival rates when released.

Section 679.21(d)(5) provides NMFS authority to seasonally apportion the halibut PSC limits after consultation with the Council. The FMP and regulations require the Council and NMFS consider the following information in seasonally apportioning halibut PSC limits: (1) seasonal distribution of halibut, (2) seasonal distribution of target groundfish species relative to halibut distribution, (3) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species, (4) expected bycatch rates on a seasonal basis, (5) expected changes in directed groundfish fishing seasons, (6) expected actual start of fishing effort, and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

The final 2006 and 2007 groundfish harvest specifications (71 FR 10870, March 3, 2006) summarized the Council and NMFS' findings with respect to each of these FMP considerations. The Council and NMFS' findings for 2007 and 2008 are unchanged from 2006. The opening dates and halibut PSC limitations for vessels using trawl gear participating in the Rockfish Program in the Central Regulatory Area are described in the final rule to implement the Rockfish Program (71 FR 67210, November 20, 2006).

NMFS concurs with the Council's recommendations described here and listed in Table 9. Section 679.21, paragraphs (d)(5)(iii) and (iv) specify that any underages or overages in a

seasonal apportionment of a PSC limit will be deducted from or added to the next respective seasonal apportionment within the 2007 and 2008 fishing years. The information to establish the halibut

PSC limits was obtained from the 2006 SAFE report, NMFS, ADF&G, the International Pacific Halibut Commission (IPHC), and public testimony.

TABLE 9 - FINAL 2007 AND 2008 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS (values are in metric tons)

Trawl gear		Hook-and-line gear ¹			
Dates	Amount	Other than DSR		DSR	
		Dates	Amount	Dates	Amount
January 20–April 1	550 (27.5%)	January 1–June 10	250 (86%)	January 1–December 31	10 (100%)
April 1–July 1	400 (20%)	June 10–September 1	5 (2%)		
July 1–September 1	600 (30%)	September 1–December 31	35 (12%)		
September 1–October 1	150 (7.5%)	n/a	n/a		
October 1–December 31	300 (15%)	n/a	n/a		
Total	2,000 (100%)	n/a	290 (100%)		10 (100%)

¹ The Pacific halibut PSC limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery and fisheries other than DSR. The hook-and-line sablefish fishery is exempt from halibut PSC limits.

Section 679.21(d)(3)(ii) authorizes further apportionment of the trawl halibut PSC limit to trawl fishery categories. The annual apportionments are based on each category's proportional share of the anticipated halibut bycatch mortality during the fishing year and optimization of the

total amount of groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are (1) a deep-water species complex, comprised of sablefish, rockfish, deep-water flatfish, rex sole and arrowtooth flounder; and (2) a shallow-water species complex,

comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and "other species" (§ 679.21(d)(3)(iii)). Table 10 lists the final 2006 and 2007 apportionments for these two fishery complexes.

TABLE 10 - FINAL 2006 AND 2007 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX (values are in metric tons)

Season	Shallow-water	Deep-water	Total
January 20–April 1	450	100	550
April 1–July 1	100	300	400
July 1–September 1	200	400	600
September 1–October 1	150	Any remainder	150
Subtotal January 20–October 1	900	800	1,700
October 1–December 31 ¹	n/a	n/a	300
Total	n/a	n/a	2,000

¹ No apportionment between shallow-water and deep-water trawl fishery categories during the fifth season (October 1 through December 31).

Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is data collected by observers during 2006. The calculated halibut bycatch mortality by trawl, hook and line, and pot gear through December 31, 2006, is 2,002 mt, 290 mt, and 21 mt, respectively, for a total halibut mortality of 2,313 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries during the 2006 fishing year. Trawling during the second season closed for the deep-water species category April 27 (71 FR 25781, May 2, 2006) and during the fourth season September 5 (71 FR 52754, September 7, 2006). Trawling during the first season closed for the shallow-water species

category from February 23 to February 27 (71 FR 9977, February 28, 2006, and 71 FR 10625, March 2, 2006) and during the second season on June 10 (71 FR 34021, June 13, 2006). To prevent exceeding the fourth season halibut PSC limit for the shallow-water species category, directed fishing using trawl gear was limited to four 12-hour open periods on September 1 (71 FR 51784,

August 31, 2006), September 6 (71 FR 53339, September 11, 2006), September 20 (71 FR 55134, September 21, 2006), and September 25 (71 FR 56898, September 28, 2006). Trawling for all groundfish targets (with the exception of pollock by vessels using pelagic trawl gear) was closed for the fifth season on October 8 (71 FR 60078, October 12, 2006). Fishing for groundfish using hook-and-line gear remained open in 2006 as the halibut PSC limit was not reached. The amount of groundfish that trawl gear might have harvested if

halibut PSC limits had not restricted the 2006 season is unknown.

Expected Changes in Groundfish Stocks and Catch

The final 2007 and 2008 ABCs for Pacific cod, deep-water flatfish, flathead sole, arrowtooth flounder, Pacific ocean perch, and pelagic shelf rockfish are higher than those established for 2006. However, the final 2007 and 2008 ABCs for pollock, sablefish, rex sole, and northern rockfish are lower than those established for 2006. For the remaining target species, the Council

recommended that ABC levels remain unchanged from 2006. More information on these changes is included in the final SAFE report (November 2006) and in the Council, SSC, and AP minutes from the December 2006 meeting available from the Council (see **ADDRESSES**).

In the GOA, the total final TAC amounts are 269,912 mt for 2007, and 286,173 mt for 2008, a decrease of about 8 percent in 2007 and 2 percent in 2008 from the 2006 TAC total of 291,950 mt. Table 11 compares the final TACs for 2006 to the final TACs for 2007 and 2008.

TABLE 11 - COMPARISON OF FINAL 2006 AND FINAL 2007 AND 2008 TOTAL ALLOWABLE CATCH IN THE GULF OF ALASKA (values are rounded to the nearest metric ton)

Species	2006	2007	2008
Pollock	86,807	68,307	81,467
Pacific cod	52,264	52,264	54,194
Sablefish	14,840	14,310	14,239
Rex sole	9,200	9,100	8,900
"Other species"	13,856	4,500	4,500
Deep-water flatfish	8,665	8,707	8,983
Flathead sole	9,077	9,148	9,258
Arrowtooth flounder	38,000	43,000	43,000
Pacific ocean perch	14,261	14,636	14,797
Northern rockfish	5,091	4,938	4,748
Pelagic shelf rockfish	5,436	5,542	6,622

Current Estimates of Halibut Biomass and Stock Condition

The most recent halibut stock assessment was conducted by the IPHC in December 2006 for the 2007 commercial fishery. The 2006 assessment contains substantial changes from the previous year. Information accruing from ongoing passive integrated transponder (PIT) tag recoveries, as well as inconsistencies in the traditional closed-area stock assessments for some areas has prompted the IPHC to examine stock assessment frameworks. It had been assumed that once the halibut reached legal commercial size there was little movement between regulatory areas. PIT tag recoveries indicate greater movement between regulatory areas than previously thought. The IPHC then developed a coast wide assessment based on a single stock. The assessment adopted a coast wide harvest rate of 20 percent of the exploitable biomass overall but higher for some areas with

net immigration. The IPHC staff have recommended a harvest rate of 25 percent in Area 2C, 20 percent in Areas 3A, 3B, and 4A, and 15 percent in Areas 4 B, C, D, and E. The current exploitable halibut biomass in Alaska for 2007 was estimated to be 169,000 mt, down from 189,543 mt in 2006. The female spawning biomass remains far above the minimum which occurred in the 1970s.

The exploitable biomass of the Pacific halibut stock peaked at 326,520 mt in 1988. According to the IPHC, the long-term average reproductive biomass for the Pacific halibut resource was estimated at 118,000 mt. Long-term average yield was estimated at 26,980 mt, round weight. The species is fully utilized. Recent average catches (1994–2004) in the commercial halibut fisheries in Alaska have averaged 34,241 mt, round weight. Catch in waters off Alaska is 27 percent higher than long-term potential yield for the entire halibut stock, reflecting the good condition of the Pacific halibut resource. In December 2006, the IPHC

recommended Alaska commercial catch limits totaling 33,560 mt, round weight, in 2007, a slight increase from 33,421 mt in 2006. Through December 31, 2006, commercial hook-and-line harvests of halibut off Alaska totaled 31,581 mt, round weight.

Additional information on the Pacific halibut stock assessment may be found in the IPHC's 2006 Pacific halibut stock assessment (December 2006), available on the IPHC website at <http://www.iphc.washington.edu>. The IPHC will consider the 2006 Pacific halibut assessment for 2007 at its January 2007 annual meeting when it sets the 2007 commercial halibut fishery quotas.

Other Factors

The proposed 2006 and 2007 harvest specifications (71 FR 75437, December 15, 2006) discuss potential impacts of expected fishing for groundfish on halibut stocks, as well as methods available for, and costs of, reducing halibut bycatch in the groundfish fisheries.

Halibut Discard Mortality Rates

The Council recommends and NMFS concurs that the halibut discard mortality rates (DMRs) recommended by the staff of the IPHC for the 2007 and 2008 GOA groundfish fisheries be used to monitor the 2007 and 2008 GOA halibut bycatch mortality limits. The IPHC recommended use of long-term average DMRs for the 2007 and 2008 groundfish fisheries. The IPHC will analyze observer data annually and recommend changes to the DMRs where a DMR shows large variation from the mean. Most of the IPHC's assumed DMRs were based on an average of mortality rates determined from NMFS observer data collected between 1996 and 2005. Long-term average DMRs were not available for some fisheries, so rates from the most recent years were used. For the "other species" and skate fisheries, where insufficient mortality data are available, the mortality rate of halibut caught in the Pacific cod fishery for that gear type was recommended as a default rate. The GOA DMRs for 2007 and 2008 are revised from those used in 2006. The DMRs for hook-and-line targeted fisheries range from 10 to 14 percent. The DMRs for trawl target fisheries range from 53 to 76 percent. The DMRs for pot target fisheries are 16 percent. The final DMRs for 2007 and 2008 are listed in Table 12. A copy of the document justifying these DMRs is available from the Council (see **ADDRESSES**) and is discussed in Appendix A of the final 2006 SAFE report, dated November 2006.

TABLE 12 - FINAL 2007 AND 2008 HALIBUT DISCARD MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA

(values are percent of halibut bycatch assumed to be dead)

Gear	Target	Mortality Rate (%)
Hook-and-line	Other species	14
	Skates	14
	Pacific cod	14
	Rockfish	10
Trawl	Arrowtooth flounder	69
	Atka mackerel	60
	Deep-water flatfish	53
	Flathead sole	61
	Non-pelagic pollock	59
	Other species	63
	Skates	63
	Pacific cod	63
	Pelagic pollock	76
Pot	Rex sole	63
	Rockfish	67
	Sablefish	65
	Shallow-water flatfish	71
	Other species	16
	Skates	16
	Pacific cod	16

Non-exempt American Fisheries Act (AFA) Catcher Vessel Groundfish Harvest and PSC Sideboard Limitations

Section 679.64 established groundfish harvesting and processing sideboard limitations on AFA catcher/processors and catcher vessels in the GOA. These sideboard limits are necessary to protect the interests of fishermen and processors who have not directly benefitted from the AFA from fishermen and processors who have received exclusive harvesting and processing privileges under the AFA. Listed AFA catcher/processors are prohibited from harvesting any species of fish in the GOA (§ 679.7(k)(1)(ii)). The listed AFA catcher/processors are also prohibited from processing any pollock in the GOA and any groundfish harvested in Statistical Area 630 of the GOA (§ 679.7(k)(1)(iv)). AFA catcher vessels less than 125 ft (38.1 m) LOA whose annual Bering Sea and Aleutian Islands pollock landings totaled less than 5,100 mt and that made 40 or more GOA groundfish landings from 1995 through 1997 are exempt from sideboard limits (§ 679.64(b)(2)(ii)).

Sideboard limits for non-exempt AFA catcher vessels in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered by the GOA FMP. Section 679.64(b)(3)(iii) establishes the groundfish sideboard limitations in the GOA based on the retained catch of non-exempt AFA catcher vessels of each sideboard species from 1995 through 1997 divided by the TAC for that species over the same period. These amounts are listed in Table 13 for 2007 and in Table 14 for 2008. All catch of sideboard species made by non-exempt AFA catcher vessels, whether as targeted catch or incidental catch, will be deducted from the sideboard limits in Tables 13 and 14.

TABLE 13 - FINAL 2007 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST SIDEBOARD LIMITATIONS

(values are in metric tons)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2007 TAC	2007 non-exempt AFA catcher vessel sideboard
Pollock	A Season (W/C areas only) January 20 - February 25 Shumagin (610) Chirikof (620) Kodiak (630)	0.6112	4,511	2,757
		0.1427	7,357	1,050
		0.2438	3,320	809
	B Season (W/C areas only) March 10 - May 31 Shumagin (610) Chirikof (620) Kodiak (630)	0.6112	4,511	2,757
		0.1427	8,924	1,273
		0.2438	1,753	427
	C Season (W/C areas only)			

TABLE 13 - FINAL 2007 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST
SIDEBOARD LIMITATIONS—Continued

(values are in metric tons)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2007 TAC	2007 non-exempt AFA catcher vessel sideboard
	August 25 - September 15 Shumagin (610) Chirikof (620) Kodiak (630)	0.6112 0.1427 0.2438	7,995 2,304 4,889	4,887 329 1,192
	D Season (W/C areas only) October 1 - November 1 Shumagin (610) Chirikof (620) Kodiak (630)	0.6112 0.1427 0.2438	7,995 2,304 4,889	4,887 329 1,192
	Annual WYK (640) SEO (650)	0.3499 0.3499	1,398 6,157	489 2,154
Pacific cod	A Season ¹ January 1 - June 10 W inshore W offshore C inshore C offshore B Season ² September 1 - December 31 W inshore W offshore C inshore C offshore	0.1423 0.1026 0.0722 0.0721 0.1423 0.1026 0.0722 0.0721	10,876 1,208 15,339 1,704 7,251 806 10,226 1,136	1,548 124 1,107 123 1,032 83 738 82
	Annual E inshore E offshore	0.0079 0.0078	3,346 372	26 3
Flatfish deep-water	W C E	0 0.0670 0.0171	420 4,163 4,124	0 279 71
Rex sole	W C E	0.0010 0.0402 0.0153	1,147 5,466 2,507	1 219 38
Flathead sole	W C E	0.0036 0.0261 0.0048	2,000 5,000 2,148	7 131 10
Flathead shallow-water	W C E	0.0156 0.0598 0.0126	4,500 13,000 2,472	70 777 31
Arrowtooth flounder	W C E	0.0021 0.0309 0.0020	8,000 30,000 5,000	17 927 10
Sablefish	W trawl gear C trawl gear E trawl gear	0 0.0720 0.0488	494 1,238 283	0 89 14
Pacific ocean perch	W C E	0.0623 0.0866 0.0466	4,244 7,612 2,780	264 659 130
Shortraker rockfish	W C E	0 0.0237 0.0124	153 353 337	0 8 4
Rougheye rockfish	W C E	0 0.0237 0.0124	136 611 241	0 14 3
Other rockfish	W	0.0034	557	2

TABLE 13 - FINAL 2007 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST
SIDEBOARD LIMITATIONS—Continued

(values are in metric tons)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2007 TAC	2007 non-exempt AFA catcher vessel sideboard
	C	0.2065	386	80
	E	0	519	0
Northern rockfish	W	0.0003	1,439	0
	C	0.0336	3,499	128
Pelagic shelf rockfish	W	0.0001	1,466	0
	C	0	3,325	0
	E	0.0067	751	5
Thornyhead rockfish	W	0.0308	513	16
	C	0.0308	989	30
	E	0.0308	707	22
Big skates	W	0.0090	695	6
	C	0.0090	2,250	20
	E	0.0090	599	5
Longnose skates	W	0.0090	65	1
	C	0.0090	1,969	18
	E	0.0090	861	8
Other skates	GW	0.0090	1,617	15
DSR	SEO	0.0020	410	1
Atka mackerel	Gulfwide	0.0309	1,500	46
Other species	Gulfwide	0.0090	4,500	41

¹ The Pacific cod A season for trawl gear does not open until January 20.² The Pacific cod B season for trawl gear closes November 1.TABLE 14 - FINAL 2008 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST
SIDEBOARD LIMITATIONS

(values are in metric tons)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2008 TAC	2008 non-exempt AFA CV sideboard limit	
Pollock	A Season (W/C areas only) January 20 - February 25				
	Shumagin (610)	0.6112	5,466	3,341	
	Chirikof (620)	0.1427	8,915	1,272	
	Kodiak (630)	0.2438	4,023	981	
	B Season (W/C areas only) March 10 - May 31				
	Shumagin (610)	0.6112	5,466	3,341	
	Chirikof (620)	0.1427	10,814	1,543	
	Kodiak (630)	0.2438	2,124	518	
	C Season (W/C areas only) August 25 - September 15				
	Shumagin (610)	0.6112	9,688	5,921	
	Chirikof (620)	0.1427	2,304	329	
	Kodiak (630)	0.2438	5,924	1,444	
	D Season (W/C areas only) October 1 - November 1				
	Shumagin (610)	0.6112	9,688	5,921	
	Chirikof (620)	0.1427	2,304	329	
	Kodiak (630)	0.2438	5,924	1,444	
	Annual WYK (640)		0.3499	1,694	593

TABLE 14 - FINAL 2008 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST
SIDEBOARD LIMITATIONS—Continued

(values are in metric tons)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2008 TAC	2008 non-exempt AFA CV sideboard limit
	SEO (650)	0.3499	6,157	2,154
Pacific cod	A Season ¹ January 1 - June 10			
	W inshore	0.1423	11,278	1,605
	W offshore	0.1026	1,253	129
	C inshore	0.0722	15,905	1,148
	C offshore	0.0721	1,767	127
	B Season ² September 1 - December 31			
	W inshore	0.1423	7,519	1,070
	W offshore	0.1026	835	86
	C inshore	0.0722	10,603	766
	C offshore	0.0721	1,178	85
	Annual			
	E inshore	0.0079	3,470	27
	E offshore	0.0078	386	3
Flatfish deep-water	W	0	430	0
	C	0.0670	4,296	288
	E	0.0171	4,257	73
Rex sole	W	0.0010	1,122	1
	C	0.0402	5,327	214
	E	0.0153	2,451	38
Flathead sole	W	0.0036	2,000	7
	C	0.0261	5,000	131
	E	0.0048	2,258	11
Flathead shallow-water	W	0.0156	4,500	70
	C	0.0598	13,000	777
	E	0.0126	2,472	31
Arrowtooth flounder	W	0.0021	8,000	17
	C	0.0309	30,000	927
	E	0.0020	5,000	10
Sablefish	W trawl gear	0	492	0
	C trawl gear	0.0720	1,232	89
	E trawl gear	0.0488	281	14
Pacific ocean perch	W	0.0623	4,291	267
	C	0.0866	7,694	666
	E	0.0466	2,812	131
Rougheye rockfish	W	0	153	0
	C	0.0237	353	8
	E	0.0124	337	4
Shortraker rockfish	W	0	137	0
	C	0.0237	614	15
	E	0.0124	242	3
Other rockfish	W	0.0034	577	2
	C	0.2065	386	80
	E	0	519	0
Northern rockfish	W	0.0003	1,383	0
	C	0.0336	3,365	123
Pelagic shelf rockfish	W	0.0001	1,752	0
	C	0	3,973	0
	E	0.0067	897	6
Thornyhead rockfish	W	0.0308	513	16
	C	0.0308	989	30

TABLE 14 - FINAL 2008 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST SIDEBOARD LIMITATIONS—Continued

(values are in metric tons)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2008 TAC	2008 non-exempt AFA CV sideboard limit
	E	0.0308	707	22
Big skates	W	0.0090	695	6
	C	0.0090	2,250	20
	E	0.0090	599	5
Longnose skates	W	0.0090	65	1
	C	0.0090	1,969	18
	E	0.0090	861	8
Other skates	GW	0.0090	1,617	15
DSR	SEO	0.0020	410	1
Atka mackerel	Gulfwide	0.0309	1,500	46
Other species	Gulfwide	0.0090	4,500	41

¹ The Pacific cod A season for trawl gear does not open until January 20.² The Pacific cod B season for trawl gear closes November 1.

The PSC sideboard limits for non-exempt AFA catcher vessels in the GOA are based on the aggregate retained groundfish catch by non-exempt AFA

catcher vessels in each PSC target category from 1995 through 1997 divided by the retained catch of all vessels in that fishery from 1995

through 1997 (§ 679.64(b)(4)). Table 15 lists these amounts.

