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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 112097A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 1998 Harvest Specifications for Groundfish

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

**ACTION:** Final 1998 harvest specifications for groundfish and associated management measures.

**SUMMARY:** NMFS announces final 1998 harvest specifications for Gulf of Alaska (GOA) groundfish and associated management measures. This action is necessary to establish harvest limits and associated management measures for groundfish during the 1998 fishing year. These measures are intended to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

**DATES:** The final 1998 harvest specifications are effective at noon on March 9, 1998 through 2400 hrs, Alaska local time (A.l.t.), December 31, 1998.

**ADDRESSES:** Copies of the Environmental Assessment (EA) for 1998 Groundfish Total Allowable Catch (TAC) Specifications, dated January 1998, may be obtained from the NMFS, Alaska Region, Sustainable Fisheries Division, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or by calling 907-586-7228. The Final Stock Assessment and Fishery Evaluation Report (SAFE report), dated November 1997, is available from the North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501-2252, or by calling 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, 907-486-6919.

#### SUPPLEMENTARY INFORMATION:

##### Background

Groundfish fisheries in the exclusive economic zone of the GOA are managed by NMFS according to the FMP. The

FMP was prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The FMP is implemented by regulations at 50 CFR part 679. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 600.

NMFS announces the following for the 1998 fishing year: (1) Specifications of TAC amounts for each groundfish species category in the GOA, and reserves; (2) apportionments of reserves; (3) allocations of the sablefish TAC to vessels using hook-and-line and trawl gear; (4) apportionments of pollock TAC among regulatory areas, seasons, and allocations for processing between inshore and offshore components; (5) allocations for processing of Pacific cod TAC between inshore and offshore components; (6) Pacific halibut prohibited species catch (PSC) limits; and (7) fishery and seasonal apportionments of the Pacific halibut PSC limits. A discussion of each of these measures follows.

The process of determining TACs for groundfish species in the GOA is established in regulations implementing the FMP. Pursuant to § 679.20(a)(2), the sum of the TACs for all species must fall within the combined optimum yield (OY) range of 116,000-800,000 metric tons (mt) established for these species at § 679.20(a)(1)(ii).

The Council met from September 22 through 29, 1997, and developed recommendations for proposed 1998 TAC specifications for each species category of groundfish on the basis of the best available scientific information. The Council also recommended other management measures pertaining to the 1998 fishing year. Under § 679.20(c)(1)(ii), the proposed GOA groundfish specifications and specifications for prohibited species bycatch allowances for the groundfish fishery of the GOA were published in the **Federal Register** on December 15, 1997 (62 FR 65644). Comments were invited through January 14, 1998. Interim TAC and PSC amounts equal to one-fourth of the proposed amounts were published in the **Federal Register** on December 15, 1997 (62 FR 65622). The final 1998 initial groundfish harvest specifications and prohibited species bycatch allowances implemented under this action supersede the interim 1998 specifications.

The Council met December 9 through 12, 1997, to review the best available scientific information concerning groundfish stocks, and to consider public testimony regarding 1998 groundfish fisheries. The best available

scientific information is contained in the current SAFE report, which includes the most recent information concerning the status of groundfish stocks based on the most recent catch data, survey data, and biomass projections using different modeling approaches or assumptions. The SAFE report was prepared by the GOA Plan Team and presented to the Council and the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP) at the December 1997 Council meeting.

For establishment of the acceptable biological catches (ABCs) and TACs, the Council considered information in the SAFE report, recommendations from its SSC and AP, as well as public testimony. The SSC adopted the overfishing level (OFL) recommendations from the Plan Team, which were provided in the SAFE report, for all groundfish species categories. The SSC also adopted the ABC recommendations from the Plan Team, which were provided in the SAFE report, for all of the groundfish species categories, except pollock in the GOA.

