

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

■ 2. Section 571.403 is amended by revising S3 to read as follows:

§ 571.403 Standard No. 403; Platform lift systems for motor vehicles.

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S3. *Application.* This standard applies to platform lifts manufactured on and after April 1, 2005, that are designed to carry passengers into and out of motor vehicles.

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■ 3. Section 571.404 is amended by revising S3 to read as follows:

§ 571.404 Standard No. 404; Platform lift installations in motor vehicles.

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S3. *Application.* This standard applies to motor vehicles manufactured on and after July 1, 2005, that are equipped with a platform lift to carry passengers into and out of the vehicle.

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Issued on: December 17, 2004.

Jeffrey W. Runge,
Administrator.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 041202338–4338–01; I.D. 112204B]

Fisheries of the Exclusive Economic Zone off Alaska; Bering Sea and Aleutian Islands Management Area; 2005 Interim Harvest Specifications for Groundfish

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

ACTION: Temporary rule; interim specifications.

SUMMARY: NMFS issues 2005 interim total allowable catch (TAC) amounts for each category of groundfish, Community Development Quota (CDQ) reserve amounts, American Fisheries Act (AFA) pollock allocations and sideboard

limits, and prohibited species catch (PSC) allowances and prohibited species quota (PSQ) reserves for the groundfish fisheries of the Bering Sea and Aleutian Islands management area (BSAI). The intended effect is to conserve and manage the groundfish resources in the BSAI.

DATES: The interim harvest specifications are effective from 0001 hours, Alaska local time (A.l.t.), January 1, 2005, until the effective date of the 2005 final harvest specifications for BSAI groundfish, which will be published in the **Federal Register**.

ADDRESSES: Copies of the Environmental Assessment (EA) prepared for this action are available from the NMFS Alaska Region Web site at <http://www.fakr.noaa.gov>. The final 2003 Stock Assessment and Fishery Evaluation (SAFE) report, dated November 2003, and the final 2004 SAFE report, dated November 2004, are available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510–2252, telephone (907) 271–2809, or from its Web site at <http://www.fakr.noaa.gov/npfmc>.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228, or mary.furuness@noaa.gov.

SUPPLEMENTARY INFORMATION:**Background**

Federal regulations at 50 CFR part 679 implementing the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) govern the groundfish fisheries in the BSAI. The North Pacific Fishery Management Council (Council) prepared the FMP, and NMFS approved it under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). General regulations that also pertain to the U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council met in October 2004 to review scientific information concerning groundfish stocks, including the 2003 SAFE report and the EA (see **ADDRESSES**), and to recommend 2005 proposed harvest specifications. The Council recommended a proposed total acceptable biological catch (ABC) of 3,345,963 metric tons (mt) and a proposed total TAC of 2,000,000 mt for the 2005 fishing year. The proposed TAC amounts for each species were based on the best available biological and socioeconomic information.

Under § 679.20(c)(1), NMFS published in the **Federal Register** the 2005 proposed harvest specifications for BSAI groundfish (December 8, 2004, 69

FR 70974). That document contains a detailed discussion of the 2005 proposed TACs, initial TACs (ITACs) and related apportionments, CDQ reserves, ABC amounts, overfishing levels, PSC allowances, PSQ reserve amounts, and associated management measures of the BSAI groundfish fishery.

This action provides interim harvest specifications and apportionments thereof for the 2005 fishing year that will become available on January 1, 2005, and will remain in effect until superseded by the 2005 final harvest specifications. Background information concerning the 2005 harvest specification process on which this interim action is based is provided in the above mentioned proposed harvest specification document.

Establishment of Interim TACs

Section 679.20(b)(1)(i) requires that 15 percent of the TAC for each target species and species group, except for pollock and the hook-and-line and pot gear allocation of sablefish, be placed in a non-specified reserve. The AFA supersedes this provision for pollock by requiring that the TAC for this species be fully allocated among the CDQ program, incidental catch allowance (ICA), and inshore, catcher/processor, and mothership directed fishery allowances. Section 803 of the Consolidated Appropriations Act of 2004 (CAA), Public Law (Pub. L.) 108–199, supersedes portions of the AFA and allocates the AI directed pollock fishery (DPF) to the Aleut Corporation after subtraction for the CDQ directed fishing allowance and ICA. Amendment 82 to the FMP would establish the management measures for the AI DPF. The proposed rule to implement Amendment 82 was published in the **Federal Register** for public comment and review on December 7, 2004 (69 FR 70589). If Amendment 82 is approved, final regulations implementing Amendment 82 are anticipated to be effective by March 2005.

Section 679.20(b)(1)(iii) requires that one half of each TAC amount placed in the non-specified reserve, with the exception of squid, be allocated to the groundfish CDQ reserve and that 20 percent of the hook-and-line and pot gear allocation of sablefish be allocated to the fixed gear sablefish CDQ reserve. Sections 679.20(a)(5)(i)(A) and 679.31(a)(2) require that 10 percent of the pollock TAC be allocated to the pollock CDQ reserve. With the exception of the hook-and-line and pot gear sablefish CDQ reserve, the CDQ reserves are not further apportioned by gear. Section 679.21(e)(1)(i) also

requires that 7.5 percent of each PSC limit, with the exception of herring, be withheld as a PSQ reserve for the CDQ fisheries. Regulations governing the management of the CDQ and PSQ reserves are set forth at §§ 679.30 and 679.31.

Section 679.20(c)(2) requires interim harvest specifications to be effective at 0001 hours, A.l.t., January 1, and remain in effect until superseded by the final harvest specifications. Section 679.20(c)(2)(ii) provides that the interim harvest specifications will be established as one-fourth of each proposed ITAC amount and apportionment thereof (not including

pollock, Pacific cod, Atka mackerel, and the hook-and-line and pot gear allocation of sablefish), one-fourth of each proposed PSQ reserve and PSC allowance established at § 679.21, and the proposed first seasonal allowance of pollock, Pacific cod and Atka mackerel TAC. As stated in the proposed harvest specifications (69 FR 70974), no harvest of groundfish is authorized before the effective date of this action implementing the interim harvest specifications.

2005 Interim BSAI Harvest Specifications

Table 1 provides interim TAC and CDQ amounts and apportionments. Section 679.20(c)(2)(ii) does not provide for an interim harvest specification for the hook-and-line and pot gear allocations of sablefish for the CDQ reserve or for sablefish managed under the Individual Fishing Quota (IFQ) program. As a result, directed fishing for the hook-and-line and pot gear allocations of CDQ sablefish and IFQ sablefish is prohibited until the effective date of the 2005 final harvest specifications.