TABLE 15 - FINAL 2007 AND 2008 NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH (PSC) LIMITS FOR THE GOA

PSC species	Season	Target fishery	Ratio of 1995-1997 non-exempt AFA CV retained catch to total retained catch	2007 and 2008 PSC limit (mt)	2007 and 2008 non-exempt AFA CV PSC limit (mt)
Halibut	Trawl 1st seasonal allowance	shallow-water	0.34	450	153
	January 20 - April 1	deep-water	0.07	100	7
	Trawl 2nd seasonal allowance	shallow-water	0.34	100	34
	April 1- July 1	deep-water	0.07	300	21
	Trawl 3rd seasonal allowance	shallow-water	0.34	200	68
	July 1 - September 1	deep-water	0.07	400	28
	Trawl 4th seasonal allowance	shallow-water	0.34	150	51
	September 1 - October 1	deep-water	0.07	0	0
	Trawl 5th seasonal allowance October 1 - December 31	all targets	0.205	300	61

Non-AFA Crab Vessel Groundfish Harvest Limitations

Section 680.22 establishes groundfish catch limits for vessels with a history of participation in the Bering Sea snow crab fishery from using the increased flexibility provided by the Crab Rationalization Program to expand their level of participation in the GOA

groundfish fisheries. These sideboard limits restrict these vessels' catch to their collective historical landings in each GOA groundfish fishery (except the fixed-gear sablefish fishery). Sideboard limits also will apply to catch made using a License Limitation Program (LLP) license derived from the

history of a restricted vessel, even if that LLP is used on another vessel.

Sideboard limits for non-AFA crab vessels in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered by the GOA FMP. Section 680.22 (d) and (e) base the groundfish sideboard limitations in the GOA on the retained catch by non-AFA crab vessels of each

sideboard species from 1996 through 2000 divided by the total retained harvest of that species over the same period. These amounts are listed in Table 16 for 2007 and in Table 17 for 2008. All targeted or incidental catch of sideboard species made by non-AFA

crab vessels will be deducted from the sideboard limits in Tables 16 and 17. Vessels exempt from Pacific cod sideboards are those that landed less than 45,359 kg of Bering Sea snow crab and more than 500 mt of groundfish (in round weight equivalents) from the

GOA between January 1, 1996, and December 31, 2000, and any vessel named on an LLP that was generated in whole or in part by the fishing history of a vessel meeting the criteria in § 680.22(a)(3).

TABLE 16 - FINAL 2007 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITATIONS

(Values are rounded to nearest metric ton)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	Proposed 2007 TAC	2007 non-AFA crab vessel sideboard limit
Pollock	A Season (W/C areas only) January 20 - March 10			
	Shumagin (610)	0.0098	4,511	44
	Chirikof (620)	0.0031	7,357	23
	Kodiak (630)	0.0002	3,320	1
	B Season (W/C areas only) March 10 - May 31			
	Shumagin (610)	0.0098	4,511	44
	Chirikof (620)	0.0031	8,924	28
	Kodiak (630)	0.0002	1,753	0
	C Season (W/C areas only) August 25 - October 1			
	Shumagin (610)	0.0098	7,995	78
	Chirikof (620)	0.0031	2,304	7
	Kodiak (630)	0.0002	4,889	1
D Season (W/C areas only) October 1 - November 1				
Shumagin (610)	0.0098	7,995	78	
Chirikof (620)	0.0031	2,304	7	
Kodiak (630)	0.0002	4,889	1	
Annual				
WYK (640)	0	1,398	0	
SEO (650)	0	6,157	0	
Pacific cod	A Season ¹ January 1 - June 10			
	W inshore	0.0902	10,876	981
	W offshore	0.2046	1,208	247
	C inshore	0.0383	15,339	587
	C offshore	0.2074	1,704	353
	B Season ² September 1 - December 31			
	W inshore	0.0902	7,251	654
	W offshore	0.2046	806	165
	C inshore	0.0383	10,226	392
	C offshore	0.2074	1,136	236
	Annual			
	E inshore	0.0110	3,346	37
E offshore	0	372	0	
Flatfish deep-water	W	0.0035	420	1
	C	0	4,163	0
	E	0	4,124	0
Rex sole	W	0	1,147	0
	C	0	5,446	0
	E	0	2,507	0
Flathead sole	W	0.0002	2,000	0
	C	0.0004	5,000	2
	E	0	2,148	0
Flathead shallow-water	W	0.0059	4,500	27
	C	0.0001	13,000	1

TABLE 16 - FINAL 2007 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITATIONS—Continued

(Values are rounded to nearest metric ton)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	Proposed 2007 TAC	2007 non-AFA crab vessel sideboard limit
	E	0	2,472	0
Arrowtooth flounder	W	0.0004	8,000	3
	C	0.0001	30,000	3
	E	0	5,000	0
Sablefish	W trawl gear	0	494	0
	C trawl gear	0	1,238	0
	E trawl gear	0	283	0
Pacific ocean perch	W	0	4,244	0
	C	0	7,612	0
	E	0	2,780	0
Shortraker rockfish	W	0.0013	153	0
	C	0.0012	353	0
	E	0.0009	337	0
Rougheye rockfish	W	0.0067	136	1
	C	0.0047	611	3
	E	0.0008	241	0
Other rockfish	W	0.0035	577	2
	C	0.0033	386	1
	E	0	519	0
Northern rockfish	W	0.0005	1,439	1
	C	0	3,499	0
Pelagic shelf rockfish	W	0.0017	1,466	2
	C	0	3,325	0
	E	0	751	0
Thornyhead rockfish	W	0.0047	513	2
	C	0.0066	989	7
	E	0.0045	707	3
Big skate	W	0.0392	695	27
	C	0.0159	2,250	36
	E	0	599	0
Longnose skate	W	0.0392	65	3
	C	0.0159	1,969	31
	E	0	861	0
Other skates	GW	0.0176	1,617	28
DSR	SEO	0	410	0
Atka mackerel	Gulfwide	0	1,500	0
Other species	Gulfwide	0.0176	4,500	79

¹ The Pacific cod A season for trawl gear does not open until January 20.² The Pacific cod B season for trawl gear closes November 1.

TABLE 17- FINAL 2008 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITATIONS

(values are rounded to nearest metric ton)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	2008 TAC	2008 non-AFA crab vessel sideboard limit
Pollock	A Season (W/C areas only) January 20 - March 10 Shumagin (610)	0.0098	5,466	54
	Chirikof (620)	0.0031	8,915	28

TABLE 17- FINAL 2008 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITATIONS—Continued

(values are rounded to nearest metric ton)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	2008 TAC	2008 non-AFA crab vessel sideboard limit
	Kodiak (630)	0.0002	4,023	1
	B Season (W/C areas only) March 10 - May 31			
	Shumagin (610)	0.0098	5,466	54
	Chirikof (620)	0.0031	10,814	34
	Kodiak (630)	0.0002	2,124	0
	C Season (W/C areas only) August 25 - October 1			
	Shumagin (610)	0.0098	9,688	95
	Chirikof (620)	0.0031	2,304	7
	Kodiak (630)	0.0002	5,924	1
	D Season (W/C areas only) October 1 - November 1			
	Shumagin (610)	0.0098	9,688	95
	Chirikof (620)	0.0031	2,304	7
Kodiak (630)	0.0002	5,924	1	
Annual				
WYK (640)	0	1,694	0	
SEO (650)	0	6,157	0	
Pacific cod	A Season ¹ January 1 - June 10			
	W inshore	0.0902	11,278	1,017
	W offshore	0.2046	1,253	256
	C inshore	0.0383	15,905	609
	C offshore	0.2074	1,767	366
	B Season ² September 1 - December 31			
	W inshore	0.0902	7,519	678
	W offshore	0.2046	835	171
	C inshore	0.0383	10,603	406
	C offshore	0.2074	1,178	244
	Annual			
	E inshore	0.0110	3,470	38
E offshore	0	386	0	
Flatfish deep-water	W	0.0035	430	2
	C	0	4,296	0
	E	0	4,257	0
Rex sole	W	0	1,122	0
	C	0	5,327	0
	E	0	2,551	0
Flathead sole	W	0.0002	2,000	0
	C	0.0004	5,000	2
	E	0	2,258	0
Flathead shallow-water	W	0.0059	4,500	27
	C	0.0001	13,000	1
	E	0	2,472	0
Arrowtooth flounder	W	0.0004	8,000	3
	C	0.0001	30,000	3
	E	0	5,000	0
Sablefish	W trawl gear	0	492	0
	C trawl gear	0	1,232	0
	E trawl gear	0	281	0
Pacific ocean perch	W	0	4,291	0
	C	0	7,694	0
	E	0	2,812	0

TABLE 17- FINAL 2008 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITATIONS—Continued

(values are rounded to nearest metric ton)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	2008 TAC	2008 non-AFA crab vessel sideboard limit
Shortraker rockfish	W	0.0013	153	0
	C	0.0012	353	0
	E	0.0009	337	0
Rougheye rockfish	W	0.0067	137	1
	C	0.0047	614	3
	E	0.0008	242	0
Other rockfish	W	0.0035	577	2
	C	0.0033	386	1
	E	0	519	0
Northern rockfish	W	0.0005	1,383	1
	C	0	3,365	0
Pelagic shelf rockfish	W	0.0017	1,752	3
	C	0	3,973	0
	E	0	897	0
Thornyhead rockfish	W	0.0047	513	2
	C	0.0066	989	7
	E	0.0045	707	3
Big skate	W	0.0392	695	27
	C	0.0159	2,250	36
	E	0	599	0
Longnose skates	W	0.0392	65	3
	C	0.0159	1,969	31
	E	0	861	0
Other skates	GW	0.0176	1,617	28
Demersal shelf rockfish	SEO	0	410	0
Atka mackerel	Gulfwide	0	1,500	0
Other species	Gulfwide	0.0176	4,500	79

¹ The Pacific cod A season for trawl gear does not open until January 20.² The Pacific cod B season for trawl gear closes November 1.

Rockfish Program Groundfish Sideboard Limitations and Halibut Mortality Limitations

Section 679.82(d)(7) establishes sideboards to limit the ability of participants eligible for the Rockfish Program to catch fish in fisheries other than the Central GOA rockfish fisheries. The Rockfish Program provides certain economic advantages to harvesters. Harvesters could use this economic advantage to increase their participation in other fisheries, adversely affecting the participants in other fisheries. These

final sideboards limit the total amount of catch in other groundfish fisheries that could be taken by eligible harvesters and limit the amount of halibut mortality to historic levels. The sideboard measures are in effect only during the month of July. Historically, the Central GOA trawl rockfish fisheries opened in July. The sideboards are designed to restrict fishing during the historical season for the fishery, but allow eligible rockfish harvesters to participate in fisheries before or after the historical rockfish season. The two categories of sideboard limits are catch

amount constraints and closures of specific directed fisheries during July. The sideboard provisions are discussed in detail in the Rockfish Program proposed rule (71 FR 33040, June 7, 2006) and final rule (71 FR 67210, November 20, 2006). Tables 18 and 19 list the final 2007 and 2008 harvest limits for rockfish in the WYK District and the Western Regulatory Area. Table 20 lists the final 2007 and 2008 halibut mortality limits for the Western and Central Regulatory Areas and the WYK District.

TABLE 18 - FINAL 2007 ROCKFISH PROGRAM HARVEST LIMITS BY SECTOR FOR WEST YAKUTAT DISTRICT AND WESTERN REGULATORY AREA BY THE CATCHER/PROCESSOR (C/P) AND CATCHER VESSEL (CV) SECTORS

(values are rounded to nearest metric ton)

Management Area	Fishery	C/P sector (% of TAC)	CV sector (% of TAC)	2007 TAC	2007 C/P limit	2007 CV limit
West Yakutat District	Pelagic shelf rockfish	72.4	1.7	307	222	5
	Pacific ocean perch	76.0	2.9	1,140	866	33
Western Regulatory Area	Pelagic shelf rockfish	63.3	0.0	1,466	928	0
	Pacific ocean perch	61.1	0.0	4,244	2,593	0
	Northern rockfish	78.9	0.0	1,439	1,135	0

TABLE 19 - FINAL 2008 ROCKFISH PROGRAM HARVEST LIMITS BY SECTOR FOR WEST YAKUTAT DISTRICT AND WESTERN REGULATORY AREA BY THE CATCHER/PROCESSOR (C/P) AND CATCHER VESSEL (CV) SECTORS

(values are rounded to nearest metric ton)

Management Area	Fishery	C/P sector (% of TAC)	CV sector (% of TAC)	2008 TAC	2008 C/P limit	2008 CV limit
West Yakutat District	Pelagic shelf rockfish	72.4	1.7	366	265	5
	Pacific ocean perch	76.0	2.9	1,153	876	25
Western GOA	Pelagic shelf rockfish	63.3	0.0	1,752	1,109	0
	Pacific ocean perch	61.1	0.0	4,291	2,622	0
	Northern rockfish	78.9	0.0	1,383	1,091	0

TABLE 20 - FINAL 2007 AND 2008 ROCKFISH PROGRAM HALIBUT MORTALITY LIMITS FOR THE CATCHER/PROCESSOR AND CATCHER VESSEL SECTORS

(values are rounded to nearest metric ton)

Sector	Shallow-water complex halibut PSC sideboard ratio	Deep-water complex halibut PSC sideboard ratio	Annual halibut mortality limit (mt)	Annual shallow-water complex halibut PSC sideboard limit (mt)	Annual deep-water complex halibut PSC sideboard limit (mt)
Catcher/processor	3.99	0.54	2,000	80	11
Catcher vessel	1.08	6.32	2,000	22	126

Directed Fishing Closures

Pursuant to § 679.20(d)(1)(i), if the Regional Administrator determines (1) that any allocation or apportionment of a target species or "other species" category allocated or apportioned to a fishery will be reached or, (2) with respect to pollock and Pacific cod, an

allocation or apportionment to an inshore or offshore component allocation will be reached, the Regional Administrator may establish a DFA for that species or species group. If the Regional Administrator establishes a DFA and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed

fishing for that species or species group in the specified GOA regulatory area or district (§ 679.20(d)(1)(iii)).

The Regional Administrator has determined that the following TAC amounts in Table 21 are necessary as incidental catch to support other anticipated groundfish fisheries for the 2007 and 2008 fishing years.

TABLE 21 - DIRECTED FISHING CLOSURES IN THE GOA 2007 AND 2008

(Amounts needed for incidental catch in other directed fisheries are in metric tons)

Target	Regulatory Area	Gear/Component	Amount
Atka mackerel	entire GOA	all	1,500
Thornyhead rockfish	entire GOA	all	2,209
Shortraker rockfish	entire GOA	all	843

TABLE 21 - DIRECTED FISHING CLOSURES IN THE GOA 2007 AND 2008—Continued

(Amounts needed for incidental catch in other directed fisheries are in metric tons)

Target	Regulatory Area	Gear/Component	Amount
Rougheye rockfish	entire GOA	all	988 (2007) 993 (2008)
Other rockfish	entire GOA	all	1,482
Sablefish	entire GOA	trawl	2,015 (2007) 2,004 (2008)
Big skates	entire GOA	all	3,544
Longnose skates	entire GOA	all	2,895
Other skates	entire GOA	all	1,617
Pollock	entire GOA	all/offshore	unknown ¹

¹Pollock is closed to directed fishing in the GOA by the offshore component under § 679.20(a)(6)(i).

Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species or species groups listed in Table 21 as zero. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for those species, regulatory areas, gear types, and components listed in Table 21. These closures will remain in effect through 2400 hrs, A.l.t., December 31, 2008.

Section 679.64(b)(5) provides for management of AFA catcher vessel groundfish harvest limits and PSC bycatch limits using directed fishing closures and PSC closures according to procedures set out at §§ 679.20(d)(1)(iv), 679.21(d)(8), and 679.21(e)(3)(v). The Regional Administrator has determined that, in addition to the closures listed above, many of the non-exempt AFA catcher vessel sideboard limits listed in Tables 13 and 14 are necessary as incidental catch to support other

anticipated groundfish fisheries for the 2007 and 2008 fishing years. In accordance with § 679.20(d)(1)(iv), the Regional Administrator sets the DFAs for the species and species groups in Table 22 at zero. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing by non-exempt AFA catcher vessels in the GOA for the species and specified areas set out in Table 22. These closures will remain in effect through 2400 hrs, A.l.t., December 31, 2008.

TABLE 22 - 2007 AND 2008 NON-EXEMPT AFA CATCHER VESSEL SIDEBOARD DIRECTED FISHING CLOSURES IN THE GOA

(Amounts needed for incidental catch in other directed fisheries are in metric tons)

Species	Regulatory Area/District	Gear	Amount
Pacific cod	Eastern	all	26 (inshore 2007) 27 (inshore 2008) 3 (offshore 2007) 3 (offshore 2008)
Deep-water flatfish	Western	all	0
Rex sole	Western	all	1
Flathead sole	Eastern and Western	all	10 and 7 (2007) 11 and 7 (2008)
Shallow-water flatfish	Eastern	all	31
Arrowtooth flounder	Eastern and Western	all	10 and 17
Northern rockfish	Western	all	0
Pelagic shelf rockfish	entire GOA	all	0(W), 0(C), 5(E) in 2007 0(W), 0(C), 6(E) in 2008
Demersal shelf rockfish	SEO District	all	1

Section 680.22 provides for the management of non-AFA crab vessel groundfish harvest limits using directed fishing closures in accordance with § 680.22(e)(2) and (3). The Regional Administrator has determined that the

non-AFA crab vessel sideboards listed in Tables 16 and 17 are insufficient to support a directed fishery and set the sideboard DFA at zero, with the exception of pollock in the Western Regulatory Area and Pacific cod in the

Western and Central Regulatory Areas. Therefore in accordance with § 680.22(e)(3), NMFS is prohibiting directed fishing by non-AFA crab vessels in the GOA for all species and species groups listed in Tables 16 and

17, with the exception of pollock in the Western Regulatory Area and Pacific cod in the Western and Central Regulatory Areas.

Section 679.82 provides for the management of Rockfish Program sideboard limits using directed fishing closures in accordance with § 679.82(d)(7)(i) and (ii). The Regional Administrator has determined that the catcher vessel sideboards listed in Tables 18 and 19 are insufficient to support a directed fishery and set the sideboard DFA at zero. Therefore, NMFS is closing directed fishing for pelagic shelf rockfish and Pacific ocean perch in the WYK District and the Western Regulatory Area and northern rockfish in the Western Regulatory Area by catcher vessels participating in the Central GOA Rockfish Program during the month of July in 2007 and 2008. These closures will remain in effect through 2400 hrs, A.l.t., December 31, 2008.

Under authority of the final 2006 specifications (71 FR 10870, March 3, 2006), pollock fishing opened on January 20, 2006, 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 22, 2007 (72 FR 2462, January 19, 2007) until 1200 hrs, A.l.t., February 5, 2007 (72 FR 6177, February 09, 2007), and 1200 hrs, A.l.t., February 7, 2007, until 1200 hrs, A.l.t., February 8, 2007 (72 FR 6694, February 13, 2007), and 1200 hrs, A.l.t., February 10, 2007, until 1200 hrs, A.l.t., March 10, 2007. NMFS closed Statistical Area 630 to directed fishing for pollock effective 1200 hrs, A.l.t., January 22, 2007 (72 FR 2793, January 23, 2007) until 1200 hrs, A.l.t., February 6, 2007 (72 FR 5346, February 6, 2007), and 1200 hrs, A.l.t., February 8, 2007, until 1200 hrs, A.l.t., February 12, 2007 (72 FR 7353, February 15, 2007), and 1200 hrs, A.l.t., February 14, 2007, until 1200 hrs, A.l.t., February 20, 2007 (72 FR 8132, February 23, 2007) and 1200 hrs, A.l.t., February 22, 2007, until 1200 hrs, A.l.t., March 10, 2007. NMFS prohibited directed fishing for the A season allowance of the 2007 Pacific cod sideboard limits apportioned to non AFA crab vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA, effective 12 noon, A.l.t., January 24, 2007 until 1200 hrs, A.l.t., September 1, 2007 (72 FR 3748, January 26, 2007). NMFS prohibited directed fishing for the A season allowance of the 2007 Pacific cod sideboard limits apportioned to non AFA crab vessels catching Pacific cod for processing by the inshore component in the Western Regulatory

Area of the GOA, effective 12 noon, A.l.t., February 16, 2007 until 1200 hrs, A.l.t., September 1, 2007 (72 FR 7750, February 20, 2007). NMFS prohibited directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component of the Western Regulatory Area of the GOA, effective 12 noon, A.l.t., February 14, 2007 until 1200 hrs, A.l.t., September 1, 2007 (72 FR 7749, February 20, 2007). NMFS prohibited directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component of the Central Regulatory Area of the GOA, effective 12 noon, A.l.t., February 14, 2007 until 1200 hrs, A.l.t., September 1, 2007 (72 FR 7750, February 20, 2007). NMFS rescinds the closure in the Chiniak Gully Research Area of the GOA to all commercial trawl fishing and testing of trawl gear from August 1 to September 20, 2007 (72 FR 7751, February 20, 2007). While these closures are in effect, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 679. NMFS may implement other closures during the 2007 and 2008 fishing years as necessary for effective conservation and management.