The SSC did not adopt the Plan Team's recommendation of ABC for pollock in the GOA. The Plan Team's recommendation was to exclude pollock harvested in the State of Alaska (State) managed pollock fishery in Prince William Sound (PWS) from the ABC specified for the GOA. The SSC did not concur, and believed that insufficient information exists to conclude that pollock in PWS constituted a stock separate from the GOA. The SSC recommended that the State's guideline harvest level (GHL) of 1,800 mt in the PWS pollock fishery be deducted from the total GOA ABC of 131,800 mt, reducing the ABC to 130,000 mt, and that the 130,000 mt ABC be apportioned among GOA regulatory areas based on the biomass distribution throughout the GOA. The Council accepted the SSC's recommendation.

The GOA Plan Team, the SSC, and the Council recommended that total removals of Pacific cod from the GOA not exceed the ABC recommendations for those areas. The Council recommended that the TACs be adjusted downward from the ABCs by amounts that were equal to the state's anticipated GHLs. At its February 9-12 meeting, the Alaska Board of Fisheries set GHLs for the state-managed Pacific cod fishery at 1997 rates in all areas for the 1998 fishing year. Therefore, in order to utilize more fully the Pacific cod resource in the GOA, NMFS is adjusting the Council's recommended Pacific cod TACs upwards in the Central and

Western GOA to levels that account for the reduced state GHLS.

The Council adopted the SSC's ABC recommendations for each species category, including the recommendations that the GOA wide ABC for thornyhead rockfish be divided into the Western, Central, and Eastern regulatory areas and that deepsea sole be included in the deep-water flatfish species assemblage. The Council recommended that a single ABC be adopted for sablefish in the Eastern GOA. In previous years, the Council has recommended that the sablefish ABC in the Eastern GOA be subdivided between the West Yakutat and the Southeast Outside Districts. The Council's recommended ABCs, listed in Table 1, reflect harvest amounts that are less than the specified overfishing amounts (Table 1). The sum of 1998 the ABCs for all groundfish is 548,770 mt, which is larger than the 1997 ABC total of 493,050 mt.

#### Response to Comments

Five letters of comment raising three issues were received on the 1998 specifications and the EA for the 1998 specifications. These comments are summarized and responded to here or in this section.

*Comment 1.* The draft EA prepared for the 1998 specifications provides an inadequate basis for a Finding of No Significant Impact. The environmental impact statement (EIS) prepared for the GOA groundfish fishery was drafted 20 years ago. Since that time, the conduct of the fisheries has changed, new information regarding the affected groundfish species exists, and substantial and unanalyzed questions exist regarding the impact of the groundfish fisheries on the GOA ecosystem. NMFS should prepare a supplement to the EIS that fully evaluates the potential impacts of the groundfish TACs on the GOA ecosystem.

*Response.* NMFS acknowledges that the final EIS prepared for the GOA groundfish fishery is 20 years old. A supplement to the EIS is being prepared and a public review draft is scheduled for release in April 1998. However, NMFS believes that the final EA prepared for the 1998 GOA groundfish specifications, as well as the documents incorporated by reference into the EA, adequately support a Finding of No Significant Impact.

*Comment 2.* The draft EA does not adequately assess the impact of proposed 1998 fishing levels on endangered Steller sea lions, or on the unlisted species also suffering population declines. The draft EA also

neglects to address dramatic increases in catches of pollock in areas designated as critical foraging habitat for Steller sea lions, the increasing effort directed on spawning pollock in the winter months, and the geographic and temporal concentration of fishing in the areas of the GOA where the greatest declines of sea lion, other marine mammals and seabirds have occurred. The EA fails to consider a viable range of alternatives, such as reducing TACs for ecosystem based reasons and time/area restrictions for fisheries.

*Response.* The issues of concern identified in Comment 2 are addressed within the scope of the final EA, as well as in the documents incorporated by reference into the final EA. Efforts to identify relationships between the Alaska groundfish fisheries and Steller sea lions are ongoing, but any potential linkages remain unclear. Overlaps between Steller sea lion prey and harvested species have been identified, particularly with reference to pollock and Atka mackerel stocks. However, participants in the Alaskan groundfish fisheries are not expected to significantly alter their fishing practices, either spatially or temporally, as a result of the 1998 groundfish specifications, nor operate in any manner that would predictably pose obvious impacts to Steller sea lions.