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TABLE 1.—2005 INTERIM TAC AMOUNTS FOR GROUND FISH AND APPORTIONMENTS FOR THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA¹

[Amounts are in metric tons]

| Species and component (if applicable) | Area and/or gear (if applicable) | Interim TAC | Interim CDQ | |
|--|---|------------------------|-------------|--------|
| Pollock ² | AFA Inshore | BS | 256,112 | |
| | AFA Inshore | SCA Limit ³ | 179,278 | |
| | AFA Catcher/Processors ⁴ | BS | 204,890 | |
| | Catch by C/Ps | BS | 187,474 | |
| | Catch by CVs ⁴ | BS | 17,416 | |
| | Unlisted C/P Limit ⁴ | BS | 1,024 | |
| | AFA Catcher/Processors ⁴ | SCA Limit ³ | 143,423 | |
| | AFA Mothership | BS | 51,222 | |
| | AFA Mothership | SCA Limit ³ | 35,856 | |
| | Aleut Corporation | AI | 13,800 | |
| | CDQ | BS | | 58,978 |
| | CDQ | SCA Limit ³ | | 41,285 |
| | CDQ | AI | | 760 |
| | ICA | BS | 46,445 | |
| | ICA | AI | 1,200 | |
| | ICA | Bogoslof District | 50 | |
| | Excessive Harvesting Limit ⁵ | BS | 89,639 | |
| Excessive Processing Limit ⁵ | BS | 153,667 | ..... |  |
| Total Pollock | ..... | 573,719 | 59,738 | |
| Pacific Cod ⁶ | Jig | 1,468 | ..... |  |
| | Hook-and-line Catcher/Processors | 44,695 | ..... |  |
| | Hook-and-line Catcher Vessels | 167 | ..... |  |
| | Pot Catcher/Processors | 1,844 | ..... |  |
| | Pot Catcher Vessels | 8,380 | ..... |  |
| | Catcher Vessels <60 Hook-and-line, Pot | 1,304 | ..... |  |
| | ICA | 500 | ..... |  |
| | Trawl Catcher Vessels | 30,195 | ..... |  |
| | Trawl Catcher/Processors | 21,568 | ..... |  |
| | CDQ | | | 9,698 |
| Total Pacific cod | ..... | 110,122 | 9,698 | |
| Sablefish ^{7,8} | BS Trawl | 257 | 23 | |
| | BS Hook-and-line and Pot | N/A | N/A | |
| | AI Trawl | 148 | 13 | |
| | AI Hook-and-line and Pot | N/A | N/A | |
| Total Sablefish | ..... | 405 | 36 | |
| Atka mackerel ⁹ | Western AI | 8,781 | 1,550 | |
| | Western HLA Limit | 5,268 | 930 | |
| | Central AI | 13,218 | 2,333 | |
| | Central HLA Limit | 7,931 | 1,400 | |
| | Eastern AI/BS | ..... | 843 | |
| | Jig Gear | 96 | ..... |  |
| Other Gear | 4,729 | ..... |  |  |
| Total Atka mackerel | ..... | 26,824 | 4,726 | |
| Yellowfin sole | BSAI | 18,291 | 1,614 | |
| Rock sole | BSAI | 8,808 | 777 | |
| Greenland turbot | BS | 574 | 51 | |
| | AI | 170 | 15 | |
| Total Greenland turbot | ..... | 744 | 66 | |

| | | | |
|-------------------------------|------------|---------|--------|
| Arrowtooth flounder | BSAI | 2,550 | 225 |
| Flathead sole | BSAI | 4,038 | 356 |
| Other flatfish ¹⁰ | BSAI | 638 | 56 |
| Alaska plaice | BSAI | 2,125 | 188 |
| Pacific ocean perch | BS | 409 | 36 |
| | Western AI | 989 | 87 |
| | Central AI | 564 | 50 |
| | Eastern AI | 592 | 52 |
| Total Pacific ocean perch | ..... | 2,554 | 225 |
| Northern Rockfish | BSAI | 1,063 | 94 |
| Shortraker Rockfish | BSAI | 112 | 10 |
| Rougeye Rockfish | BSAI | 42 | 4 |
| Other rockfish ¹¹ | BS | 98 | 9 |
| | AI | 135 | 12 |
| Total other rockfish | ..... | 233 | 21 |
| Squid | BSAI | 271 | ..... |
| "Other Species" ¹² | BSAI | 5,781 | 510 |
| Total interim TAC | ..... | 758,319 | 78,344 |

¹ These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) management area unless otherwise specified. With the exception of pollock, and for purposes of these harvest specifications, the BS includes the Bogoslof District.

² In the BS, after subtraction of 10 percent for the CDQ directed fishing allowance (DFA) and 3 percent for an ICA, the pollock ITAC is allocated to the remaining sectors as a DFA (§ 679.20(a)(5)(i)(A), § 679.31(a)(2), and § 679.20(a)(5)(i)(A)(1)). The first seasonal apportionment of the BS pollock TAC for all sectors is 40 percent of the sectors annual DFA. NMFS is allocating 1,200 mt of the AI pollock as an ICA. The first season apportionment of the AI pollock TAC for CDQ is 40 percent and for the ICA is 60 percent of the annual amount. The AI directed pollock fishery allocation to the Aleut Corporation remains after subtraction for the CDQ DFA - 10 percent and the ICA - 1,200 mt. The Aleut Corporation directed pollock fishery is closed to directed fishing until the management provisions for the AI directed pollock fishery become effective under Amendment 82.

³ The Steller sea lion conservation area (SCA) limits harvest to 28 percent of each sector's annual DFA until April 1. Twelve percent of the annual DFA allocated to the A season may be taken outside of the SCA before April 1 or inside the SCA after April 1. If 28 percent of the annual DFA is not taken inside the SCA before April 1, the remainder is available to be taken inside the SCA after April 1.

⁴ Under § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors (C/Ps) shall be available for harvest only by eligible catcher vessels (CVs) delivering to listed catcher/processors. Under § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processor sector's allocation of pollock.

⁵ Under § 679.20(a)(5)(i)(A)(6) NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the pollock DFAs. Under § 679.20(a)(5)(i)(A)(7) NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the pollock DFAs.