Response to Comments

NMFS received 2 letters of comment (16 comments) in response to proposed the 2007 and 2008 harvest specifications. These comments are summarized and responded to below.

Comment 1: The proposed harvest specifications and accompanying Alaska Groundfish Harvest Specifications Environmental Impact Statement (EIS) do not represent a substantial implementation of the Alaska Groundfish Fisheries Final Programmatic Supplemental Environmental Impact Statement (PSEIS) policy statement, but rather a transparent attempt to indemnify the agency against the inadequacies of the status quo harvest strategy. The proposed harvest specifications lack the perspective of the ecosystem-based policy framework outlined in the PSEIS because there are no explicit procedures in the TAC-setting process to address the impacts of single-species fishing strategies on dependent and related species and their habitats in an ecosystem context. Therefore, the policy framework outlined in the PSEIS has not been implemented in the regulations governing the operation of the groundfish fisheries. Under the proposed harvest specifications,

ecosystem concerns would remain at best ancillary to the process of allocating fish and maximizing short-term economic benefits.

Response: The preferred harvest strategy alternative described in the EIS is derived from the policy adopted as the preferred alternative in the PSEIS (see **ADDRESSES**) and is one of the actions necessary to implement that policy statement. Ecosystem concerns are integral to the EIS analysis. The purpose of the EIS is to describe the potential environmental impacts of the alternative harvest strategies, including an analysis of the potential impacts of these alternatives on ecosystem components and the ecosystem as a whole.

In addition to the EIS analysis, all available scientific information on the ecosystem is analyzed and presented to decision-makers and the public on an annual basis during the harvest specifications process. The annual SAFE reports, which provide the scientific information to support the harvest specifications for each species, include ecosystem considerations sections that describe the role of each target species in the ecosystem. The SAFE report also contains a separate "Ecosystems Considerations" chapter.

Groundfish fisheries management, including the harvest specification process, takes account of ecosystem requirements related to predation, competition, and habitat to provide protection for ecosystem components. Under the harvest strategy, the determination of annual harvest specifications incorporates ecosystem considerations, in the face of uncertainty in the quantitative links between species. The most significant ecosystem considerations are (1) the upper end of the OY range in the GOA, which imposes a constraint on total biomass removal, and (2) OFLs that prevent overfishing of each stock. A species' OFL is a harvest limit rather than a target and ABCs are set below OFLs. The tier system sets maximum ABCs and managers can set actual ABCs lower for ecosystem considerations. TACs never exceed ABCs and are frequently set at lower levels. TACs can also be adjusted downward for ecosystem considerations. Additionally, managers have established harvest control rules for pollock, Pacific cod, and Atka mackerel that prohibit directed fishing at low biomass levels, to account for Steller sea lion prey needs. TACs and actual catches, especially in the GOA, are often lower than ABCs to protect other species, especially halibut, that may be taken as bycatch. Managers frequently restrict

directed fishing for many species before TACs are reached to comply with PSC limits. Inseason management closes directed fisheries when TACs are reached, and restricts fishing in other fisheries taking the species as bycatch when OFLs are approached.

As noted below in the response to Comment 2, the groundfish management framework includes many measures, in addition to the harvest strategy, to mitigate the ecosystem impacts of the groundfish fisheries.

Comment 2: Existing management measures may be construed as consistent with an ecosystem-based approach, but they do not address major ecosystem impacts of the fisheries as promulgated in the annual catch specifications.

Response: Existing management measures address major ecosystem impacts of the fisheries, and the Council and NMFS are engaged in an ongoing effort to improve the ways this is done.

The existing regulatory framework imposes many constraints on fishing activity, including time, area, and gear restrictions, in order to mitigate or control ecosystem impacts created by fishing activity. Regulations impose maximum retainable amount (MRA) limits on the volume of bycatch a vessel may deliver or have onboard. Prohibited species catch (PSC) regulations impose limits on harvests of crab, salmon, herring, and halibut, and restrict fishing activity once those limits are reached. Important restrictions have been imposed on key fisheries to limit competition for Steller sea lion prey and to protect Steller sea lion critical habitat. The Council and NMFS have adopted numerous measures to limit bycatch and control the discards of low value fish by-products. Seabirds attracted to longlines are protected by mandatory gear requirements, such as streamers, meant to reduce incidental takes.

NMFS and the Council are continuing to develop ecosystem management measures for the groundfish fisheries. The Council has created a committee to inform them of ecosystem developments and to assist in formulating positions with respect to ecosystem-based management. The Council has taken the lead in the establishment of the interagency Alaska Marine Ecosystem Forum to improve inter-agency coordination and communication on marine ecosystem issues. The SSC has begun to hold annual ecosystem scientific meetings at the February Council meetings. In addition to exploring how to develop ecosystem management efforts, the Council and NMFS continue to take account of

ecosystem impacts of fishing activity as available information allows. For example, the Council is currently consulting under the Endangered Species Act (ESA) for Steller sea lions, sperm and humpback whales. Ecosystem protection is supported by an extensive research program by the Alaska Fisheries Science Center (AFSC) into ecosystem components and integrated ecosystem functioning. Exempted fishing permits (EFPs) are issued to research halibut excluder devices.

Additionally, the EIS considers other actions taken to manage the fisheries, including reasonable future fisheries management actions, as these are relevant to the environmental consequences of the harvest strategy alternatives. The Council and NMFS have processes consistent with National Environmental Policy Act (NEPA) to evaluate each action to regulate other aspects of the fisheries. The overall fishery management policy within which the harvest strategies fall has been evaluated in the PSEIS. Moreover, NMFS and the Council evaluated each management measure at the time it was adopted in the relevant NEPA document. Considering different management measures in separate actions allows for more careful analysis of alternatives and the implications of each, and is often less confusing to the public. The Council and NMFS are actively evaluating a wide range of new management measures through these processes and will continue to do so.

Comment 3: Levels of exploitation on single stocks are set with no explicit consideration of the impacts of dependent, competing species in the food web or other impacts on associated species that flow from the exploitation of a relative few commercially desirable species. The single species $F_{40\%}$ policy ignores effects on the ecosystem and simply assumes that individual target species can be fished to the maximum sustainable yield (MSY) without significant consequences to other species in the food web.

Response: The harvest strategy incorporates a key principle of ecosystem-based fisheries management by preserving individual stocks and preventing overfishing of those stocks. This is important for protecting ecosystem components that depend on these individual stocks. The effects of the groundfish fisheries and fishing rates are analyzed in the EIS and the annual SAFE reports.

The tier system in the FMP and the harvest specifications process lead to TACs associated with fishing rates that are less than F_{MSY} . F_{OFL} is never greater

than F_{MSY} , or an appropriate F_{MSY} proxy. Average multi-year fishery harvest rates fall below F_{MSY} because the tier system treats F_{OFL} as a limit rather than a target. The fishing rates associated with maximum permissible ABC, actual ABC, and the TAC, all fall below the F_{OFL} , providing a margin between the actual F and the F_{MSY} . Moreover, as discussed in response to Comment 2, other management measures often constrain actual catches and fishing rates below the TACs or the fishing rates associated with the TACs.

With current levels of information, we cannot precisely specify the margin or threshold between F_{OFL} and actual harvest rate that provides the appropriate level of protection for various ecosystem properties. The AFSC continues to develop and improve scientific information in the Ecosystems Considerations section of the SAFE report. New information added in 2006 included the relationship between predation/production and fishing/production, a metric proposed to evaluate the management implications of potential exploitation of forage species, and a metric proposed to evaluate the "footprint" of individual fisheries.

The AFSC also continues to develop and improve several multispecies and ecosystem models to predict the possible effects of fishing and/or climate on ecosystem processes. Ecosystem modeling is extremely complex, and the incorporation of ecosystem considerations into the harvest specifications process is an evolving process. The AFSC is advancing this process through the development of multispecies fish stock assessment models that include predation, ecosystem mass-balance and simulation models, and single-species stock assessment models that include predation. The AFSC briefed the Groundfish Plan Teams on the results of these analyses to help them in their deliberations in the harvest specifications process.

Comment 4: Selective removals of species and large differences in catch rates for managed stocks may be responsible for significant and lasting changes in the structure of groundfish assemblages and food webs in the North Pacific, as seen in other ecosystems. Selective extraction of a relatively few high-value species may provide a competitive opportunity for "under-utilized" species such as arrowtooth flounder, which appear to have increased dramatically since the 1970s. NMFS consistently attributes regional stock declines and broader system changes to the weather ("regime

shifts”), a transparent stratagem that serves to justify the status quo and absolve the agency of responsibility for fishery-related systemic changes.

Response: NMFS analyzes and considers the interactions among fish species in its evaluations of the impacts of groundfish fishing. The nature of competitive interactions among species is an area of ongoing research by the AFSC. These issues are discussed in the ecosystem sections of individual species SAFE reports and by the Plan Teams as they formulate their ABC recommendations.

Species interactions are complex and imperfectly understood in the North Pacific. The AFSC is collaborating to develop a detailed, age-structured, multispecies statistical model to study this complex interaction of pollock and arrowtooth flounder. This “cultivation/depensation” model is expected to be completed in the near future. In December 2006, a Groundfish Plan Team leader briefed the Council and its SSC and AP on the complex interactions between pollock and arrowtooth flounder and on the potential application of this model whereby a species such as pollock “cultivates” its young by preying on species that would eat its young.

Regime shifts remain an important consideration. Regime shifts are well documented; these changes in climate are believed to have affected relative abundance of species in the past, and are expected to do so in the future.

Comment 5: NMFS fails to analyze the cumulative and synergistic effects of selective exploitation, benthic habitat modification, and serial depletion of targeted stocks in the North Pacific. The “Ecosystem Considerations” chapter in the annual SAFE reports does not consider the effects of large-scale fisheries off Alaska on long-term restructuring of food web dynamics and on composition of species assemblages. An evaluation of this phenomenon, and consideration of alternatives to address it, is also missing from the EIS and the harvest specification process. Additionally, the proposed harvest specifications do not mitigate the effects of selective exploitation and disproportionate exploitation rates.

Response: NMFS takes a conservative approach to management in response to uncertainties. Conservative elements in the harvest strategies and groundfish fisheries management are listed in the responses to Comments 1, 2, 12, and 13. The EIS analyzed alternative harvest strategies that met the scope of this action, as determined by the statement of purpose and need.

The EIS analyzes the effects of the alternative harvest strategies on target stocks and habitat in a comprehensive way that looks at both the individual species impacts and the overall ecosystem function impacts. NMFS agrees that uncertainty exists in assessing the ecosystem effects of alternative harvest strategies. One of the functions of an EIS is to identify these uncertainties. The EIS and the Ecosystem Considerations chapter of the SAFE reports examine trends in the trophic level of catch and species diversity. As noted in the response to Comment 4, competitive interactions between fisheries are an active area of AFSC research, and are discussed, as appropriate, in the ecosystem discussions in the species-specific sections of the SAFE reports.

Comment 6: Neither the EIS nor its alternatives address the issues of setting exploitation levels on single stocks with no explicit consideration of the impacts of dependent, competing species in the food web or other impacts on associated species that flow from the exploitation of a relative few commercially desirable species.

Response: The EIS directly examines the impacts of the alternative harvest strategies on non-target species, including food web interactions. The EIS examines the impacts of groundfish fishing on forage fish availability in Chapter 6, and the trophic level of catches in Chapter 11. The EIS includes detailed analyses of the impacts on prey and habitat for key species and species groupings of marine mammals and seabirds in Chapters 8 and 9.

Comment 7: The uncertainties of ecosystem mechanics underscore the need for a much more precautionary approach to fisheries management in the context of food web and habitat conservation, and illustrate why the agency’s determinations of non-significance for fishery impacts on prey availability and spatial/temporal concentration of fisheries are arbitrary and capricious. NMFS cannot demonstrate that the current and proposed levels of fishing permitted in protected species’ habitats are “safe” or “insignificant.” Rather, NMFS assumes that the impact is insignificant in the absence of conclusive evidence to the contrary. The burden of proof is on the environment to show harm. This is opposite of precautionary and the opposite of an ecosystem-based approach.

Response: NMFS did not make a determination of non-significance in the EIS. The EIS fully discloses known impacts, areas of uncertainty, and presents the information in comparative

form to aid in decision-making. NMFS agrees that uncertainty exists in assessing the ecosystem effects of alternative harvest strategies. Identifying these uncertainties is one of the functions of an EIS. The EIS identifies potential adverse impacts of the alternatives on the ecosystem and the uncertainty of those impacts. NMFS is actively taking steps to reduce uncertainty and better understand the environment through ongoing scientific research. Many elements built into the harvest specifications process, and into the groundfish fisheries management regime, described in the responses to Comments 1, 2, 12, and 13, contribute to conservative management.

Comment 8: Major habitat impacts of fishing on the Essential Fish Habitat (EFH) of FMP-managed species and foraging habitats of ESA and Marine Mammal Protection Act (MMPA)-protected species are not addressed in the EIS or mitigated in the proposed harvest specifications.

Response: NMFS has examined in the EIS the impacts of fishing on EFH of FMP-managed species, and on the foraging habitats of ESA- and MMPA-protected species. Chapter 8 examines the impacts of alternative groundfish harvest strategies on ESA- and MMPA-listed marine mammals. Chapter 9 provides a similar examination for ESA-listed seabirds. Chapter 10 examines the impacts of the harvest strategies on EFH and incorporates by reference the analysis in the Essential Fish Habitat Environmental Impact Statement (EFH EIS, see ADDRESSES) that examines the impact of fishing on benthic habitat.

Habitat impacts of fishing on the EFH of FMP-managed species and foraging habitats of ESA- and MMPA-protected species are mitigated by the extensive habitat protection measures enacted in the GOA. These are described in the response to Comment 11.

Comment 9: The EIS fails to evaluate the impacts of pelagic trawl gear on habitat and the impact of the spatial concentration of pollock and Pacific cod catches on stock size, in a meaningful fashion, and fails to consider an alternative to address these impacts. There is little scientific evidence that fishing on spawning stocks of Alaskan groundfish has had adverse impacts on recruitment success. The status quo practice of targeting groundfish on spawning grounds, when the fish are most vulnerable to fishing gear, is a habitat impact of particular significance that must be addressed. The dismal abundance trends of several regional pollock stocks and large uncertainties in stock structure among many groundfish

populations cry out for explicit protection of spawning grounds.

Response: The impacts of pelagic trawling on habitat are evaluated in the EFH EIS. Chapter 10 of the EIS provides an EFH Assessment that incorporates by reference the EFH EIS analysis of the impacts of the groundfish fisheries on EFH. Fisheries management measures, other than harvest strategies, are outside the scope of the action analyzed in the EIS. Pollock and Pacific cod catches are apportioned seasonally under existing measures adopted to protect Steller sea lions. Further seasonal apportionments of catch would require regulatory changes that were outside the scope of this action, as defined by the purpose and need.

Comment 10: The MSA's EFH provisions should require the adoption of marine reserves to protect vulnerable reproductive habitats that are targeted by the fisheries.

Response: This is not a comment on the content of the groundfish harvest specifications or on the accompanying EIS, and deals with issues that are beyond the scope of both.

Comment 11: NMFS' assertions that the status quo EFH measures provide adequate protection or that the spatial/temporal concentration of the fisheries has insignificant impacts on EFH are not supported by evidence. The EIS fails to evaluate this information and consider alternatives that would address these impacts on fish habitat, and the proposed harvest specifications provide no adequate mitigation measures to address these impacts. NMFS cannot demonstrate that the current and proposed levels of fishing permitted in managed species' habitats are insignificant or compliant with the spirit and letter of the MSA's EFH provisions. Rather, NMFS assumes that the impact is insignificant in the absence of conclusive evidence to the contrary. The burden of proof is on the environment and the managed species to show harm. This is opposite of a precautionary approach to EFH conservation.

Response: In this EIS NMFS fully discloses known impacts, identifies uncertainties, and presents information in comparative form to aid in decision-making. Detailed information on fishing on EFH contained in the 2005 EFH EIS was incorporated by reference in this EIS. As discussed in Chapter 2 of the EIS, fisheries management measures, other than harvest strategies, are outside the scope of this action, as defined by the statement of purpose and need.

The discussion of habitat impacts in the EIS incorporated by reference the science and analysis in the EFH EIS.

The analyses in Section 4.3 and Appendix B of the EFH EIS indicated that groundfish fishing has long-term effects on benthic habitat features off Alaska and acknowledged that considerable scientific uncertainty remains regarding the consequences of such habitat changes for the sustained productivity of managed species. Nevertheless, the EFH EIS concluded that the effects on EFH are minimal because the analysis found no indication that continued fishing activities at the current rate and intensity would alter the capacity of EFH to support healthy populations of managed species over the long term. Therefore, the EFH EIS determined that new protection measures for the fisheries to reduce the adverse effects on EFH were not required. Nevertheless, the Council recommended a suite of new conservative measures to reduce potential adverse effects to EFH and Habitat Areas of Particular Concerns from the effects of fishing activities. These actions continue the Council's policy of implementing conservative conservation measures for the Alaska fisheries, as described in the management policies and objectives added to the groundfish FMPs from the PSEIS policy statement. NMFS implemented the Council's recommendations in 2006 (71 FR 36694; June 28, 2006).

The Council and NMFS have taken a conservative approach to habitat protection by enacting substantial restrictions on fishing that minimize potential adverse effects on EFH. Measures to protect Steller sea lions have fully or partially closed about 58,000 square nautical miles to fishing in the AI subarea and GOA. More recently, the Council and NMFS adopted a suite of new measures to reduce the effects of fishing on EFH in the AI subarea and GOA, protecting nearly 300,000 square nautical miles of habitat. Ten areas known as the GOA Slope Habitat Conservation Areas along the continental slope are closed to bottom trawling to protect hard bottom habitat that may be important to rockfish. Five GOA Coral Habitat Protection Areas in southeast Alaska are closed to all bottom contact fishing and anchoring to protect dense thickets of red tree corals. Another fifteen areas offshore, called the Alaska Seamount Habitat Protection Areas, are closed to all bottom contact fishing and anchoring to protect seamounts.

The Council and NMFS have taken many other measures to protect habitat. These include wide range of protection measures, including the Kodiak king crab protections zones, the Cook Inlet

trawl closure area, scallop dredge closure areas, and the Southeast Alaska trawl closure. These actions reflect a conservative management strategy.

Comment 12: The lack of spatial-temporal management of groundfish stocks has potentially profound adverse consequences for ESA-listed Steller sea lions and MMPA-listed northern fur seals. The apportionment of ABCs according to broad management subareas does not address the impacts of fishing at local scales relevant to foraging sea lions, fur seals, and other species. NMFS fails to address localized effects adequately in any alternative considered in the EIS or the proposed harvest specifications. NMFS cannot demonstrate that the current and proposed levels of fishing permitted in protected marine mammal species' habitats are insignificant. Existing uncertainties underscore the need for a highly precautionary approach to habitat conservation, and illustrate why the agency's claims that spatial/temporal concentration of the fisheries under the status quo have insignificant impacts on marine mammal foraging habitats and prey are not supported by evidence. As in other instances, the burden of proof is on the environment to show harm. This is opposite of a precautionary approach.

Response: NMFS did not make a determination of non-significance in the EIS. The EIS fully discloses known impacts, areas of uncertainty, and presents the information in comparative form to aid in decision-making. The EIS describes localized impacts of fishing activity on marine mammals. Chapter 8 in the EIS evaluates the impacts of this action on marine mammals, with particular attention to impacts on Steller sea lions and northern fur seals. The chapter describes what is known about the spatial and temporal overlap between groundfish fishing activity and marine mammal foraging habitat. The EIS summarizes the available information on the impacts of fishing activity on marine mammals and their habitat. While information on the spatial and temporal impact of groundfish fishing on other species is relatively limited, the EIS provides a review of the information available and indicates where information is lacking.

Endangered Steller sea lions have been protected by a suite of measures. Groundfish fisheries conducted in accordance with the Steller sea lion protection measures adopted in 2002 have been determined not to jeopardize Steller sea lions or adversely modify their critical habitat. The protection measures involve seasonal apportionments of annual TACs, limits

on the proportion of catch within habitat important for Steller sea lion foraging, limits on fishing activity within areas adjacent to haulouts and rookeries, and closure of directed fishing when biomass falls to low levels. The protection measures and the conclusions of no jeopardy or adverse modification of habitat were arrived at after careful evaluation in 2001. Since that time, NMFS has continued to investigate the determinants of Steller sea lion declines. These measures are currently being reevaluated in a new biological opinion and revised recovery plan.

Comment 13: The proposed harvest specifications and the accompanying EIS fail in substantive ways to comply with the intent of the MSA, NEPA, the ESA, and the MMPA.

Response: Prior to approval, the Secretary ensures that this action and all actions it takes are in compliance with the MSA, NEPA, the ESA, and the MMPA.

Comment 14: Given the current uncertainties and lack of scientific information, it is essential to adopt a highly precautionary approach to exploitation of these ecosystems, in order to avoid the wholesale system reorganization and impoverishment that has been linked to fishing in other marine ecosystems.