*Comment 3.* NMFS needs to more fully incorporate ecosystem level concerns into the TAC setting process. Harvest levels are based on single-species models that fail to adequately consider inter-species linkages and the impact of fish removal on other ecosystem components. The EA does not discuss or analyze the changing community structure of the groundfish complex resulting from disproportionate fishing pressure on a small set of commercially targeted species.

*Response.* NMFS acknowledges the importance of ecosystem based management for groundfish stocks. The Council's ecosystem Committee, established in 1996, met during the December Council meeting to review the status of groundfish stocks and make recommendations to the Council. Based on ecosystem concerns, the Council has taken a precautionary approach to setting groundfish TACs. The final EA, as well as the documents incorporated by reference into the final EA (especially the Ecosystem Committee's chapter of the 1998 SAFE report), extensively examine ecosystem level impacts of the groundfish fisheries.

#### 1998 Harvest Specifications

##### 1. Specifications of TAC and Reserves

The Council recommended TACs equal to ABCs for pollock in the Central and Western GOA, deep-water flatfish, rex sole, sablefish, northern rockfish, shortraker/rougeye rockfish, pelagic shelf rockfish including the split in the assemblage in the Central GOA between nearshore and offshore species, demersal shelf rockfish, Atka mackerel, and thornyhead rockfish. The Council recommended TACs less than the ABC for pollock in the Eastern GOA, Pacific cod, flathead sole, shallow-water flatfish, arrowtooth, other slope rockfish, and Pacific ocean perch (POP) (Table 1).

The TAC for pollock has increased in the Central and Western GOA from 74,400 mt in 1997 to 119,150 mt in 1998 and remained the same in the Eastern GOA at 5,580 mt. The apportionment of TAC in the Central and Western GOA reflects the current biomass distribution. The Council reduced the AP's recommendation for the 1998 pollock TAC in the Eastern GOA of 10,850 mt to 5,580 mt (equal to the 1997 TAC) in consideration of the large assessment of small sized pollock in the Eastern GOA, reduced assessment of pollock biomass in the West Yakutat district, and projected weak recruitment in future years.

The Council's recommended 1998 TAC for pollock in the combined Western and Central (W/C) Regulatory Areas of the GOA (119,150 mt) is a 60 percent increase from 1997 (74,400 mt). The Council received testimony from the public and the scientific community expressing concern that a substantially higher pollock TAC could lead to localized depletions of pollock stocks, especially during the September 1 season, which may have adverse impacts on Steller sea lion foraging activity. At its February 3 through 7, 1998, meeting, the Council approved a regulatory amendment to the FMP to shift 10 percent of the pollock TAC in the Central and Western Regulatory Areas of the GOA from September 1 to June 1. NMFS is proceeding with rulemaking to shift 10 percent of the pollock TAC in the combined W/C Regulatory Area from the September 1 season to the June 1 season. The objective of this action is to reapportion the pollock TACs so that the projected increases in pollock catches during the September 1 season are reduced relative to what would occur under the current seasonal TAC split. This action will amend the seasonal TACs for pollock TAC displayed in Table 3 to apportion 25 percent to the January 1 season, 35

percent to the June 1 season, and 40 percent to the September 1 season.

The 1998 Pacific cod TAC is affected by the State's developing fishery for Pacific cod in state waters in the Central and Western GOA, as well as PWS. The SSC, AP, and Council recommended that the sum of all Pacific cod removals should not exceed the ABC. The Council recommended that the TAC for the Eastern GOA be lower than the ABC by 390 mt, the amount of the State's proposed GHL for PWS. Anticipating increases in the State's GHLS to 17.5 percent and 20 percent of the ABCs for the Central and Western GOA, the Council recommended that TACs be lowered by 8,590 mt and 5,450 mt respectively. At its February 9 through 12 meeting, the Alaska Board of Fisheries did not approve raising GHLS for the 1998 fishing year above 15 percent of the ABC for the Central and Western GOA. Therefore, in order to more fully utilize the Pacific cod fishery in the Central and Western GOA, NMFS is lowering the TACs for the Central and Western GOA from ABC levels by 7,360 mt and 4,090 mt respectively, the amount of the State's GHLS for these areas.