⁶ After subtraction of the reserves, the ITAC amount for Pacific cod is allocated: 2 percent to vessels using jig gear, 51 percent to hook-and-line or pot gear, and 47 percent to trawl gear. The Pacific cod allocation to trawl gear is split evenly between catcher vessels and catcher/processors (See § 679.20(a)(7)(i)). The Pacific cod allocation to hook-and-line or pot gear is further allocated as an ICA (500 mt) and as the following directed fishing allowances: 80 percent to hook-and-line catcher/processors, 0.3 percent to hook-and-line catcher vessels, 3.3 percent to pot catcher/processors, 15 percent to pot catcher vessels, 1.4 percent to catcher vessels under 60 feet length over all (LOA) using hook-and-line or pot gear (See § 679.20(a)(7)(i)(c)). The first seasonal allowances of the ITAC gear apportionments are in effect on January 1 as an interim TAC. The first seasonal allocations are 60 percent of the annual TAC, except for vessels using jig gear (40 percent), trawl catcher/processors (50 percent) and trawl catcher vessels (70 percent).

⁷ Sablefish gear allocations are as follows: in the BS subarea, trawl gear is allocated 50 percent, and hook-and-line and pot gear are allocated 50 percent of the TAC. In the AI subarea, trawl gear is allocated 25 percent, and hook-and-line and pot gear are allocated 75 percent of the TAC (See § 679.20(a)(4)(iii) and (iv)). One-fourth of the

ITAC amount for trawl gear is in effect January 1 as an interim TAC amount.

⁸ The sablefish hook-and-line gear fishery is managed under the Individual Fishing Quota (IFQ) program and subject to regulations contained in subpart D of 50 CFR part 679. Twenty percent of the sablefish hook-and-line and pot gear final TAC amount will be reserved for use by CDQ participants. (See § 679.31(c)).

Section 679.20(c)(2)(ii) does not provide for an interim harvest specification for the CDQ non-trawl sablefish reserve or for an interim harvest specification for sablefish managed under the IFQ program. In addition, in accordance with § 679.7(f)(3)(ii), retention of sablefish caught with fixed gear is prohibited unless the harvest is authorized under a valid IFQ permit and IFQ card. In 2005, IFQ permits and IFQ cards will not be valid before the effective date of the 2005 final harvest specifications. Thus, fishing for sablefish with fixed gear is not authorized under these interim harvest specifications. See subpart D of 50 CFR part 679 and § 679.23(g) for guidance on the annual allocation of IFQ and the sablefish fishing season.

⁹ Section 679.20 (a)(8) requires that up to 2 percent of the Eastern Aleutian district and the BS subarea Atka mackerel ITAC be allocated to the jig gear fleet. The amount of this allocation is 1 percent. The jig gear allocation is not apportioned by season. The harvest limitation area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (§ 679.2). In 2005, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central AI.

¹⁰ "Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, arrowtooth flounder, yellowfin sole and Alaska plaice.

¹¹ "Other rockfish" includes all Sebastes and Sebastolobus species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

¹² "Other species" includes sculpins, sharks, skates, and octopus. Forage fish, as defined at § 679.2, are not included in the "other species" category.

Interim Allocation of PSC Limits for Crab, Halibut, and Herring

Under § 679.21(e), annual PSC limits are specified for red king crab, *Chionoecetes bairdi* Tanner crab, and *C. opilio* crab in applicable Bycatch Limitation Zones (see § 679.2) of the Bering Sea subarea, and for Pacific halibut and Pacific herring throughout

the BSAI. Section 679.21(e) authorizes the apportionment of each PSC limit into PSC allowances for specified fishery categories. Under § 679.21(e)(1)(i), 7.5 percent of each PSC limit specified for halibut, crab, and salmon is allocated as a PSQ reserve for use by the groundfish CDQ program.

Section 679.20(c)(2)(ii) provides that one-fourth of each proposed PSQ

reserve and PSC allowance be made available on an interim basis for harvest at the beginning of the fishing year, until superseded by the final harvest specifications. Table 2 lists the PSQ reserves and fishery specific interim PSC allowances for halibut and crab effective at 0001 hours, A.l.t., January 1, 2005.

TABLE 2.—2005 INTERIM PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

| Trawl fisheries | Prohibited Species and zone | | | | | |
|--|-----------------------------|-------------------|---|---|----------------------------|---------------------|
| | Halibut mortality (mt) BSAI | Herring (mt) BSAI | Red king crab (animals) Zone 1 ¹ | <i>C. opilio</i> (animals) COBLZ ² | <i>C. bairdi</i> (animals) | |
| | | | | | Zone 1 ¹ | Zone 2 ¹ |
| Yellowfin sole | 222 | 43 | 8,461 | 694,245 | 85,211 | 447,115 |
| Rock sole/other flatfish/flat. sole ⁴ | 195 | 6 | 30,353 | 242,283 | 91,330 | 149,039 |
| Red King Crab Savings Subarea ³ | ..... | ..... | 10,624 | ..... | ..... | ..... |
| Turbot/arrowtooth/sablefish ⁵ | ..... | 3 | ..... | 10,060 | ..... | ..... |
| Rockfish | ..... | ..... | ..... | ..... | ..... | ..... |
| July 1 - December 31 | 17 | 2 | ..... | 10,059 | ..... | 2,747 |
| Pacific cod | 359 | 6 | 6,641 | 31,184 | 45,778 | 81,044 |
| Midwater trawl pollock | ..... | 364 | ..... | ..... | ..... | ..... |
| Pollock/Atka mackerel/other ⁶ | 58 | 45 | 102 | 18,107 | 4,306 | 6,868 |
| Total trawl PSC | 850 | 469 | 45,556 | 1,005,938 | 226,625 | 686,813 |
| Non-trawl fisheries | | | | | | |
| Pacific cod | 194 | | | | | |
| Other non-trawl | 14 | | | | | |
| Groundfish pot and jig | exempt | | | | | |
| Sablefish hook-and-line | exempt | | | | | |
| Total non-trawl PSC | 208 | | | | | |
| PSQ reserve ⁷ | 86 | ..... | 3,694 | 81,562 | 18,375 | 55,687 |
| PSC grand total | 1,144 | 469 | 49,250 | 1,087,500 | 245,000 | 742,500 |

¹ Refer to § 679.2 for definitions of areas.

² *C. opilio* Bycatch Limitation Zone. Boundaries are defined at 50 CFR part 679, Figure 13.