Response: The Council recommended and NMFS approves the use of a cautionary approach.

Comment 15: There is no "balance" between the interests of fisheries and other public interests in the North Pacific region: the scales are tilted entirely to the advantage of the industrial fisheries whose interests are placed above all other public interests. The tradeoffs between often contrary FMP objectives are made by a decision-making body that is not representative of the broader public interest and that is biased heavily in favor of commercial utilization of the public resource for its own benefit. This state of affairs cries out for basic reforms of the kind outlined by the Pew Oceans Commission (2003) and the U.S. Oceans Policy Commission (2004) so that other public interests and societal goals are fairly represented, in order to achieve a real "balance between competing uses" of the ocean commons.

Response: This is not a comment on the content of the groundfish harvest specifications or on the accompanying EIS, and deals with issues that are beyond the scope of both.

Comment 16: All quotas should be cut in half this year and cut by 10 percent each year thereafter until we stop

starving the marine life that depends on eating this fish too.

Response: The decisions on the amount of harvest are based on the best available science and socioeconomic considerations. NMFS finds that the ABCs and TACs are consistent with the biological condition of the groundfish stocks as described in the 2006 SAFE report and approved by the Council.

Small Entity Compliance Guide

The following information is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary management measures announce 2007 and 2008 final harvest specifications and prohibited species bycatch allowances for the groundfish fishery of the GOA. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2007 and 2008 fishing years and to accomplish the goals and objectives of the FMP. This action affects all fishermen who participate in the GOA fishery. The specific amounts of OFL, ABC, TAC, and PSC are provided in tabular form to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and in information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

Classification

NMFS, determined that the FMP is necessary for the conservation and management of the GOA groundfish fishery and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

NMFS prepared a Draft EIS for this action and made it available to the public for comment (71 FR 53093, September 8, 2006). NMFS prepared the Final EIS and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the Final EIS. Copies of the Final EIS and ROD for this action are available from NMFS (see **ADDRESSES**).

The Final Regulatory Flexibility Analysis (FRFA) was prepared to evaluate the impacts on small entities of alternative harvest strategies for the groundfish fisheries in the Exclusive Economic Zone (EEZ) off of Alaska. This FRFA meets the statutory requirements of the Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (5 U.S.C.

601–612). A summary of the FRFA follows.

The action under consideration is adoption of a harvest strategy to govern the harvest of groundfish in the GOA Management Area. The preferred alternative is the status quo harvest strategy in which TACs fall within the range of ABCs recommended through the Council's harvest specification process and TACs recommended by the Council. This action is taken in accordance with the FMP and recommendations by the Council pursuant to the MSA.

The need for and objectives of this rule are described in the preamble and not repeated here.

Significant issues raised by public comment are addressed in the preamble and not repeated here.

The proposed harvest specifications were published in the **Federal Register** on December 15, 2006 (71 FR 75437). An Initial Regulatory Flexibility Analysis (IRFA) was prepared and was described in the classifications sections of that preamble. The public comment period ended on January 16, 2006. No comments were received regarding the economic impacts of this action.

The directly regulated small entities include approximately 747 small catcher vessels and less than 20 small catcher/processors. The entities directly regulated by this action are those that harvest groundfish in the EEZ of the GOA, and in parallel fisheries within State of Alaska waters. These include entities operating catcher vessels and catcher-processor vessels within the action area, and entities receiving direct allocations of groundfish. Catcher vessels and catcher processors were considered to be small entities if they had annual gross receipts, from all of their economic activities, and including the revenue of their affiliated operations, less than or equal to \$4 million per year. Data from 2005 was used because it was the most recent available.

Estimates of first wholesale gross revenues for the GOA were used as indices of the potential impacts of the alternative harvest strategies on small entities. An index of revenues were projected to decline under the preferred alternative due to declines in ABCs for key species in the GOA. The index of revenues declined by less than four percent between 2006 and 2007 and by less than one percent between 2006 and 2008.

The preferred alternative (Alternative 2) was compared to four other alternatives. These included Alternative

1, which would set TACs so as to generate fishing rates equal to the maximum permissible ABC (if the full TAC were harvested), unless the sum of TACs would exceed the regional OY, in which case harvests would be limited to the OY. Alternative 3 would set TACs to produce fishing rates equal to the most recent five year average of fishing rates. Alternative 4 would set TACs to equal the lower bound of the regional OY range. Alternative 5 would set TACs equal to zero.

Alternatives 3, 4, and 5 were all associated with smaller levels for important fishery TACs than Alternative 2. Estimated total first wholesale gross revenues were used as an index of potential adverse impacts to small entities. As a consequence of the lower TAC levels, Alternatives 3, 4, and 5 all had smaller values of these first wholesale revenue indices than Alternative 2. Thus, Alternatives 3, 4, and 5 had greater adverse impacts on small entities. Alternative 1 appeared to generate higher values of the gross revenue index for fishing operations in the GOA than Alternative 2. A large part of the larger Alternative 1 GOA revenue appears to be due to the assumption that the full Alternative 1 TAC would be harvested. Much of the larger revenue is due to increases in flatfish TACs that were much larger for Alternative 1 than for Alternative 2. In recent years, halibut bycatch constraints in these fisheries have kept actual flatfish catches from reaching the Alternative 1 levels. Therefore, a large part of the revenues associated with Alternative 1 are unlikely to occur. Also, Alternative 2 TACs are constrained by the ABCs the Plan Team and SSC recommend to the Council on the basis of a full consideration of biological issues. These ABCs are often less than Alternative 1 maximum permissible ABCs. Therefore higher TACs under Alternative 1 may not be consistent with prudent biological management of the resource. For these reasons, Alternative 2 is the preferred alternative.

This action does not modify recordkeeping or reporting requirements, or duplicate, overlap, or conflict with any Federal rules.

This action is authorized under § 679.20 and is exempt from review under Executive Order 12866.

Adverse impacts on marine mammals resulting from fishing activities

conducted under this rule are discussed in the EIS (see **ADDRESSES**).

Under 5 U.S.C. 553(d)(3), an agency can waive the 30 day delay in effectiveness of a rule for good cause. These final harvest specifications were developed as quickly as possible, given Plan Team review in November 2006, Council consideration and recommendations in December 2006, and NOAA Fisheries review and development in January-February 2007. For all fisheries not currently closed because the TACs established under the 2006 and 2007 final harvest specifications (71 FR 10870, March 3, 2006) were reached, the likely possibility exists for their closures prior to the expiration of a 30 day delayed effectiveness period because their TACs could be reached. Certain fisheries, such as those for pollock and Pacific cod intensive fast paced fisheries. Other fisheries, such as those for flatfish, rockfish and "other species," are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch the TAC allocations in all these fisheries. Any delay in allocating the final TAC in these fisheries would cause disruption to the industry and potential economic harm through unnecessary discards. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries and causing them to close at an accelerated pace.

If the final harvest specifications are not effective by March 10, 2007, which is the start of the Pacific halibut season as specified by the IPHC, the hook-and-line sablefish fishery will not begin concurrently with the Pacific halibut season. This would cause a conservation issue as sablefish that is caught with Pacific halibut would have to be discarded, as both hook-and-line sablefish and Pacific halibut are managed under the same IFQ program. Immediate effectiveness of the 2007 and 2008 final harvest specifications will allow the sablefish fishery to begin

concurrently with the Pacific halibut season, thus preventing needless discards. Also, the immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources based on the best available scientific information, and to give the fishing industry the earliest possible opportunity to plan its fishing operations. These final harvest specifications were developed as quickly as possible, given Plan Team review in November 2006, Council consideration and recommendations in December 2006, and NOAA fisheries review and development in January and February 2007.

Furthermore, the current allocation for GOA Pacific cod under the authority of the 2006 and 2007 final harvest specifications (71 FR 10870, March 3, 2006) is lower (37,545 mt) than the allocation under the 2007 and 2008 final harvest specifications (52,264 mt), which is based on the best scientific information available. Unless this delay is waived and the 2007 and 2008 final harvest specifications become effective upon publication, the A season Pacific cod fisheries will close earlier than necessary. The GOA Pacific cod fishery is the second largest fishery in the GOA after pollock and all gear types are used to fish in the Pacific cod fisheries. Closures of the Pacific cod fisheries are restrictions on the industry that can be relieved by making the 2007 and 2008 final harvest specifications effective on publication. Premature closures disrupt fisheries and increase the potential for regulatory discards. The 2007 and 2008 final harvest specifications establish increased Pacific cod TACs to provide continued directed fishing for this species that would otherwise be prohibited under the 2006 and 2007 harvest specifications. Accordingly, NMFS finds that there is good cause to waive the 30 day delayed effectiveness period under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 773 *et seq.*; 1540(f); 1801 *et seq.*; 1851 note; and 3631 *et seq.*

Dated: February 22, 2007.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. E7-3775 Filed 3-2-07; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 32****Hunting and Fishing***CFR Correction*

In Title 50 of the Code of Federal Regulations, parts 18 to 199, revised as of October 1, 2006, on page 302, § 32.42 is corrected by reinstating the heading "Sherburne National Wildlife Refuge" in the first column before paragraph A.

[FR Doc. 07-55501 Filed 3-13-06; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 061229343-7050-02; I.D. 121406A]

RIN 0648-AV03

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, NOAA (AA), on behalf of the International Pacific Halibut Commission (IPHC), publishes annual management measures promulgated as regulations by the IPHC and approved by the Secretary of State governing the Pacific halibut fishery. The AA also announces modifications to the Catch Sharing Plan (CSP) for Area 2A (waters off the U.S. West Coast) and implementing regulations for 2007, and announces approval of the Area 2A CSP. These actions are intended to enhance the conservation of Pacific halibut and further the goals and objectives of the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (NPFMC).

DATES: Effective March 10, 2007.

ADDRESSES: Additional requests for information regarding this action may be obtained by contacting either the International Pacific Halibut Commission, P.O. Box 95009, Seattle, WA 98145-2009, or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668, or Sustainable Fisheries Division, NMFS Northwest Region, 7600

Sand Point Way, NE, Seattle, WA 98105. This final rule also is accessible via the Internet at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For waters off Alaska, Jay Ginter, 907-586-7171, e-mail at jay.ginter@noaa.gov; or for waters off the U.S. West Coast, Yvonne deReynier, 206-526-6129, e-mail at yvonne.dereynier@noaa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The IPHC has promulgated regulations governing the Pacific halibut fishery in 2007 under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention signed at Washington, D.C., on March 29, 1979. The IPHC regulations have been approved by the Secretary of State of the United States under section 4 of the Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773-773k). Pursuant to regulations at 50 CFR 300.62, the approved IPHC regulations setting forth the 2007 IPHC annual management measures are published in the **Federal Register** to provide notice of their effectiveness, and to inform persons subject to the regulations of the restrictions and requirements. These management measures are effective until superseded by the 2008 management measures, which NMFS will publish in the **Federal Register**.

The IPHC held its annual meeting in Victoria, British Columbia, January 16-19, 2007, and adopted regulations for halibut fisheries in 2007. The substantive changes to the previous IPHC regulations (71 FR 10850, March 3, 2006) that affect U.S. fishermen include:

1. New catch limits in all regulatory areas (areas);
2. Opening date for commercial fisheries;
3. A new date by which managers of Community Development Quota (CDQ) fishing report sublegal sized halibut to the IPHC;
4. An allowance to temporarily possess sublegal sized halibut caught in commercial fisheries to determine whether their size meets the minimum legal size limit before returning the fish to the sea with a minimum of injury;
5. A change to regulations governing sport fishing; and
6. Adoption of the revised Area 2A CSP.

Catch Limits

The IPHC recommended catch limits for 2007 to the Governments of Canada

and the United States totaling 65,170,000 pounds (29,561 metric tons (mt)). This represents a 6.7 percent decrease from the 2006 catch limit of 69,860,000 pounds (31,688 mt). The IPHC staff reported on the assessment of the Pacific halibut stock in 2006. The assessment indicated healthy halibut stocks in Areas 3A through 2A, but indicated declines in Areas 3B and throughout Area 4 as shown by lower fishery and survey catch rates. Recruitment of 1994 and 1995 year classes appeared relatively strong in all areas except Area 4B, which continued to demonstrate lower recruitment levels for all year classes. The IPHC staff also reported that recoveries of Passive Integrated Transponder tagged halibut in the Bering Sea and Gulf of Alaska remain low, providing insufficient information to reliably estimate exploitable biomass in those areas.

Based on recommendations by the IPHC staff, the IPHC continued using an optimum harvest rate of 22.5 percent as the baseline harvest rate for Areas 2A, 2B, 2C, and 3A. However, a more conservative harvest rate was used in the western areas due to the aforementioned stock condition concerns. For Areas 3B and 4A, the IPHC continued using a harvest rate of 20 percent in recognition of the continuing trend in lower abundance. The IPHC continued using a harvest rate of 15 percent for Areas 4B and 4CDE where productivity and recruitment have continued to be low as a precautionary measure.

Opening Date for Commercial Fisheries

The opening date for the tribal commercial fishery in Area 2A and for the commercial fisheries in Areas 2B through 4E was set at March 10, 2007. This date was determined by taking into account the condition of tides and timing of the first fresh halibut to retail markets. The commercial season closing date for 2007 continues to be November 15. Commercial fishing for halibut during this period may start on March 10 at noon, local time, and end on November 15 at noon, local time. In Area 2A, 10-hour non-tribal derby openings will be held on the following days, until the quota is taken and the fishery is closed: June 27, July 11, July 25, August 8, August 22, September 5, and September 19. The commercial season in waters off British Columbia and Alaska is longer than it is in Area 2A due to the individual quota management policies that govern commercial fishing in and off of British Columbia and Alaska.

Report Date for CDQ Managers

Current regulations at sec. 7 of the Halibut Act allow persons fishing for CDQ halibut in Areas 4D or 4E to retain sublegal sized halibut for their personal use provided that they land their total annual halibut catch in these areas. In addition, managers of the CDQ organizations that authorize CDQ harvest in these areas must report annually to the IPHC the total weight and number of undersized halibut retained in Area 4D and 4E CDQ fisheries. The IPHC changed the due date for this report from December 1 to November 1 to facilitate the incorporation of these data in its annual meeting materials.

Sublegal Halibut Possession Allowance

Current regulations at sec. 14 of the Halibut Act require all halibut caught in the commercial fishery for halibut, but that are not retained, to be immediately released and returned to the sea with a minimum of injury. The IPHC recognized that this rule technically would prohibit retaining a halibut on the catcher vessel to determine whether it meets the minimum size limit for commercially harvested halibut. Hence, the IPHC recommended a regulatory change that would allow the temporary possession of a commercially harvested halibut to determine its length and if it is of sublegal size, it would be returned to the sea with a minimum of injury to enhance its survival potential.

Change to Sport Fishing Regulations off Alaska

Current regulations prohibit in all areas the filleting, mutilation or other disfigurement of sport-caught halibut that would prevent the determination of the size or number of halibut possessed or landed. In areas in and off of Alaska (Areas 2C through 4E), however, the IPHC recommended that this prohibition apply only to halibut on the catcher vessel. Once landed or offloaded from the catcher vessel, this prohibition would not apply. This change is intended to facilitate the processing of sport-caught halibut in Alaska for personal use.

Rejected Sport Fishing Regulations

The IPHC recommended decreased sport fishing daily bag limits for anglers on charter vessels in Areas 2C and 3A from two fish to one fish per angler during specific time periods. In Area 2C, the one-fish bag limit was recommended to apply to charter vessel anglers from June 15 through July 30 and in Area 3A from June 15 through June 30. The IPHC intended for these reduced bag limits to

apply until superseded by regulations promulgated by the AA.

The IPHC took this action because it believed that its management goals were at risk by the rapid growth in charter vessel harvest of halibut in excess of the NPFMC's guideline harvest level (GHL) for charter vessel harvest, especially in Area 2C. The IPHC recognized the role of the NPFMC in developing policy and regulations that allocate the Pacific halibut resource among fishermen in and off of Alaska, and that the NPFMC is actively developing a program to manage the charter vessel fishery for halibut. However, the NPFMC management program has not yet been recommended to the AA, and if approved, could not be implemented before the 2008 charter vessel fishing season. Therefore, the IPHC determined that its recommended bag limits in Areas 2C and 3A were necessary to prevent further growth in the halibut harvest by charter vessel anglers as an immediate but interim measure until the NPFMC management program for this fishery can be implemented.

The United States is unable to accept the IPHC's reduction in the daily bag limit for halibut caught from sport charter vessels in Areas 3A and 2C. These regulatory decisions are more appropriately handled through the development and implementation of regulations by domestic fisheries management agencies. For Area 3A, the State of Alaska Commissioner of Fish and Game (State) issued an emergency order on January 26, 2007, prohibiting a sport fishing guide and a sport fishing crew member working on a charter vessel in salt waters of Southcentral Alaska from retaining fish while clients are onboard the vessel. This emergency order will be effective from May 1, 2007, through December 31, 2007. Also, the emergency order limits the maximum number of lines that may be fished from a charter vessel to the number of paying clients onboard the vessel. The State estimates that this action will reduce the harvest of halibut on charter vessels in Area 3A by 7.7 percent to 10.6 percent. This reduction in the charter halibut harvest in Area 3A likely will be sufficient to maintain it at about the level of the GHL because the GHL was exceeded in this area by an estimated 8 percent to 9 percent in 2006.

For Area 2C, the IPHC-recommended bag limit reduction would likely reduce the estimated charter vessel harvest in 2006 by about 20 percent in 2007. Although the recommended one-fish bag limit on charter vessel anglers in Area 2C could lower the total charter vessel harvest somewhat, the AA has determined that a comparable mortality

reduction could be achieved by alternative regulations that would minimize potential negative economic impacts on the charter vessel industry. Hence, the IPHC-recommended reduced bag limits for the charter vessel fishery in Area 2C were rejected in favor of substitute alternative restrictions which will be implemented through a separate domestic regulatory action. The AA's goal in implementing substitute restrictions is to reduce sport fishing mortality of halibut in the charter fishery sector in Area 2C to a level comparable to the level that would be achieved by the IPHC-recommended regulations. The AA intends for the substitute restrictions to minimize negative impacts on the charter fishery, its sport fishing clients, the coastal communities that serve as home ports for this fishery, and on fisheries for other species.

Catch Sharing Plan (CSP) for Area 2A

This action also implements the CSP for regulatory Area 2A. This plan was developed by the PFMC under authority of the Halibut Act. Section 5 of the Halibut Act (16 U.S.C. 773c) provides the Secretary of Commerce (Secretary) with general responsibility to carry out the Convention and to adopt such regulations as may be necessary to implement the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the AA. Section 5 of the Halibut Act (16 U.S.C. 773c(c)) also authorizes the Regional Fishery Management Council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in United States Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Pursuant to this authority, the PFMC's Area 2A CSP allocates the halibut catch limit for Area 2A among treaty Indian, non-treaty commercial, and non-treaty sport fisheries in and off Washington, Oregon, and California.

For 2007, PFMC recommended changes to the CSP to modify the Pacific halibut fisheries in Area 2A in 2007 to (1) constrain the Washington North Coast subarea June fishery to two specific nearshore areas on the first Tuesday and Thursday following June 17; (2) reopen the Washington North Coast subarea June fishery in the entire north coast subarea on the first Saturday following June 17; (3) if sufficient quota remains, reopen the entire Washington North Coast subarea for one day on the first Thursday following June 24, otherwise, reopen the nearshore areas on the first Thursday following June 24 for up to four days per week (Thursday-

Sunday) until the quota is taken; (4) set aside 5 percent of the Washington South Coast subarea quota for the nearshore fishery once the primary fishery has closed; (5) set the Washington South Coast subarea nearshore fishery as a 2-day per week fishery, open Fridays and Saturdays; (6) implement additional closed areas (Yelloweye Rockfish Conservation Areas, or YRCAs) off the coast of Washington that would affect commercial and sport halibut fisheries; (7) remove latitude/longitude coordinates from the CSP but refer to the regulations in which they are published to reduce duplication; (8) remove language referring to salmon troll fishery July-September season; (9) add a definition of the Bonilla-Tatoosh line; and (10) decrease the California possession limit on land from two daily limits to one daily limit statewide to conform with state regulation. NMFS published a proposed rule to implement the PFMC's recommended changes to the CSP, and to implement the 2007 Area 2A sport fishing season regulations on January 16, 2007 (72 FR 1690).

This final rule announces approval of revisions to the Area 2A CSP and implements the Area 2A CSP and management measures for 2007. These halibut management measures are effective until superceded by the 2008 halibut management measures that will be published in the **Federal Register**.

Comments and Responses

NMFS accepted comments on the proposed rule to implement the 2007 Area 2A CSP through February 2, 2007, and received one letter of comment from a member of the public, plus one letter of comment apiece from Washington Department of Fish and Wildlife (WDFW) and Oregon Department of Fish and Wildlife (ODFW), plus one email comment from a member of the public. NMFS also received a letter from the United States Department of Interior indicating that it had no comments to offer.