³ In October 2004, the Council proposed limiting red king crab for trawl fisheries within the Red King Crab Savings Subarea (RKCSS) to 35 percent of the total allocation to the rock sole, flathead sole, and other flatfish fishery category (§ 679.21(e)(3)(ii)(B)).

⁴ “Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), greenland turbot, rock sole, yellowfin sole and arrowtooth flounder.

⁵ Greenland turbot, arrowtooth flounder, and sablefish fishery category.

⁶ Pollock other than pelagic trawl pollock, Atka mackerel, and “other species” fishery category.

⁷ With the exception of herring, 7.5 percent of each PSC limit is allocated to the CDQ program as PSQ reserve. The PSQ reserve is not allocated by fishery, gear or season.

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Directed Fishing Closures

In accordance with § 679.20(d)(1)(i), if the Administrator, NMFS, Alaska Region (Regional Administrator) determines that any allocation or apportionment of a target species or “other species” category has been or will be reached, the Regional Administrator may establish a directed fishing allowance for that species or

species group. If the Regional Administrator establishes a directed fishing allowance, 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 subarea or district (§ 697.20(d)(1)(iii)). Similarly, under regulations at § 679.21(e), if the Regional Administrator determines that a fishery category’s bycatch allowance of halibut, red king crab, *C. bairdi* crab

or *C. opilio* crab for a specified area has been reached, the Regional Administrator will prohibit directed fishing for each species in that category in the specified area.

The Regional Administrator has determined that the remaining allocation amounts in Table 3 will be necessary as incidental catch to support other anticipated groundfish fisheries for the 2005 fishing year.

TABLE 3.—2005 INTERIM DIRECTED FISHING CLOSURES FOR THE BSAI
 [Amounts are in metric tons]

| Area | Species ¹ | Incidental catch allowance |
|---------------------------------|-------------------------------|----------------------------|
| Bogoslof District | Pollock | 50 |
| Aleutian Islands subarea: | Non-CDQ Pollock | 1,200 |
| | "Other rockfish" | 135 |
| Bering Sea subarea | Pacific ocean perch | 409 |
| Bering Sea and Aleutian Islands | "Other rockfish" | 98 |
| | Northern rockfish | 1,063 |
| | CDQ Northern rockfish | 94 |
| | "Other species" | 5,781 |
| | CDQ "Other species" | 510 |
| | Rougheye rockfish | 42 |
| | CDQ Rougheye rockfish | 4 |
| | Shortraker rockfish | 112 |
| | CDQ Shortraker rockfish | 10 |

¹Closures do not include CDQ fisheries unless stated.

Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the directed fishing allowances for the above species or species groups as zero.

Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is immediately prohibiting directed fishing for these species in the specified areas in Table 3. These closures will remain in effect from 0001 hrs, A.l.t., January 1, 2005, until superseded by the 2005 final harvest specifications for BSAI groundfish or for the AI DPF on the approval of Amendment 82 and the effective date of its implementing regulations.

In addition, the BSAI Zone 1 annual red king crab allowance specified for the trawl rockfish fishery (see § 679.21(e)(3)(iv)(D)) is 0 mt and the BSAI first seasonal halibut bycatch allowance specified for the trawl rockfish fishery is 0 mt. The BSAI

annual halibut bycatch allowance specified for the trawl Greenland turbot/arrowtooth flounder/sablefish fishery categories is 0 mt (see § 679.21(e)(3)(iv)(C)). Therefore, in accordance with § 679.21(e)(7)(ii) and (v), NMFS is prohibiting directed fishing for rockfish by vessels using trawl gear in Zone 1 of the BSAI and directed fishing for Greenland turbot/arrowtooth flounder/sablefish by vessels using trawl gear in the BSAI from 0001 hrs., A.l.t., January 1, 2005, until superseded by the final 2005 harvest specifications for BSAI groundfish. NMFS is also prohibiting directed fishing for rockfish outside Zone 1 in the BSAI until 1200 hrs, A.l.t., July 1, 2005.

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. Areas are defined in § 679.2. In the BSAI, "Other rockfish" includes *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, shortraker, rougheye, and northern rockfish.

Bering Sea Subarea Inshore Pollock Allocations

Section 679.4(1) sets forth procedures for AFA inshore catcher vessel pollock cooperatives to apply for and receive cooperative fishing permits and inshore pollock allocations. Table 4 lists the interim pollock allocations to the seven inshore catcher vessel pollock cooperatives for 2005. Allocations for cooperatives and vessels not participating in cooperatives are not made for the AI subarea because the CAA requires the non-CDQ directed pollock fishery to be fully allocated to the Aleut Corporation.

TABLE 4.—2005 INTERIM BERING SEA SUBAREA INSHORE COOPERATIVE ALLOCATIONS
[Amounts are in metric tons]

| Cooperative name and member vessels | Sum of member vessel's official catch histories ¹ | Percentage of inshore sector allocation | 2005 Interim cooperative allocation |
|--|--|---|-------------------------------------|
| <i>Akutan Catcher Vessel Association</i> ALDEBARAN, ARCTIC EXPLORER, ARCTURUS, BLUE FOX, CAPE KIWANDA, COLUMBIA, DOMINATOR, EXODUS, FLYING CLOUD, GOLDEN DAWN, GOLDEN PISCES, HAZEL LORRAINE, INTREPID EXPLORER, LESLIE LEE, LISA MELINDA, MAJESTY, MARCY J, MARGARET LYN, MARK I, NORDIC EXPLORER, NORTHERN PATRIOT, NORTHWEST EXPLORER, PACIFIC RAM, PACIFIC VIKING, PEGASUS, PEGGY JO, PERSEVERANCE, PREDATOR, RAVEN, ROYAL AMERICAN, SEEKER, SOVEREIGNTY, TRAVELER, VIKING EXPLORER | 245,922 | 28.130 | 72,044 |
| <i>Arctic Enterprise Association</i> BRISTOL EXPLORER, OCEAN EXPLORER, PACIFIC EXPLORER | 36,807 | 4.210 | 10,783 |
| <i>Northern Victor Fleet Cooperative</i> ANITA J, COLLIER BROTHERS, COMMODORE, EXCALIBUR II, GOLDRUSH, HALF MOON BAY, MISS BERTIE, NORDIC FURY, PACIFIC FURY, POSEIDON, ROYAL ATLANTIC, SUNSET BAY, STORM PETREL | 73,656 | 8.425 | 21,578 |
| <i>Peter Pan Fleet Cooperative</i> AJ, AMBER DAWN, AMERICAN BEAUTY, ELIZABETH F, MORNING STAR, OCEAN LEADER, OCEANIC, PACIFIC CHALLENGER, PROVIDIAN, TOPAZ, WALTER N | 23,850 | 2.728 | 6,987 |
| <i>Unalaska Cooperative</i> ALASKA ROSE, BERING ROSE, DESTINATION, GREAT PACIFIC, MESSIAH, MORNING STAR, MS AMY, PROGRESS, SEA WOLF, VANGUARD, WESTERN DAWN | 106,737 | 12.209 | 31,269 |
| <i>UniSea Fleet Cooperative</i> ALSEA, AMERICAN EAGLE, ARGOSY, AURIGA, AURORA, DEFENDER, GUN-MAR, MAR-GUN, NORDIC STAR, PACIFIC MONARCH, SEADAWN, STARFISH, STARLITE, STARWARD | 213,521 | 24.424 | 62,552 |
| <i>Westward Fleet Cooperative</i> ALASKAN COMMAND, ALYESKA, ARCTIC WIND, CAITLIN ANN, CHELSEA K, DONA MARTITA, FIERCE ALLEGIANCE, HICKORY WIND, OCEAN HOPE 3, PACIFIC KNIGHT, PACIFIC PRINCE, VIKING, WESTWARD I | 173,744 | 19.874 | 50,899 |
| Open access AFA vessels | 0 | 0 | 0 |
| Total inshore allocation | 874,238 | 100 | 256,112 |

¹According to regulations at § 679.62(e)(1) the individual catch history for each vessel is equal to the vessel's best 2 of 3 years inshore pollock landings from 1995 through 1997 and includes landings to catcher/processors for vessels that made 500 or more mt of landings to catcher/processors from 1995 through 1997.

In accordance with regulations at § 679.20(a)(5)(i)(A)(3), NMFS must further divide the inshore allocation into separate allocations for cooperative and open access fishing. In addition, according to regulations at § 679.22(a)(7)(vii), NMFS must establish harvest limits inside the Steller Sea Lion Conservation Area (SCA) and provide a set-aside so that catcher vessels less than or equal to 99 ft (30.2 m) LOA have the opportunity to operate entirely within the SCA until April 1. Accordingly, Table 5 lists the interim Bering Sea subarea pollock allocations to the inshore cooperative and open access sectors and establishes a

cooperative sector SCA set-aside for AFA catcher vessels less than or equal to 99 ft (30.2 m) LOA. The SCA set-aside for catcher vessels less than or equal to 99 ft (30.2 m) LOA that are not participating in a cooperative will be established inseason based on actual participation levels and is not included in Table 5.

TABLE 5.—2005 INTERIM BERING SEA SUBAREA POLLOCK ALLOCATIONS TO THE COOPERATIVE AND OPEN ACCESS SECTORS OF THE INSHORE POLLOCK FISHERY
[Amounts are in metric tons]

| | A season TAC | A season SCA harvest limit ¹ |
|---------------------|--------------|---|
| Cooperative sector | | |
| Vessels > 99 ft ... | n/a | 153,969 |
| Vessels ≤ 99 ft ... | n/a | 25,309 |
| Total | 256,112 | 179,278 |

TABLE 5.—2005 INTERIM BERING SEA SUBAREA POLLOCK ALLOCATIONS TO THE COOPERATIVE AND OPEN ACCESS SECTORS OF THE INSHORE POLLOCK FISHERY—Continued

[Amounts are in metric tons]

| | A season TAC | A season SCA harvest limit ¹ |
|---------------------|--------------|---|
| Open access sector. | 0 | 0 ² |
| Total inshore | 256,112 ... | 179,278 |

¹ The Steller sea lion conservation area (SCA) is established at § 679.22(a)(7)(vii).

² SCA limitations for vessels less than or equal to 99 ft LOA that are not participating in a cooperative will be established on an inseason basis in accordance with § 679.22(a)(7)(vii)(C)(2) which specifies that “the Regional Administrator will prohibit directed fishing for pollock by vessels greater than 99 ft (30.2 m) LOA, catching pollock for processing by the inshore component before reaching the inshore SCA harvest limit before April 1 to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA until April 1.”

Listed AFA Catcher/Processor Sideboard Limits

The basis for these sideboard limits is described in detail in the final rule implementing major provisions of the AFA (67 FR 79692, December 30, 2002).

Table 6 lists the 2005 interim catcher/processor sideboard limits.

All groundfish, other than pollock, that is harvested by listed AFA catcher/processors, whether as targeted catch or as incidental catch, will be deducted from the interim sideboard limits in Table 6. However, groundfish, other than pollock, that is delivered to listed catcher/processors by catcher vessels will not be deducted from the 2005 interim sideboard limits for the listed catcher/processors.

TABLE 6.—2005 INTERIM BSAI LISTED AFA CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS

[Amounts are in metric tons]

| Target species | Area | 1995–1997 | | | 2005 Interim TAC available to trawl C/Ps | 2005 Interim C/P sideboard limit |
|---------------------------|------------------------|----------------|-------------|--|--|----------------------------------|
| | | Retained catch | Total catch | Ratio of retained catch to total catch | | |
| Pacific cod trawl | BSAI | 12,424 | 48,177 | 0.258 | 21,568 | 5,565 |
| Sablefish trawl | BS | 8 | 497 | 0.016 | 257 | 4 |
| | AI | 0 | 145 | 0.000 | 148 | 0 |
| Atka mackerel | Western AI ... | ..... | ..... | ..... | ..... | ..... |
| | A season ¹ | n/a | n/a | 0.200 | 8,781 | 1,756 |
| | HLA limit ² | ..... | ..... | ..... | 5,268 | 1,054 |
| | Central AI ..... | ..... | ..... | ..... | ..... | ..... |
| | A season ¹ | n/a | n/a | 0.115 | 13,218 | 1,520 |
| | HLA limit ² | ..... | ..... | ..... | 7,931 | 912 |
| Yellowfin sole | BSAI | 100,192 | 435,788 | 0.230 | 18,291 | 4,207 |
| Rock sole | BSAI | 6,317 | 169,362 | 0.037 | 8,808 | 326 |
| Greenland turbot | BS | 121 | 17,305 | 0.007 | 574 | 4 |
| | AI | 23 | 4,987 | 0.005 | 170 | 1 |
| Arrowtooth flounder | BSAI | 76 | 33,987 | 0.002 | 2,550 | 5 |
| Flathead sole | BSAI | 1,925 | 52,755 | 0.036 | 4,038 | 145 |
| Alaska plaice | BSAI | 14 | 9,438 | 0.001 | 2,125 | 2 |
| Other flatfish | BSAI | 3,058 | 52,298 | 0.058 | 638 | 37 |
| Pacific ocean perch | BS | 12 | 4,879 | 0.002 | 409 | 1 |
| | Western AI ... | 54 | 13,598 | 0.004 | 989 | 4 |
| | Central AI | 3 | 5,698 | 0.001 | 564 | 1 |
| | Eastern AI | 125 | 6,179 | 0.020 | 592 | 12 |
| Northern rockfish | BSAI | 91 | 13,040 | 0.007 | 1,063 | 7 |
| Shortraker rockfish | BSAI | 50 | 2,811 | 0.018 | 112 | 2 |
| Rougheye rockfish | BSAI | 50 | 2,811 | 0.018 | 42 | 1 |
| Other rockfish | BS | 18 | 621 | 0.029 | 98 | 3 |
| | AI | 22 | 806 | 0.027 | 135 | 4 |
| Squid | BSAI | 73 | 3,328 | 0.022 | 271 | 6 |
| Other species | BSAI | 553 | 68,672 | 0.008 | 5,781 | 46 |