Comment 1: The WDFW held a public meeting on January 29, 2007, to review the results of the 2006 Puget Sound halibut fishery, and to develop season dates for the 2007 sport halibut fishery. Based on the 2007 Area 2A total allowable catch of 1.34 million lb (607.8 mt) the halibut quota for the Puget Sound sport fishery is 65,562 lb (29.7 mt) Applying WDFW's Fishing Equivalent Day (FED) method for estimating the Puget Sound fishery's season length, and applying the highest catch per FED in the past five years, there are 83 FEDs available for the Eastern Region and 83.5 FEDs available for the Western Region in 2007. Using

the CSP's guidance for setting an earlier season for the Eastern Region of Puget Sound than for the Western Region, WDFW recommends that the regions within the Puget Sound sport halibut fishery will be open as follows: Eastern Region to be open April 9 through June 16, 2006; Western Region to be open May 24 through August 3, 2006.

Response: NMFS agrees with WDFW's recommended Puget Sound season dates and has implemented them via this final rule.

Comment 2: The ODFW held a public meeting on January 24, 2007, to gather comments on the open dates for the Spring recreational all-depth fishery in Oregon's Central Coast sub-area. Since 2003, the number of open fishing days that could be accommodated in the Spring fishery has been roughly constant. The catch limit for this sub-area's Spring season will be 170,242 lb (77.2 mt) in 2007, based on the IPHC's 2007 recommendations for Area 2A. Given the relatively constant effort pattern in recent years, and the similar catch level in 2007 to that in 2006, ODFW recommends setting a Central Coast all-depth fishery of 15 days, with 9 additional back-up dates, in case the sub-area's Spring quota is not taken in the initial 15 days. ODFW recommends the following days for the Spring fishery, within this sub-area's parameters for a Thursday-Saturday season: regular open days of May 10-12, 17-19, 24-26, and 31, June 1-2, and 7-9; back-up open days of June 22-23, and July 5-7, and 19-21. For the Summer fishery in this sub-area, ODFW recommended following the CSP's parameters of opening the first Friday in August, with open days to occur every other Friday-Sunday, unless modified inseason within the parameters of the CSP. Under the CSP, the 2007 summer all-depth fishery in Oregon's Central Coast sub-area would occur: August 3-5, 17-19, and 31, September 1-2, and 14-16, and 28-30, and October 12-14, and 26-28.

Response: NMFS agrees with ODFW's recommended Central Coast season dates and has implemented them via this final rule.

Comment 3: One member of the public sent an email comment writing, "I am a commercial salmon troller and have been limited by strict closures to our salmon season. I have applied for the incidental catch permit these past three years and have made a few extra dollars in being able to keep a limited number of halibut along with my salmon. This past year due to extreme salmon closures my catch of halibut was very minimal. I haven't taken a whole lot of halibut in my three years using the

incidental catch permit. We are limited by weather, season limits, and the latest extreme salmon closures. At the same time, the sport fishery has been dramatically cut in regards to salmon, yet they were allowed to target halibut as usual. My request is that you consider either raising the quota for incidental catch for salmon trollers or at the least keep the limits the same as in the past. I do not believe the salmon trollers have a major impact on the halibut resource. I am an Oregon fisherman and am aware that there are a few boats that do quite well on the Northern Washington coast. Even with these catches I am not sure that the salmon trollers as a whole take a substantial amount of halibut. Please consider this comment in making your decision for my future in regards to the incidental Halibut fishery."

Response: The 2007 quota for incidental halibut catch in the salmon troll fishery is established in the CSP as a proportion of the overall Area 2A total allowable catch (TAC), as are the quotas for the Washington and Oregon directed recreational fisheries for halibut. For 2007, the quota for the incidental salmon troll fishery is 40,227 lb (18.2 mt), a slight decrease from 2006, when the quota was 41,464 lb (18.8 mt). At its March 5-9, 2007, meeting in Sacramento, California, the PFMC will consider alternative incidental halibut catch rates for the 2007 salmon troll fishery. The PFMC will then make final recommendations on those incidental catch rates at its April 2-6, 2007, meeting in Tacoma, Washington, which will be included in its 2007 salmon troll fishery management recommendations to NMFS.

Annual Halibut Management Measures

The annual management measures that follow for the 2007 Pacific halibut fishery are those adopted by the IPHC and approved by the Secretary of State.

1. Short Title

These regulations may be cited as the Pacific Halibut Fishery Regulations.

2. Application

(1) These Regulations apply to persons and vessels fishing for halibut in, or possessing halibut taken from the maritime area as defined in Section 3.

(2) Sections 3 to 6 apply generally to all halibut fishing

(3) Sections 7 to 20 apply to commercial fishing for halibut

(4) Section 21 applies to tagged halibut caught by any vessel.

(5) Section 22 applies to the United States treaty Indian fishery in subarea 2A-1

(6) Section 23 applies to customary and traditional fishing in Alaska

(7) Section 24 applies to Aboriginal groups fishing for food, social and ceremonial purposes in British Columbia.

(8) Section 25 applies to sport fishing for halibut.

(9) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

3. Interpretation

(1) In these Regulations,

(a) *Authorized officer* means any State, Federal, or Provincial officer authorized to enforce these regulations including, but not limited to, the National Marine Fisheries Service (NMFS), Canada's Department of Fisheries and Oceans (DFO), Alaska Bureau of Wildlife Enforcement (ABWE), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), and the Oregon State Police (OSP);

(b) *Authorized clearance personnel* means an authorized officer of the United States, a representative of the Commission, or a designated fish processor;

(c) *Charter vessel* means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator;

(d) *Commercial fishing* means fishing, other than

(i) treaty Indian ceremonial and subsistence fishing as referred to in section 22,

(ii) customary and traditional fishing as referred to in section 23 and defined by and regulated pursuant to NMFS regulations published at 50 CFR part 300, the resulting catch of which is sold or bartered; or is intended to be sold or bartered, and

(iii) Aboriginal groups fishing in British Columbia as referred to in section 24;

(e) *Commission* means the International Pacific Halibut Commission;

(f) *Daily bag limit* means the maximum number of halibut a person may take in any calendar day from Convention waters;

(g) *Fishing* means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area;

(h) *Fishing period limit* means the maximum amount of halibut that may be retained and landed by a vessel during one fishing period;

(i) *Land or offload* with respect to halibut, means the removal of halibut from the catching vessel;

(j) *License* means a halibut fishing license issued by the Commission pursuant to section 4;

(k) *Maritime area*, in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that vessel;

(l) *Net weight*, with respect to halibut, shall be based on halibut that is gutted, head-off, and without ice and slime;

(m) *Operator*, with respect to any vessel, means the owner and/or the master or other individual onboard and in charge of that vessel;

(n) *Overall length* of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(o) *Person* includes an individual, corporation, firm, or association;

(p) *Regulatory area* means an area referred to in section 6;

(q) *Setline gear* means one or more stationary, buoyed, and anchored lines with hooks attached;

(r) *Sport fishing* means all fishing other than

(i) Commercial fishing;

(ii) Treaty Indian ceremonial and subsistence fishing as referred to in section 22;

(iii) Customary and traditional fishing as referred to in section 23 and defined in and regulated pursuant to NMFS regulations published in 50 CFR part 300; and

(iv) Aboriginal groups fishing in British Columbia as referred to in section 24.

(s) *Tender* means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(t) *VMS transmitter* means a NMFS-approved vessel monitoring system transmitter that automatically determines a vessel's position and transmits it to a NMFS-approved communications service provider (Call NOAA Enforcement Division, Alaska Region, at 907-586-7225 between the hours of 0800 and 1600 local time for a list of NMFS-approved VMS transmitters and communications service providers.).

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

4. Licensing Vessels for Area 2A

(1) No person shall fish for halibut from a vessel, nor possess halibut onboard a vessel, used either for commercial fishing or as a charter vessel in Area 2A, unless the Commission has issued a license valid for fishing in Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A vessel with a valid Area 2A commercial license cannot be used to sport fish for Pacific halibut in Area 2A.

(4) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid for one of the following, but not both:

(a) The directed commercial fishery during the fishing periods specified in paragraph (2) of section 8 and the incidental commercial fishery during the sablefish fishery specified in paragraph (3) of section 8; or

(b) The incidental catch fishery during the salmon troll fishery specified in paragraph (4) of section 8.

(5) A license issued in respect of a vessel referred to in paragraph (1) of this section must be carried onboard that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(6) The Commission shall issue a license in respect of a vessel, without fee, from its office in Seattle, Washington, upon receipt of a completed, written, and signed "Application for Vessel License for the Halibut Fishery" form.

(7) A vessel operating in the directed commercial fishery or the incidental commercial fishery during the sablefish fishery in Area 2A must have its "Application for Vessel License for the Halibut Fishery" form postmarked no later than 11:59 p.m. on April 30, or on the first weekday in May if April 30 is a Saturday or Sunday.

(8) A vessel operating in the incidental commercial fishery during the salmon troll season in Area 2A must have its "Application for Vessel License for the Halibut Fishery" form postmarked no later than 11:59 p.m. on March 31, or the first weekday in April if March 31 is a Saturday or Sunday.

(9) Application forms may be obtained from any authorized officer or from the Commission.

(10) Information on "Application for Vessel License for the Halibut Fishery" form must be accurate.

(11) The "Application for Vessel License for the Halibut Fishery" form shall be completed and signed by the vessel owner.

(12) Licenses issued under this section shall be valid only during the year in which they are issued.

(13) A new license is required for a vessel that is sold, transferred, renamed, or redocumented.

(14) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States or any of its States.

(15) The United States may suspend, revoke, or modify any license issued under this section under policies and procedures in 15 CFR part 904.

5. In-Season Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action

(a) Will not result in exceeding the catch limit established preseason for each regulatory area;

(b) Is consistent with the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States; and

(c) Is consistent, to the maximum extent practicable, with any domestic catch sharing plans or other domestic allocation programs developed by the United States or Canadian Governments.

(2) In-season actions may include, but are not limited to, establishment or modification of the following:

- (a) Closed areas;
- (b) Fishing periods;
- (c) Fishing period limits;
- (d) Gear restrictions;
- (e) Recreational bag limits;
- (f) Size limits; or
- (g) Vessel clearances.

(3) In-season changes will be effective at the time and date specified by the Commission.

(4) The Commission will announce in-season actions under this section by providing notice to major halibut processors; Federal, State, United States treaty Indian, Provincial fishery officials, and the media.

6. Regulatory Areas

The following areas shall be regulatory areas (see Figure 1) for the purposes of the Convention:

(1) Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) Area 2B includes all waters off British Columbia;

(3) Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11'54" N. lat., 136°38'24" W. long.)

and south and east of a line running 205° true from said light;

(4) Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41'15" N. lat., 155°35'00" W. long.) to Cape Ikolik (57°17'17" N. lat., 154°47'18" W. long.), then along the Kodiak Island coastline to Cape Trinity (56°44'50" N. lat., 154°08'44" W. long.), then 140° true;

(5) Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29'00" N. lat., 164°20'00" W. long.) and south of 54°49'00" N. lat. in Isanotski Strait;

(6) Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00'00" W. long. and south of 56°20'00" N. lat.;

(7) Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of Area 4A and south of 56°20'00" N. lat.;

(8) Area 4C includes all waters in the Bering Sea north of Area 4A and north of the closed area defined in section 10 which are east of 171°00'00" W. long., south of 58°00'00" N. lat., and west of 168°00'00" W. long.;

(9) Area 4D includes all waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00'00" W. long.;

(10) Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00'00" W. long., and south of 65°34'00" N. lat.

7. Fishing in Regulatory Area 4E and 4D

(1) Section 7 applies only to any person fishing, or vessel that is used to fish for, Area 4E Community Development Quota (CDQ) or Area 4D CDQ halibut provided that the total annual halibut catch of that person or vessel is landed at a port within Area 4E or 4D.

(2) A person may retain halibut taken with setline gear in Area 4E CDQ and 4D CDQ fishery that are smaller than the size limit specified in section 13, provided that no person may sell or barter such halibut.

(3) The manager of a CDQ organization that authorizes persons to harvest halibut in the Area 4E or 4D CDQ fisheries must report to the Commission the total number and weight of undersized halibut taken and retained by such persons pursuant to section 7, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission

prior to December 1 of the year in which such halibut were harvested.

8. Fishing Periods

(1) The fishing periods for each regulatory area apply where the catch limits specified in section 11 have not been taken.

(2) Each fishing period in the Area 2A directed fishery shall begin at 0800 hours and terminate at 1800 hours local time on June 27, July 11, July 25, August 8, August 22, September 5, and September 19 unless the Commission specifies otherwise. The directed fishery is restricted to waters that are south of Point Chehalis, Washington (46°53'18" N. lat.) under regulations promulgated by NMFS and published in the **Federal Register**.

(3) Notwithstanding paragraph (7) of section 11, an incidental catch fishery is authorized during the sablefish seasons in Area 2A in accordance with regulations promulgated by NMFS. The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington (46°53'18" N. lat.) and published in the **Federal Register**.

(4) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NMFS.

(5) The fishing period in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall begin at 1200 hours local time on March 10 and terminate at 1200 hours local time on November 15, unless the Commission specifies otherwise.

(6) All commercial fishing for halibut in Areas 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall cease at 1200 hours local time on November 15.

9. Closed Periods

(1) No person shall engage in fishing for halibut in any regulatory area other than during the fishing periods set out in section 8 in respect of that area.

(2) No person shall land or otherwise retain halibut caught outside a fishing period applicable to the regulatory area where the halibut was taken.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 19, these Regulations do not prohibit fishing for any species of fish other than halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have halibut in his/her possession while fishing for any other species of fish during the closed periods.

(5) No vessel shall retrieve any halibut fishing gear during a closed period if the vessel has any halibut onboard.

(6) A vessel that has no halibut onboard may retrieve any halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any halibut caught on gear retrieved referred to in paragraph (6).

(9) No person shall possess halibut aboard a vessel in a regulatory area during a closed period unless that vessel

is in continuous transit to or within a port in which that halibut may be lawfully sold.

10. Closed Area

All waters in the Bering Sea north of 55°00'00" N. lat. in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36'0" N. lat., 164°55'42" W. long.) to a point at 56°20'00" N. lat., 168°30'00" W. long.; thence to a point at 58°21'25" N. lat., 163°00'00" W. long.; thence to Strogonof Point (56°53'18" N. lat., 158°50'37" W. long.); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin

at Cape Sarichef Light are closed to halibut fishing and no person shall fish for halibut therein or have halibut in his/her possession while in those waters except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00'00" N. lat. and 54°49'00" N. lat. are closed to halibut fishing.

11. Catch Limits

(1) The total allowable catch of halibut to be taken during the halibut fishing periods specified in section 8 shall be limited to the net weights expressed in pounds or metric tons shown in the following table:

Regulatory Area	Catch Limit	
	Pounds	Metric tons
2A: directed commercial, and incidental commercial during salmon troll fishery	268,182	121.6
2A: incidental commercial during sablefish fishery	70,000	31.8
2B ¹	11,470,000	5,201.8
2C	8,510,000	3,859.4
3A	26,200,000	11,882.1
3B	9,220,000	4,181.4
4A	2,890,000	1,310.7
4B	1,440,000	653.1
4C	1,866,500	846.5
4D	1,866,500	846.5
4E	367,000	166.4

¹ Area 2B includes combined commercial and sport catch limits which will be allocated by DFO.

(2) Notwithstanding paragraph (1), regulations pertaining to the division of the Area 2A catch limit between the directed commercial fishery and the incidental catch fishery as described in paragraph (4) of section 8 will be promulgated by NMFS and published in the **Federal Register**.

(3) The Commission shall determine and announce to the public the date on which the catch limit for Area 2A will be taken.

(4) Notwithstanding paragraph (1), Area 2B will close only when all Individual Vessel Quotas (IVQs) assigned by DFO are taken, or November 15, whichever is earlier.

(5) Notwithstanding paragraph (1), Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all IFQs and all CDQs issued by NMFS have been taken, or November 15, whichever is earlier.

(6) If the Commission determines that the catch limit specified for Area 2A in

paragraph (1) would be exceeded in an unrestricted 10-hour fishing period as specified in paragraph (2) of section 8, the catch limit for that area shall be considered to have been taken unless fishing period limits are implemented.

(7) When under paragraphs (2), (3), and (6) the Commission has announced a date on which the catch limit for Area 2A will be taken, no person shall fish for halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for halibut fishing.

(8) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4E directed commercial fishery is equal to the combined annual catch limits specified for the Area 4D and Area 4E CDQ fisheries. The annual Area 4D CDQ catch limit will decrease by the equivalent amount of halibut CDQ taken

in Area 4E in excess of the annual Area 4E CDQ catch limit.

(9) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4D directed commercial fishery is equal to the combined annual catch limits specified for Area 4C and Area 4D. The annual Area 4C catch limit will decrease by the equivalent amount of halibut taken in Area 4D in excess of the annual Area 4D catch limit.

12. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

(2) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut to a commercial fish processor, completely offload all halibut onboard

said vessel to that processor and ensure that all halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut other than to a commercial fish processor, completely offload all halibut onboard said vessel and ensure that all halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the halibut onboard is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on

- (a) The vessel's overall length in feet and associated length class;
 - (b) The average performance of all vessels within that class; and
 - (c) The remaining catch limit.
- (6) Length classes are shown in the following table:

Overall Length, in feet (m)	Vessel Class
1-25 (0.3-7.6)	A
26-30 (7.9-9.1)	B
31-35 (9.4-10.7)	C
36-40 (11.0-12.2)	D
41-45 (12.5-13.7)	E
46-50 (14.0-15.2)	F
51-55 (15.5-16.8)	G
56+ (17.1+)	H

(7) Fishing period limits in Area 2A apply only to the directed halibut fishery referred to in paragraph (2) of section 8.

13. Size Limits

(1) No person shall take or possess any halibut that

(a) With the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) With the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person onboard a vessel fishing for, or tendering, halibut caught in Area 2A shall possess any halibut that has had its head removed.

14. Careful Release of Halibut

(1) All halibut that are caught and are not retained shall be immediately

released outboard of the roller and returned to the sea with a minimum of injury by

- (a) Hook straightening;
- (b) Cutting the gangion near the hook; or
- (c) Carefully removing the hook by twisting it from the halibut with a gaff.

(2) Except that paragraph (1) shall not prohibit the possession of halibut onboard a vessel that has been brought aboard to be measured to determine if the minimum size limit of the halibut is met and, if sublegal-sized, is promptly returned to the sea with a minimum of injury.

15. Vessel Clearance in Area 4

(1) The operator of any vessel that fishes for halibut in Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15) or (16).

(2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.

(3) The vessel clearance required under paragraph (1) prior to fishing in Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(5) The vessel clearance required under paragraph (1) prior to fishing in Area 4C and 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(6) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(7) Before unloading any halibut caught in Area 4A, a vessel operator

may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(8) Before unloading any halibut caught in Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio or in person.

(9) Before unloading any halibut caught in Area 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Any vessel operator who complies with the requirements in section 18 for possessing halibut onboard a vessel that was caught in more than one regulatory area in Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that

(a) The operator of the vessel obtains a vessel clearance prior to fishing in Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the Areas in which the vessel will fish; and

(b) Before unloading any halibut from Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

(11) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.

(12) No halibut shall be onboard the vessel at the time of the clearances required prior to fishing in Area 4.

(13) Any vessel that is used to fish for halibut only in Area 4A and lands its total annual halibut catch at a port within Area 4A is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for halibut only in Area 4B and lands its total annual halibut catch at a port within Area 4B is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for halibut only in Areas 4C or 4D or 4E and lands its total annual halibut catch at a port within Areas 4C, 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).

(16) Any vessel that carries a transmitting VMS transmitter while fishing for halibut in Area 4A, 4B, 4C, or 4D and until all halibut caught in any of these areas is landed is exempt from the clearance requirements of paragraph (1) of this section, provided that

(a) The operator of the vessel complies with NMFS' vessel monitoring system regulations published at 50 CFR sections 679.28(f)(3), (4) and (5); and

(b) The operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800-304-4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for halibut in Area 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

16. Logs

(1) The operator of any U.S. vessel fishing for halibut that has an overall length of 26 ft (7.9 m) or greater shall maintain an accurate log of halibut fishing operations in the Groundfish/IFQ Daily Fishing Longline and Pot Gear Logbook provided by NMFS, or Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association, or the Alaska Department of Fish and Game (ADF&G) longline-pot logbook, or the logbook provided by IPHC.

(2) The logbook referred to in paragraph (1) must include the following information:

(a) The name of the vessel and the state (ADF&G, WDFW, Oregon Department of Fish and Wildlife, or California Department of Fish and Game) vessel number;

(b) The date(s) upon which the fishing gear is set or retrieved;

(c) The latitude and longitude or loran coordinates or a direction and distance from a point of land for each set or day;

(d) The number of skates deployed or retrieved, and number of skates lost; and

(e) The total weight or number of halibut retained for each set or day.

(3) The logbook referred to in paragraph (1) shall be

(a) Maintained onboard the vessel;

(b) Updated not later than 24 hours after midnight local time for each day fished and prior to the offloading or sale of halibut taken during that fishing trip;

(c) Retained for a period of two years by the owner or operator of the vessel;

(d) Open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) Kept onboard the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed.

(4) The log referred to in paragraph (1) does not apply to the incidental halibut fishery during the salmon troll season in Area 2A defined in paragraph (4) of section 8.

(5) The operator of any Canadian vessel fishing for halibut shall maintain an accurate log recorded in the British Columbia Integrated Groundfish Fishing Log provided by DFO.

(6) The logbook referred to in paragraph (5) must include the following information:

(a) The name of the vessel and the DFO vessel number;

(b) The date(s) upon which the fishing gear is set or retrieved;

(c) The latitude and longitude or loran coordinates or a direction and distance from a point of land for each set or day;

(d) The number of skates deployed or retrieved, and number of skates lost; and

(e) The total weight or number of halibut retained for each set or day.

(7) The logbook referred to in paragraph (5) shall be

(a) Maintained onboard the vessel;

(b) Retained for a period of two years by the owner or operator of the vessel;

(c) Open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(d) Kept onboard the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed;

(e) Mailed to the DFO (white copy) within seven days of offloading; and

(f) Mailed to the Commission (yellow copy) within seven days of the final offload if not collected by a Commission employee.

(8) No person shall make a false entry in a log referred to in this section.

17. Receipt and Possession of Halibut

(1) No person shall receive halibut from a United States vessel that does not have onboard the license required by section 4.

(2) No person shall possess onboard a vessel a halibut other than whole or with gills and entrails removed. Except that this paragraph shall not prohibit the possession onboard a vessel:

(a) Halibut cheeks cut from halibut caught by persons authorized to process the halibut onboard in accordance with NMFS regulations published at 50 CFR part 679;

(b) Fillets from halibut that have been offloaded in accordance with section 17 may be possessed onboard the harvesting vessel in the port of landing up to 1800 hours local time on the calendar day following the offload (DFO has more restrictive regulations therefore section 17(2)b does not apply to fish caught in Area 2B or landed in British Columbia); and

(c) Halibut with their heads removed in accordance with section 13.

(3) No person shall offload halibut from a vessel unless the gills and entrails have been removed prior to offloading (DFO did not adopt this regulation therefore section 17 paragraph 3 does not apply to fish caught in Area 2B).

(4) It shall be the responsibility of a vessel operator who lands halibut to continuously and completely offload at a single offload site all halibut onboard the vessel.

(5) A registered buyer (as that term is defined in regulations promulgated by NMFS and codified at 50 CFR part 679) who receives halibut harvested in IFQ and CDQ fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such halibut must weigh all the halibut received and record the following information on Federal catch reports: date of offload; name of vessel; vessel number; scale weight obtained at the time of offloading, including the weight (in pounds) of halibut purchased by the registered buyer, the weight (in pounds) of halibut offloaded in excess of the IFQ or CDQ, the weight of halibut (in pounds) retained for personal use or for future sale, and the weight (in pounds) of halibut discarded as unfit for human consumption.

(6) The first recipient, commercial fish processor, or buyer in the United States who purchases or receives halibut directly from the vessel operator that harvested such halibut must weigh and record all halibut received and record the following information on state fish tickets: the date of offload, vessel

number, total weight obtained at the time of offload including the weight (in pounds) of halibut purchased, the weight (in pounds) of halibut offloaded in excess of the IFQ, CDQ, or fishing period limits, the weight of halibut (in pounds) retained for personal use or for future sale, and the weight (in pounds) of halibut discarded as unfit for human consumption.

(7) The individual completing the state fish tickets for the Area 2A fisheries as referred to in paragraph (6) must additionally record whether the halibut weight is of head-on or head-off fish.

(8) For halibut landings made in Alaska, the requirements as listed in paragraph (5) and (6) can be met by recording the information in the Interagency Electronic Reporting Systems, eLandings.

(9) The master or operator of a Canadian vessel that was engaged in halibut fishing must weigh and record all halibut onboard said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports the date, locality, name of vessel, the name(s) of the person(s) from whom the halibut was purchased; and the scale weight obtained at the time of offloading of all halibut onboard the vessel including the pounds purchased; pounds in excess of IVQs; pounds retained for personal use; and pounds discarded as unfit for human consumption.

(10) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (5), (6), and (9) of section 17.

(11) A copy of the fish tickets or catch reports referred to in paragraphs (5), (6), and (9) shall be

(a) Retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) Open to inspection by an authorized officer or any authorized representative of the Commission.

(12) No person shall possess any halibut taken or retained in contravention of these Regulations.

(13) When halibut are landed to other than a commercial fish processor the records required by paragraph (6) shall be maintained by the operator of the vessel from which that halibut was caught, in compliance with paragraph (9).

(14) It shall be unlawful to enter an IPHC license number on a State fish ticket for any vessel other than the vessel actually used in catching the halibut reported thereon.

18. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time onboard a vessel halibut caught in more than one regulatory area.

(2) Halibut caught in more than one of the Regulatory Areas 2C, 3A, or 3B may be possessed onboard a vessel at the same time providing the operator of the vessel:

(a) Has a NMFS-certified observer onboard when required by NMFS regulations published at 50 CFR 679.7(f)(4); (Note: Without an observer, a vessel cannot have onboard more halibut than the IFQ for the area that is being fished even if some of the catch occurred earlier in a different area.) and

(b) Can identify the regulatory area in which each halibut onboard was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(3) Halibut caught in more than one of the Regulatory Areas 4A, 4B, 4C, or 4D may be possessed onboard a vessel at the same time providing the operator of the vessel:

(a) Has a NMFS-certified observer onboard the vessel when halibut caught in different regulatory areas are onboard; and

(b) Can identify the regulatory area in which each halibut onboard was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(4) Halibut caught in Regulatory Areas 4A, 4B, 4C, and 4D may be possessed onboard a vessel when in compliance with paragraph (3) and if halibut from Area 4 are onboard the vessel, the vessel can have halibut caught in Regulatory Areas 2C, 3A, and 3B onboard if in compliance with paragraph (2).

19. Fishing Gear

(1) No person shall fish for halibut using any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined in the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.

(2) No person shall possess halibut taken with any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined by the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.

(3) No person shall possess halibut while onboard a vessel carrying any

trawl nets or fishing pots capable of catching halibut, except that in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, halibut heads, skin, entrails, bones or fins for use as bait may be possessed onboard a vessel carrying pots capable of catching halibut, provided that a receipt documenting purchase or transfer of these halibut parts is onboard the vessel.

(4) All setline or skate marker buoys carried onboard or used by any United States vessel used for halibut fishing shall be marked with one of the following:

(a) The vessel's state license number; or

(b) The vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All setline or skate marker buoys carried onboard or used by a Canadian vessel used for halibut fishing shall be

(a) Floating and visible on the surface of the water; and

(b) Legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person onboard a vessel from which setline gear was used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the opening of a halibut fishing period shall catch or possess halibut anywhere in those waters during that halibut fishing period.

(8) No vessel from which setline gear was used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the opening of a halibut fishing period may be used to catch or possess halibut anywhere in those waters during that halibut fishing period.

(9) No person onboard a vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season shall catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(10) No vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening

of the halibut fishing season may be used to catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these regulations, a person may retain, possess and dispose of halibut taken with trawl gear only as authorized by Prohibited Species Donation regulations of NMFS.

20. Supervision of Unloading and Weighing

The unloading and weighing of halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

21. Retention of Tagged Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a halibut that bears a Commission external tag at the time of capture, if the halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the halibut

(a) May be retained for personal use; or

(b) May be sold only if the halibut is caught during commercial halibut fishing and complies with the other commercial fishing provisions of these regulations.

(3) Externally tagged fish must count against commercial IVQs, CDQs, IFQs, or daily bag or possession limits unless otherwise exempted by state, provincial, or Federal regulations.

22. Fishing by United States Treaty Indian Tribes

(1) Halibut fishing in subarea 2A-1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NMFS and published in the **Federal Register**.

(2) Subarea 2A-1 includes all waters off the coast of Washington that are north of 46°53'18"N. lat. and east of 125°44'00"W. long., and all inland marine waters of Washington.

(3) Section 13 (size limits), section 14 (careful release of halibut), section 16 (logs), section 17 (receipt and

possession of halibut) and section 19 (fishing gear), except paragraphs (7) and (8) of section 19, apply to commercial fishing for halibut in subarea 2A-1 by the treaty Indian tribes.

(4) Commercial fishing for halibut in subarea 2A-1 is permitted with hook and line gear from March 10 through November 15, or until 461,000 lb (209.1 mt) net weight is taken, whichever occurs first.

(5) Ceremonial and subsistence fishing for halibut in subarea 2A-1 is permitted with hook and line gear from January 1 through December 31, and is estimated to take 33,000 lb (15.0 mt) net weight.

23. Customary and Traditional Fishing in Alaska

(1) Customary and traditional fishing for halibut in Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by the National Marine Fisheries Service and published in 50 CFR part 300.

(2) Customary and traditional fishing is authorized from January 1 through December 31.

24. Aboriginal Groups Fishing for Food, Social, and Ceremonial Purposes in British Columbia

(1) Fishing for halibut for food, social, and ceremonial purposes by Aboriginal groups in Regulatory Area 2B shall be governed by the Fisheries Act of Canada and regulations as amended from time to time.

25. Sport Fishing for Halibut

(1) No person shall engage in sport fishing for halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) In all waters off Alaska

(a) The sport fishing season is from February 1 to December 31;

(b) The daily bag limit is two halibut of any size per day per person.

(3) In all waters off British Columbia

(a) The sport fishing season is from February 1 to December 31;

(b) The daily bag limit is two halibut of any size per day per person.

(4) In all waters off California, Oregon, and Washington

(a) The total allowable catch of halibut shall be limited to

(i) 239,636 lb (108.7 mt) net weight in waters off Washington; and

(ii) 268,182 lb (121.6 mt) net weight in waters off California and Oregon.

(b) The sport fishing subareas, subquotas, fishing dates, and daily bag limits are as follows, except as modified under the inseason actions authorized at 50 CFR 300.63 (c). All sport fishing in

Area 2A is managed on a "port of landing" basis, whereby any halibut landed into a port counts toward the quota for the area in which that port is located, and the regulations governing the area of landing apply, regardless of the specific area of catch.

(i) The area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line extending from 48°17.30' N. lat., 124°23.70' W. long. north to 48°24.10' N. lat., 124°23.70' W. long., is not managed inseason relative to its quota. This area is managed by setting a season that is projected to result in a catch of 65,562 lb (29.7 mt).

(A) The fishing season in eastern Puget Sound (east of 123°49.50' W. long., Low Point) is April 9 through June 16 and the fishing season in western Puget Sound (west of 123°49.50' W. long., Low Point) is May 24 through August 3, 5 days a week (Thursday through Monday).

(B) The daily bag limit is one halibut of any size per day per person.

(ii) The quota for landings into ports in the area off the north Washington coast, west of the line described in paragraph (4)(b)(i) of this section and north of the Queets River (47°31.70' N. lat.), is 116,199 lb (52.7 mt).

(A) The fishing seasons are

(1) Commencing on May 15 and continuing 3 days a week (Tuesday, Thursday, and Saturday) until 83,663 lb (37.9 mt) are estimated to have been taken and the season is closed by the Commission.

(2) On June 19 and 21, the fishery will open only in the nearshore areas defined at the end of this paragraph. The fishery will open for one day on June 23 in the entire north coast subarea. If sufficient quota remains, the fishery would reopen, as a first priority, in the entire north coast subarea for one day on June 28. If there is insufficient quota remaining to reopen the entire north coast subarea on June 28, then the nearshore areas described below would reopen on June 28, up to four days per week (Thursday-Sunday), until the overall quota of 116,199 lb (52.7 mt) are estimated to have been taken and the area is closed by the Commission, or until September 30, whichever is earlier. After June 23, any fishery opening will be announced on the NMFS hotline at 800-662-9825. No halibut fishing will be allowed after June 23 unless the date is announced on the NMFS hotline. The nearshore areas for Washington's North Coast fishery are defined as follows:

(a) WDFW Marine Catch Area 4B, which is all waters west of the Sekiu River mouth, as defined by a line extending from 48°17.30' N. lat.,

124°23.70' W. long. north to 48°24.10' N. lat., 124°23.70' W. long., to the Bonilla-Tatoosh line, as defined by a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48°35.73' N. lat., 124°43.00' W. long.) south of the International Boundary between the U.S. and Canada (at 48°29.62' N. lat., 124°43.55' W. long.), and north of the point where that line intersects with the boundary of the U.S. territorial sea.

(b) Shoreward of the recreational halibut 30-fm boundary line, a modified line approximating the 30 fm (55 m) depth contour from the Bonilla-Tatoosh line south to the Queets River, as defined by straight lines connecting all of the following points in the order stated:

- (1) 48°24.79' N. lat., 124°44.07' W. long.;
- (2) 48°24.80' N. lat., 124°44.74' W. long.;
- (3) 48°23.94' N. lat., 124°44.70' W. long.;
- (4) 48°23.51' N. lat., 124°45.01' W. long.;
- (5) 48°22.59' N. lat., 124°44.97' W. long.;
- (6) 48°21.75' N. lat., 124°45.26' W. long.;
- (7) 48°21.23' N. lat., 124°47.78' W. long.;
- (8) 48°20.32' N. lat., 124°49.53' W. long.;
- (9) 48°16.72' N. lat., 124°51.58' W. long.;
- (10) 48°10.00' N. lat., 124°52.58' W. long.;
- (11) 48°05.63' N. lat., 124°52.91' W. long.;
- (12) 47°53.37' N. lat., 124°47.37' W. long.;
- (13) 47°40.28' N. lat., 124°40.07' W. long.; and
- (14) 47°31.70' N. lat., 124°37.03' W. long.

(B) The daily bag limit is one halibut of any size per day per person.

(C) Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing in the North Coast Recreational YRCA may not be in possession of any halibut. Recreational vessels may transit through the North Coast Recreational YRCA with or without halibut onboard. The North Coast Recreational YRCA is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish.

The North Coast Recreational YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

- (1) 48°18.00' N. lat.; 125°18.00' W. long.;
 - (2) 48°18.00' N. lat.; 124°59.00' W. long.;
 - (3) 48°11.00' N. lat.; 124°59.00' W. long.;
 - (4) 48°11.00' N. lat.; 125°11.00' W. long.;
 - (5) 48°04.00' N. lat.; 125°11.00' W. long.;
 - (6) 48°04.00' N. lat.; 124°59.00' W. long.;
 - (7) 48°00.00' N. lat.; 124°59.00' W. long.;
 - (8) 48°00.00' N. lat.; 125°18.00' W. long.;
- and connecting back to 48°18.00' N. lat.; 125°18.00' W. long.

(iii) The quota for landings into ports in the area between the Queets River, Washington, (47°31.70' N. lat.) and Leadbetter Point, Washington, (46°38.17' N. lat.), is 50,907 lb (23 mt).

(A) The fishing season commences on May 1 and continues 5 days a week (Sunday through Thursday) in all waters, except that in the area from 47°25.00' N. lat. south to 46°58.00' N. lat. and east of 124°30.00' W. long. (the Washington South coast, northern nearshore area), the fishing season commences on May 1 and continues 7 days a week. The south coast subarea quota will be allocated as follows: 48,362 lb (22 mt), 95 percent, for the primary fishery, and 2,545 lb (1.2 mt), 5 percent, for the northern nearshore fishery, once the primary fishery has closed. The primary fishery will continue from May 1 until 48,362 lb (22 mt) are estimated to have been taken and the season is closed by the Commission, or until September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining to reopen the primary fishery for another fishing day, then any remaining quota may be used to accommodate incidental catch in the northern nearshore area from 47°25.00' N. lat. south to 46°58.00' N. lat. and east of 124°30.00' W. long. on Fridays and Saturdays, until 50,907 lb (23 mt) is projected to be taken and the fishery is closed by the Commission. No fishing is allowed after the closure of the primary fishery unless openings are announced on the NMFS hotline at 800-662-9825. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the northern nearshore area for another fishing day, then any remaining quota may be transferred inseason to another

Washington coastal subarea by NMFS via an update to the recreational halibut hotline.

(B) The daily bag limit is one halibut of any size per day per person.

(C) Recreational fishing for groundfish and halibut is prohibited within the South Coast Recreational YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the South Coast Recreational YRCA. A vessel fishing in the South Coast Recreational YRCA may not be in possession of any halibut. Recreational vessels may transit through the South Coast Recreational YRCA with or without halibut onboard. The South Coast Recreational YRCA is an area off the southern Washington coast intended to protect yelloweye rockfish. The South Coast Recreational YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

- (1) 46°58.00' N. lat., 124°48.00' W. long.;
 - (2) 46°55.00' N. lat., 124°48.00' W. long.;
 - (3) 46°58.00' N. lat., 124°49.00' W. long.;
 - (4) 46°55.00' N. lat., 124°49.00' W. long.;
- and connecting back to 46°58.00' N. lat., 124°48.00' W. long.

(iv) The quota for landings into ports in the area between Leadbetter Point, Washington, (46°38.17' N. lat.) and Cape Falcon, Oregon, (45°46.00' N. lat.), is 20,378 lb (9.2 mt).

(A) The fishing season commences on May 1, and continues 7 days a week until 14,264 lb (6.5 mt) are estimated to have been taken and the season is closed by the Commission or until July 15, whichever is earlier. The fishery will reopen on August 3 and continue 3 days a week (Friday through Sunday) until 20,378 lb (9.2 mt) have been taken and the season is closed by the Commission, or until September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

(B) The daily bag limit is one halibut of any size per day per person.

(C) Pacific Coast groundfish may not be taken and retained, possessed or landed, except sablefish and Pacific cod when allowed by Pacific Coast groundfish regulations, if halibut are onboard the vessel.

(v) The quota for landings into ports in the area off Oregon between Cape Falcon (45°46.00' N. lat.) and Humbug Mountain (42°40.50' N. lat.), is 246,727 lb (111.9 mt).

(A) The fishing seasons are

(1) The first season (the "inside 40-fm" fishery) commences May 1 and continues 7 days a week through October 31, in the area shoreward of a boundary line approximating the 40-fm (73-m) depth contour, or until the sub-quota for the central Oregon "inside 40-fm" fishery (19,738 lb (8.6 mt)) or any inseason revised subquota is estimated to have been taken and the season is closed by the Commission, whichever is earlier. The boundary line approximating the 40-fm (73-m) depth contour between 45°46.00' N. lat. and 42°40.50' N. lat. is defined by straight lines connecting all of the following points in the order stated:

- (1) 45°46.00' N. lat., 124°04.49' W. long.;
- (2) 45°44.34' N. lat., 124°05.09' W. long.;
- (3) 45°40.64' N. lat., 124°04.90' W. long.;
- (4) 45°33.00' N. lat., 124°04.46' W. long.;
- (5) 45°32.27' N. lat., 124°04.74' W. long.;
- (6) 45°29.26' N. lat., 124°04.22' W. long.;
- (7) 45°20.25' N. lat., 124°04.67' W. long.;
- (8) 45°19.99' N. lat., 124°04.62' W. long.;
- (9) 45°17.50' N. lat., 124°04.91' W. long.;
- (10) 45°11.29' N. lat., 124°05.20' W. long.;
- (11) 45°05.80' N. lat., 124°05.40' W. long.;
- (12) 45°05.08' N. lat., 124°05.93' W. long.;
- (13) 45°03.83' N. lat., 124°06.47' W. long.;
- (14) 45°01.70' N. lat., 124°06.53' W. long.;
- (15) 44°58.75' N. lat., 124°07.14' W. long.;
- (16) 44°51.28' N. lat., 124°10.21' W. long.;
- (17) 44°49.49' N. lat., 124°10.90' W. long.;
- (18) 44°44.96' N. lat., 124°14.39' W. long.;
- (19) 44°43.44' N. lat., 124°14.78' W. long.;
- (20) 44°42.26' N. lat., 124°13.81' W. long.;
- (21) 44°41.68' N. lat., 124°15.38' W. long.;
- (22) 44°34.87' N. lat., 124°15.80' W. long.;
- (23) 44°33.74' N. lat., 124°14.44' W. long.;

- (24) 44°27.66' N. lat., 124°16.99' W. long.;
- (25) 44°19.13' N. lat., 124°19.22' W. long.;
- (26) 44°15.35' N. lat., 124°17.38' W. long.;
- (27) 44°14.38' N. lat., 124°17.78' W. long.;
- (28) 44°12.80' N. lat., 124°17.18' W. long.;
- (29) 44°09.23' N. lat., 124°15.96' W. long.;
- (30) 44°08.38' N. lat., 124°16.79' W. long.;
- (31) 44°08.30' N. lat., 124°16.75' W. long.;
- (32) 44°01.18' N. lat., 124°15.42' W. long.;
- (33) 43°51.61' N. lat., 124°14.68' W. long.;
- (34) 43°42.66' N. lat., 124°15.46' W. long.;
- (35) 43°40.49' N. lat., 124°15.74' W. long.;
- (36) 43°38.77' N. lat., 124°15.64' W. long.;
- (37) 43°34.52' N. lat., 124°16.73' W. long.;
- (38) 43°28.82' N. lat., 124°19.52' W. long.;
- (39) 43°23.91' N. lat., 124°24.28' W. long.;
- (40) 43°20.83' N. lat., 124°26.63' W. long.;
- (41) 43°17.96' N. lat., 124°28.81' W. long.;
- (42) 43°16.75' N. lat., 124°28.42' W. long.;
- (43) 43°13.97' N. lat., 124°31.99' W. long.;
- (44) 43°13.72' N. lat., 124°33.25' W. long.;
- (45) 43°12.26' N. lat., 124°34.16' W. long.;
- (46) 43°10.96' N. lat., 124°32.33' W. long.;
- (47) 43°05.65' N. lat., 124°31.52' W. long.;
- (48) 42°59.66' N. lat., 124°32.58' W. long.;
- (49) 42°54.97' N. lat., 124°36.99' W. long.;
- (50) 42°53.81' N. lat., 124°38.57' W. long.;
- (51) 42°50.00' N. lat., 124°39.68' W. long.;
- (52) 42°49.13' N. lat., 124°39.70' W. long.;
- (53) 42°46.47' N. lat., 124°38.89' W. long.;
- (54) 42°45.74' N. lat., 124°38.86' W. long.;
- (55) 42°44.79' N. lat., 124°37.96' W. long.;
- (56) 42°45.01' N. lat., 124°36.39' W. long.;
- (57) 42°44.14' N. lat., 124°35.17' W. long.;
- (58) 42°42.14' N. lat., 124°32.82' W. long.; and

- (59) 42°40.50' N. lat., 124°31.98' W. long.