¹The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the available TAC in the Western Aleutian District, and 11.5 percent of the available TAC in the Central Aleutian District.

²HLA limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (§ 679.2). In 2005, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts. Pacific cod harvest by trawl gear in the Aleutian Islands HLA, west of 178 degrees W. long. is prohibited during the Atka mackerel HLA directed fisheries.

Section 679.64(a)(5) establishes a formula for PSC sideboard limits for listed AFA catcher/processors. These amounts are equivalent to the percentage of PSC amounts taken in the groundfish fisheries other than pollock by the AFA catcher/processors listed in subsection 208(e) and section 209 of the

AFA from 1995 through 1997 (see Table 7). These amounts were used to calculate the relative amount of PSC that was caught by pollock catcher/processors. That relative amount of PSC was then used to determine the PSC sideboard limits for listed AFA catcher/

processors in the 2005 interim fisheries for groundfish other than pollock.

PSC that is caught by listed AFA catcher/processors participating in any groundfish fishery other than pollock listed in Table 7 will accrue against the interim 2005 PSC sideboard limits for the listed AFA catcher/processors.

Section 679.21(e)(3)(v) authorizes NMFS to close directed fishing for groundfish, other than pollock, for listed AFA catcher/processors once a 2005 interim

PSC sideboard limit listed in Table 7 is reached.

Crab or halibut PSC that is caught by listed AFA catcher/processors while fishing for pollock will accrue against

the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/“other species” fishery categories under regulations at § 679.21(e)(3)(iv).

TABLE 7.—2005 INTERIM BSAI AFA LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS ¹

| PSC species | 1995—1997 | | | 2005 Interim PSC available to trawl C/Ps | 2005 Interim C/P sideboard limit |
|-------------------------------------|-----------|------------|---------------------------------|--|----------------------------------|
| | PSC catch | Total PSC | Ratio of PSC catch to total PSC | | |
| Halibut mortality | 955 | 11,325 | 0.084 | 850 | 71 |
| Red king crab | 3,098 | 473,750 | 0.007 | 45,556 | 319 |
| <i>C. opilio</i> ² | 2,323,731 | 15,139,178 | 0.153 | 1,005,938 | 153,908 |
| <i>C. bairdi</i> ..... | ..... | ..... | ..... | ..... | ..... |
| Zone 1 | 385,978 | 2,750,000 | 0.140 | 226,625 | 31,728 |
| Zone 2 | 406,860 | 8,100,000 | 0.050 | 686,813 | 34,341 |

¹ Halibut mortality amounts are in mt of halibut mortality. Crab amounts are in numbers of animals.

² *C. opilio* Bycatch Limitation Zone. Boundaries are defined at Figure 13 of 50 CFR part 679.

AFA Catcher Vessel Sideboards Limits

Section 679.64(b) establishes a formula for setting AFA catcher vessel groundfish and PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final

rule implementing major provisions of the AFA (67 FR 79692, December 30, 2002). Tables 8 and 9 list the 2005 interim AFA catcher vessel sideboard limits.

All harvests of groundfish sideboard species made by non-exempt AFA

catcher vessels, whether as targeted catch or incidental catch, will be deducted from the interim sideboard limits listed in Table 8.

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TABLE 8.—2005 INTERIM BSAI AFA CATCHER VESSEL SIDEBOARDS LIMITS

[Amounts are in metric tons]

| Species | Fishery by area/season/ processor/ gear | Ratio of 1995-1997 AFA CV catch to 1995-1997 TAC | 2005 Interim TAC | 2005 Interim catcher vessel sideboard limit |
|---------------------|--|--|------------------|--|
| Pacific cod | BSAI | | | |
| | Jig gear | 0.0000 | 1,468 | 0 |
| | Hook-and-line CV | | | 0 |
| | Jan 1 - Jun 10 | 0.0006 | 167 | 0 |
| | Pot gear CV | | | 0 |
| | Jan 1 - Jun 10 | 0.0006 | 8,380 | 5 |
| | CV < 60 feet LOA | 0.0006 | 1,304 | 1 |
| | using hook-and-line or pot gear | | | |
| | Trawl gear CV | | | |
| | Jan 20 - Apr 1 | 0.8609 | 30,195 | 25,995 |
| Sablefish | BS trawl gear | 0.0906 | 257 | 23 |
| | AI trawl gear | 0.0645 | 148 | 10 |
| Atka mackerel | Eastern AI/BS | | | 0 |
| | Jig gear | 0.0031 | 96 | 0 |
| | Other gear | | | 0 |
| | Jan 1 - Apr 15 | 0.0032 | 4,729 | 15 |
| | Central AI | | | 0 |
| | Jan 1 - Apr 15 | 0.0001 | 13,218 | 1 |
| | HLA limit | 0.0001 | 7,931 | 1 |
| | Western AI | | | |
| | Jan 1 - Apr 15 | 0.0000 | 8,781 | 0 |
| | HLA limit | 0.0000 | 5,268 | 0 |
| Yellowfin sole | BSAI | 0.0647 | 18,291 | 1,183 |
| Rock sole | BSAI | 0.0341 | 8,808 | 300 |
| Greenland Turbot | BS | 0.0645 | 574 | 37 |
| | AI | 0.0205 | 170 | 3 |
| Arrowtooth flounder | BSAI | 0.0690 | 2,550 | 176 |
| Alaska plaice | BSAI | 0.0441 | 2,125 | 94 |
| Other flatfish | BSAI | 0.0441 | 638 | 28 |