(2) The second season (spring season), which is for the "all-depth" fishery, is open on May 10, 11, 12, 17, 18, 19, 24, 25, 26, 31, and June 1, 2, 7, 8, 9. The projected catch for this season is 170,242 lb (77.2 mt). If sufficient unharvested catch remains for additional fishing days, the season will re-open. Dependent on the amount of unharvested catch available, the potential season re-opening dates will be: June 21, 22, 23, and July 5, 6, 7, 19, 20, 21. If NMFS decides inseason to allow fishing on any of these re-opening dates, notice of the re-opening will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No halibut fishing will be allowed on the re-opening dates unless the date is announced on the NMFS hotline.

(3) If sufficient unharvested catch remains, the third season (summer season), which is for the "all-depth" fishery, will be open on August 3, 4, 5, 17, 18, 19, 31, September 1, 2, 14, 15, 16, 28, 29, 30, and October 12, 13, 14, 26, 27, 28, or until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, Oregon, totaling 226,989 lb (103 mt), are estimated to have been taken and the area is closed by the Commission, or October 31, whichever is earlier. NMFS will announce on the NMFS hotline in July if the fishery will re-open for the summer season in August. No halibut fishing will be allowed in the summer season fishery unless the dates are announced on the NMFS hotline. Additional fishing days may be opened if a certain amount of quota remains after August 5 and September 2. If after August 5, greater than or equal to 60,000 lb (27.2 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, the fishery may re-open every Friday through Sunday, beginning August 10 - 12, and ending October 26 - 28. If after September 2, greater than or equal to 30,000 lb (13.6 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, and the fishery is not already open every Friday through Sunday, the fishery may re-open every Friday through Sunday, beginning September 7 - 9, and ending October 26 - 28. After September 2, the bag limit may be increased to two fish of any size per person, per day. NMFS will announce on the NMFS hotline whether the summer all-depth fishery will be open on such additional fishing days, days the fishery will be open, and the bag limit.

(B) The daily bag limit is one halibut of any size per day per person, unless

otherwise specified. NMFS will announce on the NMFS hotline any bag limit changes.

(C) During days open to all-depth halibut fishing, no Pacific Coast groundfish may be taken and retained, possessed or landed, except sablefish when allowed by Pacific Coast groundfish regulations, if halibut are onboard the vessel.

(D) When the all-depth halibut fishery is closed and halibut fishing is permitted only shoreward of a boundary line approximating the 40–fm (73–m) depth contour, halibut possession and retention by vessels operating seaward of a boundary line approximating the 40–fm (73–m) depth contour is prohibited.

(E) Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not be in possession of any halibut.

Recreational vessels may transit through the Stonewall Bank YRCA with or without halibut onboard. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 44°37.46 N. lat.; 124°24.92' W. long.;

(2) 44°37.46 N. lat.; 124°23.63' W. long.;

(3) 44°28.71 N. lat.; 124°21.80' W. long.;

(4) 44°28.71 N. lat.; 124°24.10' W. long.;

(5) 44°31.42 N. lat.; 124°25.47' W. long.;

and connecting back to 44°37.46' N. lat.; 124°24.92' W. long.

(vi) In the area south of Humbug Mountain, Oregon (42°40.50' N. lat.) and off the California coast, there is no quota. This area is managed on a season that is projected to result in a catch of 8,045 lb (3.6 mt).

(A) The fishing season will commence on May 1 and continue 7 days a week until October 31.

(B) The daily bag limit is one halibut of any size per day per person.

(c) The Commission shall determine and announce closing dates to the public for any area in which the catch limits promulgated by NMFS are estimated to have been taken.

(d) When the Commission has determined that a subquota under paragraph (4)(b) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled in accordance with the Catch Sharing Plan for Area 2A, or announced by the Commission.

(5) Any minimum overall size limit promulgated under IPHC or NMFS regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail.

(6) In California, Oregon, Washington, or British Columbia no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(7) In Alaska no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught while onboard the catcher vessel.

(8) The possession limit for halibut in the waters off the coast of Alaska is two daily bag limits.

(9) The possession limit for halibut in the waters off the coast of British Columbia is three halibut.

(10) The possession limit on a vessel for halibut in the waters off the coast of Washington is the same as the daily bag limit.

(11) The possession limit on land in Washington for halibut caught is U.S. waters off the coast of Washington is two halibut.

(12) The possession limit on a vessel for halibut caught in the waters off the coast of Oregon is the same as the daily bag limit.

(13) The possession limit on a vessel for halibut caught in the waters off the coast of California is one halibut.

(14) The possession limit for halibut on land in Oregon is three daily bag limits.

(15) The possession limit for halibut on land in California is one halibut.

(16) Any halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the halibut.

(17) No person shall be in possession of halibut on a vessel while fishing in a closed area.

(18) No halibut caught by sport fishing shall be offered for sale, sold, traded, or bartered.

(19) No halibut caught in sport fishing shall be possessed onboard a vessel when other fish or shellfish aboard the said vessel are destined for commercial use, sale, trade, or barter.

(20) The operator of a charter vessel shall be liable for any violations of these regulations committed by a passenger aboard said vessel.

26. *Previous Regulations Superseded*

These regulations shall supersede all previous regulations of the Commission, and these regulations shall be effective each succeeding year until superseded.

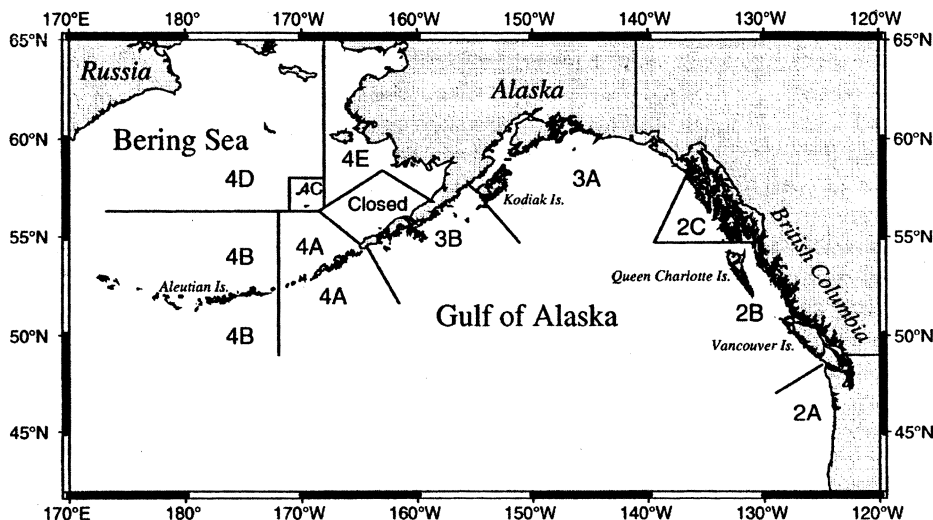


Figure 1. Regulatory areas for the Pacific halibut fishery.

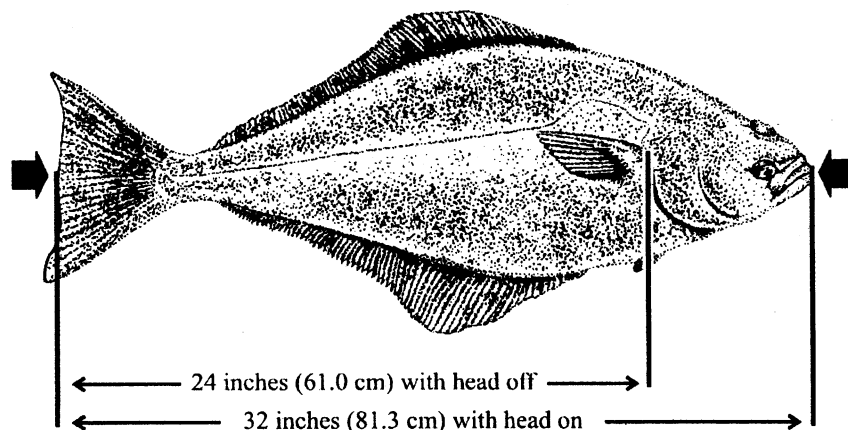


Figure 2. Minimum commercial size.

Classification

IPHC Regulations

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

The notice-and-comment and delay-in-effectiveness date requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553, are inapplicable to this notice of the effectiveness and content of the IPHC regulations because this regulation involves a foreign affairs function of the United States, 5 U.S.C. 553(a)(1). Furthermore, no other law requires prior notice and public comment for this final rule. Because prior notice and an opportunity for public comment are not required to be provided for these portions of this rule by 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.

Catch Sharing Plan for Area 2A

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

The AA finds good cause to waive the requirement to provide a 30-day delay in effectiveness (5 U.S.C. 553(d)) because it is contrary to the public interest to delay the effectiveness date of this rule for 30 days. This final rule must be made effective for the opening of the 2007 Pacific halibut fishing season on March 10, 2007. Delaying the opening of the fishing season is contrary to the public interest because it would cause unnecessary economic burden on fishery participants due to loss of

fishing opportunity. Because the annual quotas and management measures are ultimately determined by an international commission, the IPHC, the AA is constrained and cannot publish the final rule until after the IPHC has adopted the annual quotas and management measures for the year. NMFS's implementation of the CSP in Area 2A could not begin until after January 19, 2007, when the IPHC adopted annual quotas and management measures for 2007. Insufficient time existed between when the IPHC adopted the annual quotas and management measures for 2007 and the scheduled March 10, 2007, start of the fishing season to publish the regulations in the **Federal Register** with enough time for a 30-day delay in effectiveness.

NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) in association with the proposed rule for this action. A final regulatory flexibility analysis (FRFA) incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, if any, and NMFS responses to those comments, and a summary of the analyses completed to support the action. NMFS received no comments on the IRFA and the Area 2A 2007 TAC is approximately 3 percent less than the Area 2A 2006 TAC, a reduction so minor that the differences between 2006 and 2007 halibut management in Area 2A are imperceptible. Therefore, the IRFA for this action also serves as the FRFA. A copy of this analysis is available from the NMFS Northwest Region (see **ADDRESSES**) and a summary of the FRFA follows:

This final rule is necessary to implement the CSP and annual domestic management measures in Area 2A. The main objective for the Pacific halibut fishery in Area 2A is to manage the fisheries to remain within the TAC for Area 2A, while also allowing each commercial, recreational, and tribal fishery to target halibut in the manner most appropriate for the users' needs within that fishery. This final rule is intended to enhance the conservation of Pacific halibut, to protect yelloweye rockfish and other overfished species from incidental catch in the halibut fisheries, and to provide greater angler opportunity where available.

The agency received three letters of comment on the proposed rule, but none of the comments received addressed the IRFA or the effects of this action on small entities.

A fish-harvesting business is considered a "small" business by the Small Business Administration (SBA) if it has annual receipts not in excess of \$4.0 million. For related fish-processing businesses, a small business is one that employs 500 or fewer persons. For wholesale businesses, a small business is one that employs not more than 100 people. For marinas and charter/party boats, a small business is one with annual receipts not in excess of \$6.5 million. All of the businesses that would be affected by this action are considered small businesses under Small Business Administration guidance.

This action finalizes the following changes to the CSP, which allocates the catch of Pacific halibut among users in Washington, Oregon, and California: (1) constrain the Washington North Coast subarea June fishery to two specific nearshore areas on the first Tuesday and

Thursday following June 17; (2) reopen the Washington North Coast subarea June fishery in the entire north coast subarea on the first Saturday following June 17; (3) if sufficient quota remains, reopen the entire Washington North Coast subarea for one day on the first Thursday following June 24, otherwise, reopen the nearshore areas on the first Thursday following June 24 for up to four days per week (Thursday-Sunday) until the quota is taken; (4) set aside 5 percent of the Washington South Coast subarea quota for the nearshore fishery once the primary fishery has closed; (5) set the Washington South Coast subarea nearshore fishery as a 2-day per week fishery, open Fridays and Saturdays; (6) implement additional closed areas (Yelloweye Rockfish Conservation Areas, or YRCAs) off the coast of Washington that would affect commercial and sport halibut fisheries; (7) remove latitude/longitude coordinates from the CSP but refer to where in the regulations they are published to reduce duplication; (8) remove language referring to salmon troll fishery July-September season; (9) add a definition of the Bonilla-Tatoosh line; and (10) decrease the California possession limit on land from two daily limits to one daily limit statewide to conform with state regulation. This action also implements sport fishery management measures for Area 2A and revises Area 2A non-treaty commercial fishery closed areas specified at 50 CFR 300.63. These actions are intended to enhance the conservation of Pacific halibut, to provide greater angler opportunity where available, to protect yelloweye rockfish and other overfished groundfish species from incidental catch in the halibut fisheries, and to ensure consistency between Federal groundfish and halibut regulations and between State and Federal regulations.

In 1995, NMFS implemented the CSP, when the TAC was 520,000 lb (236 mt). In each of the intervening years between 1995 and the present, minor revisions to the CSP have been made to adjust for the changing needs of the fisheries, even though the TAC reached levels of over 1 million lb (454 mt), with a peak of 1.48 million lb (671 mt) in 2004. Since 2004, there has been very little change in the total allowable catch and sector allocations. In 2005, the Area 2A Halibut TAC set by the IPHC was 1.33 million lb (603 mt) and for 2006 it was 1.38 million lb (626 mt). The 2007 Area 2A TAC is 1.34 million lb (608 mt), a 3 percent decline from 2006.

Six hundred sixty two vessels were issued IPHC licenses to retain halibut in 2006. IPHC issues licenses for the directed commercial fishery in Area 2A,

including licenses issued to retain halibut caught incidentally in the primary sablefish fishery (298 licenses in 2006); incidental halibut caught in the salmon troll fishery (224 licenses in 2006); and the charterboat fleet (140 licenses in 2006). No vessel may participate in more than one of these three fisheries per year. Individual recreational anglers and private boats are the only sectors that are not required to have an IPHC license to retain halibut.

Specific data on the economics of halibut charter operations are unavailable. However, in January 2004, the Pacific States Marine Fisheries Commission (PSMFC) completed a report on the overall West Coast charterboat fleet. In surveying charterboat vessels concerning their operations in 2000, the PSMFC estimated that there were about 315 charterboat vessels in operation off Washington and Oregon. In 2000, IPHC licensed 130 vessels to fish in the halibut sport charter fishery. Comparing the total charterboat fleet to the 130 and 140 IPHC licenses in 2000 and 2006, respectively, approximately 41 to 44 percent of the charterboat fleet could participate in the halibut fishery. The PSMFC has developed preliminary estimates of the annual revenues earned by this fleet and they vary by size class of the vessels and home state. Small charterboat vessels range from 15 to 30 ft (4.6 to 9.1 m), and typically carry 5 to 6 passengers. Medium charterboat vessels range from 31 to 49 ft (9.4 to 14.9 m) in length and typically carry 19 to 20 passengers. (Neither state has large vessels of greater than 49 ft (14.9 m) in their fleet.) Average annual revenues from all types of recreational fishing, whalewatching and other activities ranged from \$7,000 for small Oregon vessels to \$131,000 for medium Washington vessels. Estimates from the RIR for this action show the recreational halibut fishery generated approximately \$2.5 million in personal income to West Coast communities, while the non-tribal commercial halibut fishery generated approximately \$1.8 million in income impacts. Because these estimated impacts for the entire halibut fishery overall are less than the SBA criteria for individual businesses, these data confirm that charterboat and commercial halibut vessels qualify as small entities under the Regulatory Flexibility Act (RFA).

These changes are authorized under the Pacific Halibut Act, implementing regulations at 50 CFR 300.60 through 300.65, and the Pacific Council process of annually evaluating the utility and effectiveness of Area 2A Pacific halibut

management under the CSP. Given the TAC, the sport management measures implement the CSP by managing the recreational fishery to meet the differing fishery needs of the various areas along the coast according to the CSP's objectives. Commercial management measures will allow the fishery access to a portion of the Area 2A TAC while protecting overfished rockfish species that co-occur with halibut. The measures will be very similar to last year's management measures. The changes to the CSP and domestic management measures are minor changes and are intended to increase flexibility in management and opportunity to harvest available quota. There are no large entities involved in the halibut fisheries; therefore, none of these changes to the CSP and domestic management measures will have a disproportionate negative effect on small entities versus large entities.

This final rule does not impose any new reporting or recordkeeping requirements. This rule will also not duplicate, overlap, or conflict with other laws or regulations. Consequently, these changes to the CSP and annual domestic Area 2A halibut management measures do not meet any of the RFA tests of having a "significant" economic impact on a "substantial number" of small entities.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of halibut management in Area 2A, NMFS maintains a toll-free telephone hotline where members of the public may call in to receive current information on seasons and requirements to participate in the halibut fisheries in Area 2A. This hotline also serves as small entity compliance guide. Copies of this final rule are available from the NMFS Northwest Regional Office upon request (See **ADDRESSES**). To hear the small entity compliance guide associated with this final rule, call the NMFS hotline at 800 662 9825.

Pursuant to Executive Order 13175, the Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. At section 305(b)(5), the Magnuson-Stevens Fishery Conservation and Management Act

establishes a seat on the Pacific Council for a representative of an Indian tribe with federally recognized fishing rights from California, Oregon, Washington, or Idaho. The U.S. Government formally recognizes that 12 Washington tribes have treaty rights to fish for Pacific halibut. In general terms, the quantification of those rights is 50 percent of the harvestable surplus of Pacific halibut available in the tribes' usual and accustomed fishing areas (described at 50 CFR 300.64). Each of the treaty tribes has the discretion to administer their fisheries and to establish their own policies to achieve program objectives. Accordingly, tribal allocations and regulations, including the changes to the CSP, have been developed in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: March 8, 2007.

William T. Hogarth,

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

■ For the reasons set out in the preamble, NMFS amends 50 CFR part 300 as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for part 300 continues to read as follows:

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

■ 2. In § 300.63, paragraphs (e), (f), and (g) are revised to read as follows:

§ 300.63 Catch sharing plan and domestic management measures in Area 2A.

* * * * *

(e) *Area 2A Non-Treaty Commercial Fishery Closed Areas.* (1) Non-treaty commercial vessels operating in the directed commercial fishery for halibut in Area 2A are required to fish outside of a closed area, known as the Rockfish Conservation Area (RCA), that extends along the coast from the U.S./Canada border south to 40°10' N. lat. Between the U.S./Canada border and 46°16' N. lat., the eastern boundary of the RCA is the shoreline. Between 46°16' N. lat. and 40°10' N. lat., the RCA is defined along an eastern boundary approximating the 30-fm (55-m) depth contour. Coordinates for the 30-fm (55-m) boundary are listed at § 300.63 (f). Between the U.S./Canada border and 40°10' N. lat., the RCA is defined along a western boundary approximating the 100-fm (183-m) depth contour.

Coordinates for the 100-fm (183-m) boundary are listed at § 300.63 (g).

(2) Non-treaty commercial vessels operating in the incidental catch fishery during the sablefish fishery north of Pt. Chehalis, Washington, in Area 2A are required to fish outside of a closed area. Under Pacific Coast groundfish regulations at 50 CFR 660.382, fishing with limited entry fixed gear is prohibited within the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA). It is unlawful to take and retain, possess, or land halibut taken with limited entry fixed gear within the North Coast Commercial YRCA. The North Coast Commercial YRCA is an area off the northern Washington coast, overlapping the northern part of North Coast Recreational YRCA, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Commercial YRCA are specified in groundfish regulations at 50 CFR 660.390.

(3) Non-treaty commercial vessels operating in the incidental catch fishery during the salmon troll fishery in Area 2A are required to fish outside of a closed area. Under the Pacific Coast groundfish regulations at 50 CFR 660.383, fishing with salmon troll gear is prohibited within the Salmon Troll YRCA. It is unlawful for commercial salmon troll vessels to take and retain, possess, or land fish within the Salmon Troll YRCA. The Salmon Troll YRCA is an area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Salmon Troll YRCA are specified in groundfish regulations at 50 CFR 660.390 and in salmon regulations at 50 CFR 660.405.

(f) The 30-fm (55-m) depth contour between 46°16' N. lat. and 40°10' N. lat. is defined by straight lines connecting all of the following points in the order stated:

(1) 46°16.00' N. lat., 124°13.05' W. long.;

(2) 46°16.00' N. lat., 124°13.04' W. long.;

(3) 46°07.00' N. lat., 124°07.01' W. long.;

(4) 45°55.95' N. lat., 124°02.23' W. long.;

(5) 45°54.53' N. lat., 124°02.57' W. long.;

(6) 45°50.65' N. lat., 124°01.62' W. long.;

(7) 45°48.20' N. lat., 124°02.16' W. long.;

(8) 45°46.00' N. lat., 124°01.86' W. long.;

(9) 45°43.46' N. lat., 124°01.28' W. long.;

- (10) 45°40.48' N. lat., 124°01.03' W. long.;
- (11) 45°39.04' N. lat., 124°01.68' W. long.;
- (12) 45°35.48' N. lat., 124°01.90' W. long.;
- (13) 45°29.81' N. lat., 124°02.45' W. long.;
- (14) 45°27.97' N. lat., 124°01.90' W. long.;
- (15) 45°27.22' N. lat., 124°02.66' W. long.;
- (16) 45°24.20' N. lat., 124°02.94' W. long.;
- (17) 45°20.60' N. lat., 124°01.74' W. long.;
- (18) 45°20.25' N. lat., 124°01.85' W. long.;
- (19) 45°16.44' N. lat., 124°03.22' W. long.;
- (20) 45°13.63' N. lat., 124°02.69' W. long.;
- (21) 45°11.05' N. lat., 124°03.59' W. long.;
- (22) 45°08.55' N. lat., 124°03.47' W. long.;
- (23) 45°02.81' N. lat., 124°04.64' W. long.;
- (24) 44°58.06' N. lat., 124°05.03' W. long.;
- (25) 44°53.97' N. lat., 124°06.92' W. long.;
- (26) 44°48.89' N. lat., 124°07.04' W. long.;
- (27) 44°46.94' N. lat., 124°08.25' W. long.;
- (28) 44°42.72' N. lat., 124°08.98' W. long.;
- (29) 44°38.16' N. lat., 124°11.48' W. long.;
- (30) 44°33.38' N. lat., 124°11.54' W. long.;
- (31) 44°28.51' N. lat., 124°12.04' W. long.;
- (32) 44°27.65' N. lat., 124°12.56' W. long.;
- (33) 44°19.67' N. lat., 124°12.37' W. long.;
- (34) 44°10.79' N. lat., 124°12.22' W. long.;
- (35) 44°09.22' N. lat., 124°12.28' W. long.;
- (36) 44°08.30' N. lat., 124°12.30' W. long.;
- (37) 44°00.22' N. lat., 124°12.80' W. long.;
- (38) 43°51.56' N. lat., 124°13.18' W. long.;
- (39) 43°44.26' N. lat., 124°14.50' W. long.;
- (40) 43°33.82' N. lat., 124°16.28' W. long.;
- (41) 43°28.66' N. lat., 124°18.72' W. long.;
- (42) 43°23.12' N. lat., 124°24.04' W. long.;
- (43) 43°20.83' N. lat., 124°25.67' W. long.;
- (44) 43°20.48' N. lat., 124°25.90' W. long.;
- (45) 43°16.41' N. lat., 124°27.52' W. long.;
- (46) 43°14.23' N. lat., 124°29.28' W. long.;
- (47) 43°14.03' N. lat., 124°28.31' W. long.;
- (48) 43°11.92' N. lat., 124°28.26' W. long.;
- (49) 43°11.02' N. lat., 124°29.11' W. long.;
- (50) 43°10.13' N. lat., 124°29.15' W. long.;
- (51) 43°09.26' N. lat., 124°31.03' W. long.;
- (52) 43°07.73' N. lat., 124°30.92' W. long.;
- (53) 43°05.93' N. lat., 124°29.64' W. long.;
- (54) 43°01.59' N. lat., 124°30.64' W. long.;
- (55) 42°59.72' N. lat., 124°31.16' W. long.;
- (56) 42°53.75' N. lat., 124°36.09' W. long.;
- (57) 42°50.00' N. lat., 124°38.39' W. long.;
- (58) 42°49.37' N. lat., 124°38.81' W. long.;
- (59) 42°46.42' N. lat., 124°37.69' W. long.;
- (60) 42°46.07' N. lat., 124°38.56' W. long.;
- (61) 42°45.29' N. lat., 124°37.95' W. long.;
- (62) 42°45.61' N. lat., 124°36.87' W. long.;
- (63) 42°44.27' N. lat., 124°33.64' W. long.;
- (64) 42°42.75' N. lat., 124°31.84' W. long.;
- (65) 42°40.50' N. lat., 124°29.67' W. long.;
- (66) 42°40.04' N. lat., 124°29.20' W. long.;
- (67) 42°38.09' N. lat., 124°28.39' W. long.;
- (68) 42°36.73' N. lat., 124°27.54' W. long.;
- (69) 42°36.56' N. lat., 124°28.40' W. long.;
- (70) 42°35.77' N. lat., 124°28.79' W. long.;
- (71) 42°34.03' N. lat., 124°29.98' W. long.;
- (72) 42°34.19' N. lat., 124°30.58' W. long.;
- (73) 42°31.27' N. lat., 124°32.24' W. long.;
- (74) 42°27.07' N. lat., 124°32.53' W. long.;
- (75) 42°24.21' N. lat., 124°31.23' W. long.;
- (76) 42°20.47' N. lat., 124°28.87' W. long.;
- (77) 42°14.60' N. lat., 124°26.80' W. long.;
- (78) 42°13.67' N. lat., 124°26.25' W. long.;
- (79) 42°10.90' N. lat., 124°24.56' W. long.;
- (80) 42°07.04' N. lat., 124°23.35' W. long.;
- (81) 42°02.16' N. lat., 124°22.59' W. long.;
- (82) 42°00.00' N. lat., 124°21.81' W. long.;
- (83) 41°55.75' N. lat., 124°20.72' W. long.;
- (84) 41°50.93' N. lat., 124°23.76' W. long.;
- (85) 41°42.53' N. lat., 124°16.47' W. long.;
- (86) 41°37.20' N. lat., 124°17.05' W. long.;
- (87) 41°24.58' N. lat., 124°10.51' W. long.;
- (88) 41°20.73' N. lat., 124°11.73' W. long.;
- (89) 41°17.59' N. lat., 124°10.66' W. long.;
- (90) 41°04.54' N. lat., 124°14.47' W. long.;
- (91) 40°54.26' N. lat., 124°13.90' W. long.;
- (92) 40°40.31' N. lat., 124°26.24' W. long.;
- (93) 40°34.00' N. lat., 124°27.39' W. long.;
- (94) 40°30.00' N. lat., 124°31.32' W. long.;
- (95) 40°28.89' N. lat., 124°32.43' W. long.;
- (96) 40°24.77' N. lat., 124°29.51' W. long.;
- (97) 40°22.47' N. lat., 124°24.12' W. long.;
- (98) 40°19.73' N. lat., 124°23.59' W. long.;
- (99) 40°18.64' N. lat., 124°21.89' W. long.;
- (100) 40°17.67' N. lat., 124°23.07' W. long.;
- (101) 40°15.58' N. lat., 124°23.61' W. long.;
- (102) 40°13.42' N. lat., 124°22.94' W. long.; and
- (103) 40°10.00' N. lat., 124°16.65' W. long.
- (g) The 100-fm (183-m) depth contour used between the U.S. border with Canada and 40°10' N. lat. is defined by straight lines connecting all of the following points in the order stated:
- (1) 48°15.00' N. lat., 125°41.00' W. long.;
- (2) 48°14.00' N. lat., 125°36.00' W. long.;
- (3) 48°09.50' N. lat., 125°40.50' W. long.;
- (4) 48°08.00' N. lat., 125°38.00' W. long.;
- (5) 48°05.00' N. lat., 125°37.25' W. long.;
- (6) 48°02.60' N. lat., 125°34.70' W. long.;
- (7) 47°59.00' N. lat., 125°34.00' W. long.;

- (8) 47°57.26' N. lat., 125°29.82' W. long.;
- (9) 47°59.87' N. lat., 125°25.81' W. long.;
- (10) 48°01.80' N. lat., 125°24.53' W. long.;
- (11) 48°02.08' N. lat., 125°22.98' W. long.;
- (12) 48°02.97' N. lat., 125°22.89' W. long.;
- (13) 48°04.47' N. lat., 125°21.75' W. long.;
- (14) 48°06.11' N. lat., 125°19.33' W. long.;
- (15) 48°07.95' N. lat., 125°18.55' W. long.;
- (16) 48°09.00' N. lat., 125°18.00' W. long.;
- (17) 48°11.31' N. lat., 125°17.55' W. long.;
- (18) 48°14.60' N. lat., 125°13.46' W. long.;
- (19) 48°16.67' N. lat., 125°14.34' W. long.;
- (20) 48°18.73' N. lat., 125°14.41' W. long.;
- (21) 48°19.67' N. lat., 125°13.70' W. long.;
- (22) 48°19.70' N. lat., 125°11.13' W. long.;
- (23) 48°22.95' N. lat., 125°10.79' W. long.;
- (24) 48°21.61' N. lat., 125°02.54' W. long.;
- (25) 48°23.00' N. lat., 124°49.34' W. long.;
- (26) 48°17.00' N. lat., 124°56.50' W. long.;
- (27) 48°06.00' N. lat., 125°00.00' W. long.;
- (28) 48°04.62' N. lat., 125°01.73' W. long.;
- (29) 48°04.84' N. lat., 125°04.03' W. long.;
- (30) 48°06.41' N. lat., 125°06.51' W. long.;
- (31) 48°06.00' N. lat., 125°08.00' W. long.;
- (32) 48°07.08' N. lat., 125°09.34' W. long.;
- (33) 48°07.28' N. lat., 125°11.14' W. long.;
- (34) 48°03.45' N. lat., 125°16.66' W. long.;
- (35) 47°59.50' N. lat., 125°18.88' W. long.;
- (36) 47°58.68' N. lat., 125°16.19' W. long.;
- (37) 47°56.62' N. lat., 125°13.50' W. long.;
- (38) 47°53.71' N. lat., 125°11.96' W. long.;
- (39) 47°51.70' N. lat., 125°09.38' W. long.;
- (40) 47°49.95' N. lat., 125°06.07' W. long.;
- (41) 47°49.00' N. lat., 125°03.00' W. long.;
- (42) 47°46.95' N. lat., 125°04.00' W. long.;
- (43) 47°46.58' N. lat., 125°03.15' W. long.;
- (44) 47°44.07' N. lat., 125°04.28' W. long.;
- (45) 47°43.32' N. lat., 125°04.41' W. long.;
- (46) 47°40.95' N. lat., 125°04.14' W. long.;
- (47) 47°39.58' N. lat., 125°04.97' W. long.;
- (48) 47°36.23' N. lat., 125°02.77' W. long.;
- (49) 47°34.28' N. lat., 124°58.66' W. long.;
- (50) 47°32.17' N. lat., 124°57.77' W. long.;
- (51) 47°30.27' N. lat., 124°56.16' W. long.;
- (52) 47°30.60' N. lat., 124°54.80' W. long.;
- (53) 47°29.26' N. lat., 124°52.21' W. long.;
- (54) 47°28.21' N. lat., 124°50.65' W. long.;
- (55) 47°27.38' N. lat., 124°49.34' W. long.;
- (56) 47°25.61' N. lat., 124°48.26' W. long.;
- (57) 47°23.54' N. lat., 124°46.42' W. long.;
- (58) 47°20.64' N. lat., 124°45.91' W. long.;
- (59) 47°17.99' N. lat., 124°45.59' W. long.;
- (60) 47°18.20' N. lat., 124°49.12' W. long.;
- (61) 47°15.01' N. lat., 124°51.09' W. long.;
- (62) 47°12.61' N. lat., 124°54.89' W. long.;
- (63) 47°08.22' N. lat., 124°56.53' W. long.;
- (64) 47°08.50' N. lat., 124°57.74' W. long.;
- (65) 47°01.92' N. lat., 124°54.95' W. long.;
- (66) 47°01.08' N. lat., 124°59.22' W. long.;
- (67) 46°58.48' N. lat., 124°57.81' W. long.;
- (68) 46°56.79' N. lat., 124°56.03' W. long.;
- (69) 46°58.01' N. lat., 124°55.09' W. long.;
- (70) 46°55.07' N. lat., 124°54.14' W. long.;
- (71) 46°59.60' N. lat., 124°49.79' W. long.;
- (72) 46°58.72' N. lat., 124°48.78' W. long.;
- (73) 46°54.45' N. lat., 124°48.36' W. long.;
- (74) 46°53.99' N. lat., 124°49.95' W. long.;
- (75) 46°54.38' N. lat., 124°52.73' W. long.;
- (76) 46°52.38' N. lat., 124°52.02' W. long.;
- (77) 46°48.93' N. lat., 124°49.17' W. long.;
- (78) 46°41.50' N. lat., 124°43.00' W. long.;
- (79) 46°34.50' N. lat., 124°28.50' W. long.;
- (80) 46°29.00' N. lat., 124°30.00' W. long.;
- (81) 46°20.00' N. lat., 124°36.50' W. long.;
- (82) 46°18.40' N. lat., 124°37.70' W. long.;
- (83) 46°18.03' N. lat., 124°35.46' W. long.;
- (84) 46°17.00' N. lat., 124°22.50' W. long.;
- (85) 46°16.00' N. lat., 124°20.62' W. long.;
- (86) 46°13.52' N. lat., 124°25.49' W. long.;
- (87) 46°12.17' N. lat., 124°30.74' W. long.;
- (88) 46°10.63' N. lat., 124°37.96' W. long.;
- (89) 46°09.29' N. lat., 124°39.01' W. long.;
- (90) 46°02.40' N. lat., 124°40.37' W. long.;
- (91) 45°56.45' N. lat., 124°38.00' W. long.;
- (92) 45°51.92' N. lat., 124°38.50' W. long.;
- (93) 45°47.20' N. lat., 124°35.58' W. long.;
- (94) 45°46.40' N. lat., 124°32.36' W. long.;
- (95) 45°46.00' N. lat., 124°32.10' W. long.;
- (96) 45°41.75' N. lat., 124°28.12' W. long.;
- (97) 45°36.95' N. lat., 124°24.47' W. long.;
- (98) 45°31.84' N. lat., 124°22.04' W. long.;
- (99) 45°27.10' N. lat., 124°21.74' W. long.;
- (100) 45°20.25' N. lat., 124°18.54' W. long.;
- (101) 45°18.14' N. lat., 124°17.59' W. long.;
- (102) 45°11.08' N. lat., 124°16.97' W. long.;
- (103) 45°04.39' N. lat., 124°18.35' W. long.;
- (104) 45°03.83' N. lat., 124°18.60' W. long.;
- (105) 44°58.05' N. lat., 124°21.58' W. long.;
- (106) 44°47.67' N. lat., 124°31.41' W. long.;
- (107) 44°44.54' N. lat., 124°33.58' W. long.;
- (108) 44°39.88' N. lat., 124°35.00' W. long.;
- (109) 44°32.90' N. lat., 124°36.81' W. long.;
- (110) 44°30.34' N. lat., 124°38.56' W. long.;
- (111) 44°30.04' N. lat., 124°42.31' W. long.;
- (112) 44°26.84' N. lat., 124°44.91' W. long.;

(113) 44°17.99' N. lat., 124°51.04' W. long.;

(114) 44°12.92' N. lat., 124°56.28' W. long.;

(115) 44°00.14' N. lat., 124°55.25' W. long.;

(116) 43°57.68' N. lat., 124°55.48' W. long.;

(117) 43°56.66' N. lat., 124°55.45' W. long.;

(118) 43°56.47' N. lat., 124°34.61' W. long.;

(119) 43°42.73' N. lat., 124°32.41' W. long.;

(120) 43°30.92' N. lat., 124°34.43' W. long.;

(121) 43°20.83' N. lat., 124°39.39' W. long.;

(122) 43°17.45' N. lat., 124°41.16' W. long.;

(123) 43°07.04' N. lat., 124°41.25' W. long.;

(124) 43°03.45' N. lat., 124°44.36' W. long.;

(125) 43°03.91' N. lat., 124°50.81' W. long.;

(126) 42°55.70' N. lat., 124°52.79' W. long.;

(127) 42°54.12' N. lat., 124°47.36' W. long.;

(128) 42°50.00' N. lat., 124°45.33' W. long.;

(129) 42°44.00' N. lat., 124°42.38' W. long.;

(130) 42°40.50' N. lat., 124°41.71' W. long.;

(131) 42°38.23' N. lat., 124°41.25' W. long.;

(132) 42°33.02' N. lat., 124°42.38' W. long.;

(133) 42°31.90' N. lat., 124°42.04' W. long.;

(134) 42°30.08' N. lat., 124°42.67' W. long.;

(135) 42°28.28' N. lat., 124°47.08' W. long.;

(136) 42°25.22' N. lat., 124°43.51' W. long.;

(137) 42°19.23' N. lat., 124°37.91' W. long.;

(138) 42°16.29' N. lat., 124°36.11' W. long.;

(139) 42°13.67' N. lat., 124°35.81' W. long.;

(140) 42°05.66' N. lat., 124°34.92' W. long.;

(141) 42°00.00' N. lat., 124°35.27' W. long.;

(142) 41°47.04' N. lat., 124°27.64' W. long.;

(143) 41°32.92' N. lat., 124°28.79' W. long.;

(144) 41°24.17' N. lat., 124°28.46' W. long.;

(145) 41°10.12' N. lat., 124°20.50' W. long.;

(146) 40°51.41' N. lat., 124°24.38' W. long.;

(147) 40°43.71' N. lat., 124°29.89' W. long.;

(148) 40°40.14' N. lat., 124°30.90' W. long.;

(149) 40°37.35' N. lat., 124°29.05' W. long.;

(150) 40°34.76' N. lat., 124°29.82' W. long.;

(151) 40°36.78' N. lat., 124°37.06' W. long.;

(152) 40°32.44' N. lat., 124°39.58' W. long.;

(153) 40°30.00' N. lat., 124°38.13' W. long.;

(154) 40°24.82' N. lat., 124°35.12' W. long.;

(155) 40°23.30' N. lat., 124°31.60' W. long.;

(156) 40°23.52' N. lat., 124°28.78' W. long.;

(157) 40°22.43' N. lat., 124°25.00' W. long.;

(158) 40°21.72' N. lat., 124°24.94' W. long.;

(159) 40°21.87' N. lat., 124°27.96' W. long.;

(160) 40°21.40' N. lat., 124°28.74' W. long.;

(161) 40°19.68' N. lat., 124°28.49' W. long.;

(162) 40°17.73' N. lat., 124°25.43' W. long.;

(163) 40°18.37' N. lat., 124°23.35' W. long.;

(164) 40°15.75' N. lat., 124°26.05' W. long.;

(165) 40°16.75' N. lat., 124°33.71' W. long.;

(166) 40°16.29' N. lat., 124°34.36' W. long.; and

(167) 40°10.00' N. lat., 124°21.12' W. long.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213033-7033-01; I.D. 030907A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Bering Sea and Aleutian Islands management area

(BSAI). This action is necessary to prevent exceeding the 2007 first seasonal allowance of the Pacific cod total allowable catch (TAC) specified for catcher vessels using trawl gear in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 12, 2007, through 1200 hrs, A.l.t., April 1, 2007.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2007 first seasonal allowance of the Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI is 25,977 metric tons (mt) as established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007), for the period 1200 hrs, A.l.t., January 1, 2007, through 1200 hrs, A.l.t., April 1, 2007. See § 679.20(c)(3)(iii), § 679.20(c)(5), and § 679.20(a)(7)(i)(B).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2007 first seasonal allowance of the Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 25,777 mt, and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and