| Species | Fishery by area/season/ processor/ gear | Ratio of 1995-1997 AFA CV catch to 1995-1997 TAC | 2005 Interim TAC | 2005 Interim catcher vessel sideboard limit |
|---------------------|--|--|------------------|--|
| POP | BS | 0.1000 | 409 | 41 |
| | Eastern AI | 0.0077 | 989 | 8 |
| | Central AI | 0.0025 | 564 | 1 |
| | Western AI | 0.0000 | 592 | 0 |
| Northern rockfish | BSAI | 0.0084 | 1,063 | 9 |
| Shortraker rockfish | BSAI | 0.0037 | 112 | 0 |
| Rougheye rockfish | BSAI | 0.0037 | 42 | 0 |
| Other rockfish | BS | 0.0048 | 98 | 0 |
| | AI | 0.0095 | 135 | 1 |
| Squid | BSAI | 0.3827 | 271 | 104 |
| Other species | BSAI | 0.0541 | 5,781 | 313 |
| Flathead Sole | BS trawl gear | 0.0505 | 4,038 | 204 |

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The AFA catcher vessel PSC limit for halibut and each crab species in the BSAI, for which a trawl bycatch limit has been established, will be a portion of the PSC limit equal to the ratio of aggregate retained groundfish catch by AFA catcher vessels in each PSC target category from 1995 through 1997, relative to the retained catch of all vessels in that fishery from 1995

through 1997. Table 9 lists the 2005 interim PSC sideboard limits for AFA catcher vessels.

Halibut and crab PSC that are caught by AFA catcher vessels participating in fisheries for groundfish, other than pollock, listed in Table 9 will accrue against the 2005 interim PSC sideboard limits for AFA catcher vessels. Sections 679.21(d)(8) and (e)(3)(v) provide authority to close directed fishing for

groundfish other than pollock for AFA catcher vessels once an 2005 interim PSC sideboard limit for the BSAI listed in Table 9 is reached. PSC that is caught by AFA catcher vessels, while fishing for pollock in the BSAI, will accrue against either the midwater pollock or the pollock/Atka mackerel/“other species” fishery categories under regulations at § 679.21(e)(3)(iv).

TABLE 9.—2005 INTERIM BSAI AFA CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS ¹

| PSC species | Target fishery category ² | Ratio of 1995–1997 AFA CV re- tained catch to total re- tained catch | 2005 Interim PSC limit | 2005 Interim AFA catcher vessel PSC sideboard limit |
|------------------------|--|---|---------------------------|---|
| Halibut | Pacific cod trawl | 0.6183 | 359 | 222 |
| | Pacific cod hook-and-line or pot | 0.0022 | 194 | 0 |
| | Yellowfin sole | 0.1144 | 222 | 25 |
| | Rock sole/flat. sole/other flatfish ⁵ | 0.2841 | 195 | 55 |
| | Turbot/Arrowtooth/Sablefish | 0.2327 | 0 | 0 |
| | Rockfish (July 1–December 31) | 0.0245 | 17 | 0 |
| | Pollock/Atka mackerel/other species | 0.0227 | 58 | 1 |
| Red King Crab | Pacific cod | 0.6183 | 6,641 | 4,106 |
| | Zone 1 ⁴ | 0.1144 | 8,461 | 968 |
| | Rock sole/flat. sole/other flatfish ⁵ | 0.2841 | 30,353 | 8,623 |
| | Pollock/Atka mackerel/other species | 0.0227 | 102 | 2 |
| <i>C. opilio</i> | Pacific cod | 0.6183 | 31,184 | 19,281 |
| | COBLZ ³ | 0.1144 | 694,245 | 79,422 |
| | Rock sole/flat. sole/other flatfish ⁵ | 0.2841 | 242,283 | 68,833 |
| | Pollock/Atka mackerel/other species | 0.0227 | 18,107 | 411 |
| | Rockfish | 0.0245 | 10,059 | 246 |
| <i>C. bairdi</i> | Turbot/Arrowtooth/Sablefish | 0.2327 | 10,060 | 2,341 |
| | Pacific cod | 0.6183 | 45,778 | 28,305 |
| | Zone 1 | 0.1144 | 85,211 | 9,748 |
| | Rock sole/flat. sole/other flatfish ⁵ | 0.2841 | 91,330 | 25,947 |
| | Pollock/Atka mackerel/other species | 0.0227 | 4,306 | 98 |
| <i>C. bairdi</i> | Pacific cod | 0.6183 | 81,044 | 50,110 |
| | Zone 2 | 0.1144 | 447,115 | 51,150 |
| | Rock sole/flat. sole/other flatfish ⁵ | 0.2841 | 149,039 | 42,342 |
| | Pollock/Atka mackerel/other species | 0.0227 | 6,868 | 156 |

TABLE 9.—2005 INTERIM BSAI AFA CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS¹—Continued

| PSC species | Target fishery category ² | Ratio of 1995–1997 AFA CV retained catch to total retained catch | 2005 Interim PSC limit | 2005 Interim AFA catcher vessel PSC sideboard limit |
|-------------|--------------------------------------|--|------------------------|---|
| | Rockfish | 0.0245 | 2,747 | 67 |

¹ Halibut mortality amounts are in metric tons. Crab amounts are in numbers of animals.

² Target fishery categories are defined in regulation at § 679.21(e)(3)(iv).

³ *C. opilio* Bycatch Limitation Zone. Boundaries are defined at Figure 13 of 50 CFR part 679.

⁴ In October 2004, the Council recommended that the red king crab bycatch for trawl fisheries within the Red King Crab Savings Subarea be limited to 35 percent of the total allocation to the rock sole/flathead sole/“other flatfish” fishery category (§ 679.21(e)(3)(ii)(B)).

⁵ “Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder.

AFA Catcher/Processor and Catcher Vessel Sideboard Limit Directed Fishing Closures

The Regional Administrator has determined that many of the interim AFA catcher/processor and catcher vessel sideboard limits listed in Table

10 and 11 are necessary as incidental catch to support other anticipated groundfish fisheries for the 2005 fishing year. In accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the directed fishing allowances for the below species or species groups as zero. Therefore, in

accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing by AFA catcher/processors for the species in the specified areas set out in Table 10 and directed fishing by non-exempt AFA catcher vessels for the species in the specified areas set out in Table 11.

TABLE 10.—2005 INTERIM BSAI AFA LISTED CATCHER/PROCESSOR SIDEBOARD LIMIT DIRECTED FISHING CLOSURES¹
[Amounts are in metric tons]

| Species | Area | Gear types | Incidental catch allowance |
|---------------------------|------------------|-------------|----------------------------|
| Sablefish trawl | BS | Trawl | 4 |
| | AI | Trawl | 0 |
| Rock sole | BSAI | all | 326 |
| Greenland turbot | BS | all | 4 |
| | AI | all | 1 |
| Arrowtooth flounder | BSAI | all | 5 |
| Alaska plaice | BSAI | all | 2 |
| Pacific ocean perch | BS | all | 1 |
| | Western AI | all | 4 |
| | Central AI | all | 1 |
| | Eastern AI | all | 12 |
| Northern rockfish | BSAI | all | 7 |
| Shortraker rockfish | BSAI | all | 2 |
| Rougheye rockfish | BSAI | all | 1 |
| Other rockfish | BS | all | 3 |
| | AI | all | 4 |
| Squid | BSAI | all | 6 |
| Other species | BSAI | all | 46 |

¹ Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.

TABLE 11.—2005 INTERIM BSAI AFA CATCHER VESSEL SIDEBOARD LIMIT DIRECTED FISHING CLOSURES¹
[Amounts are in metric tons]

| Species | Area | Gear | Incidental catch allowance |
|---------------------------|---------------------|---------------------|----------------------------|
| Pacific cod | BSAI | hook-and-line | 0 |
| | BSAI | pot | 5 |
| | BSAI | jig | 0 |
| Sablefish | BS | trawl | 23 |
| | AI | trawl | 10 |
| Atka mackerel | Eastern AI/BS | jig | 0 |
| | Eastern AI/BS | other | 15 |
| | Central AI | all | 1 |
| | Western AI | all | 0 |
| Greenland Turbot | BS | all | 37 |
| | AI | all | 3 |
| Arrowtooth flounder | BSAI | all | 176 |

TABLE 11.—2005 INTERIM BSAI AFA CATCHER VESSEL SIDEBOARD LIMIT DIRECTED FISHING CLOSURES ¹—Continued
 [Amounts are in metric tons]

| Species | Area | Gear | Incidental catch allowance |
|---------------------------|------------------|-----------|----------------------------|
| Pacific ocean perch | BS | all | 41 |
| | Western AI | all | 0 |
| | Central AI | all | 1 |
| | Eastern AI | all | 8 |
| Northern rockfish | BSAI | all | 9 |
| Shorthead rockfish | BSAI | all | 0 |
| Rougheye rockfish | BSAI | all | 0 |
| Other rockfish | BS | all | 0 |
| Squid | AI | all | 1 |
| | BSAI | all | 104 |
| Other species | BSAI | all | 313 |

¹ Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

Because this action is a final action by NMFS, analyses required under the Magnuson-Stevens Act must be completed and considered by the agency before promulgation of the interim harvest specifications.

Section 679.20(c)(2) requires NMFS to specify harvest specifications to be effective January 1 and to remain in effect until superseded by the final harvest specifications. Without interim harvest specifications in effect on January 1, the groundfish fisheries would not be able to open, resulting in disruption within the fishing industry. NMFS cannot publish interim harvest specifications until proposed harvest specifications are completed because the interim harvest specifications are derived from the proposed harvest specifications, as required by regulations at § 679.20(c)(2).

The proposed harvest specifications are based on the preliminary recommendations of the Plan Team, which were reviewed by the Scientific and Statistical Committee, and Council in October 2004, in projecting 2005 biomass amounts, as identified in the 2003 SAFE Report, for the 2005 proposed ABC, overfishing levels, and TAC amounts. The Plan Team recommendations incorporate the most current data available from a number of sources, including current-year industry catch levels, and current-year trawl and hydro-acoustic surveys. These data are not available in time for Council review prior to the October Council meeting, as the surveys are conducted during the summer months, and industry catch levels reflect current year activity. These

updated data sources represent the best available scientific information. These data provide the basis for the proposed and interim harvest specifications.

The proposed harvest specifications, as required by § 679.20(c)(1)(i)(A), must be published as soon as practicable after consultation with the Council, which occurs at the Council's October meeting. Because the interim harvest specifications are derived from the proposed harvest specifications, the proposed harvest specifications publication requirement, along with the requirement of National Standard 2 of the Magnuson-Stevens Act to use the best scientific information available, prevents NMFS from publishing the interim harvest specifications in sufficient time to have a public comment period and to have the interim harvest specifications effective on January 1.

As stated above, disruption to the fishing industry and consequent impacts to fishing communities and to the public would occur if the interim harvest specifications were not effective January 1. Additionally, the public is provided an opportunity to comment on the proposed harvest specifications, from which the interim harvest specifications are derived. For these reasons, good cause exists under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment on this action as such procedures would be impracticable and contrary to the public interest.

Likewise, the Assistant Administrator finds good cause to waive the 30-day delay in effectiveness date of the interim harvest specifications. Section 679.20(c)(2) requires NMFS to establish interim harvest specifications to be effective on January 1 and to remain in effect until superseded by the

publication of final harvest specifications by the Office of the Federal Register. NMFS interprets § 679.20(c)(2) as requiring the filing of interim harvest specifications with the Office of the Federal Register before any harvest of groundfish is authorized. The interim harvest specifications are based on the 2005 proposed harvest specifications.

The interim harvest specifications rely on data used to propose the 2005 harvest specifications, and those data are not available until after the summer surveys are conducted (see above). Without interim harvest specifications in effect on January 1, the groundfish fisheries would not be able to open on that date, resulting in disruption to the fishing industry. These reasons constitute good cause pursuant to 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness date.

Because these interim harvest specifications are not required to be issued with prior notice and opportunity for public comment pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act do not apply. Consequently, no regulatory flexibility analysis has been prepared for this action.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; 16 U.S.C. 1540(f); Pub. L. 105-277, Title II of Division C; Pub. L. 106-31, Sec. 3027; Pub. L. 106-554, Sec. 209; and Pub. L. 108-199, Sec. 803.

Dated: December 15, 2004.

Rebecca Lent,

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

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