The Council accepted the AP recommendation that the TACs for flathead sole, shallow-water flatfish, and arrowtooth flounder be set at 1997 TAC levels, which are lower than their respective 1998 ABC specifications. The Council recommended that NMFS reduce the "other rockfish" TAC in the Eastern Regulatory Area from the level recommended by the AP to a level that would provide for bycatch in other groundfish fisheries. NMFS has reviewed bycatch needs for "other

rockfish" and has set TACs equal to 1997 levels, which will provide enough for bycatch needs.

The Council reduced the AP's recommendation for the POP TAC in the Eastern GOA from the 1998 ABC of 4,410 mt to the 1997 TAC level of 2,366 mt to reduce the bycatch of shorttraker and rougheye rockfish in the POP fishery.

The Council recommended that there be a single TAC for the trawl allocation of sablefish in the Eastern GOA and that the hook-and-line allocation of sablefish TAC in the Eastern GOA continue to be apportioned between the West Yakutat and Southeast Outside Districts. The Council made this recommendation to accommodate the existing trawl gear allocation of sablefish, as well as the expectation that trawl gear will be prohibited in 1998 in the Southeast Outside District under Amendment 41 to the FMP. The Council accepted the AP's recommendation that 1998 TACs for the remaining groundfish fisheries be set at 1998 ABC levels.

On February 3, 1998, NMFS approved amendment 46 to the FMP which removes black rockfish and blue rockfish from the FMP. The purpose of amendment 46 is to allow more localized management of these species by the State. Because amendment 46 has been approved by NMFS, black rockfish and blue rockfish have been removed from the 1998 specifications and the State will manage these species under GHLS established in State regulations. The removal of black rockfish and blue rockfish from the pelagic shelf rockfish assemblage eliminates the nearshore component of this species assemblage in the final specifications. Therefore, the

OFL, ABC, and TAC for pelagic shelf rockfish in the GOA have been adjusted accordingly.

The FMP specifies that amounts for the "other species" category are calculated as 5 percent of the combined TAC amounts for target species. The GOA-wide "other species" TAC is 15,580 mt, which is 5 percent of the sum of the combined TAC amounts for the target species. The sum of the TACs for all GOA groundfish is 327,176 mt, which is within the OY range specified by the FMP. The sum of the TACs is higher than the 1997 TAC sum of 282,815 mt.

On February 6, 1998, NMFS approved amendment 39 to the FMP which establishes a new species category for forage fish species. Amendment 39 removes capelin, eulachon, and smelt from the "other species" category in the FMP and moves these species to the new forage fish species category. While this action changes the list of species in the "other species" category, it does not affect the formula for specifying a TAC for the "other species" category which remains 5 percent of the combined TAC amounts for target species. Under amendment 39, ABC and TAC amounts are not specified for forage fish species. Instead, directed fishing for forage fish species will be prohibited and these species will be placed on permanent bycatch status with a maximum retainable bycatch of 2 percent.

NMFS has reviewed the Council's recommended TAC specifications and apportionments and hereby approves these specifications under § 679.20(c)(3)(ii). The 1998 ABCs, TACs, and overfishing levels are shown in Table 1.

TABLE 1.—1998 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND FISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA

| Species                                  | Area <sup>1</sup> | ABC     | TAC     | Initial TAC (mt) | Overfishing |
|--|-------------------|---------|---------|------------------|-------------|
| Pollock <sup>2</sup>                     |                   |         |         |                  |             |
| Shumagin .....                           | (610)             | 29,790  | 29,790  | .....            | .....       |
| Chirikof .....                           | (620)             | 50,045  | 50,045  | .....            | .....       |
| Kodiak .....                             | (630)             | 39,315  | 39,315  | .....            | .....       |
| Subtotal .....                           | W/C               | 119,150 | 119,150 | .....            | 170,500     |
|  | E                 | 10,850  | 5,580   | .....            | 15,600      |
| Total .....                              |                   | 130,000 | 124,730 | .....            | 186,100     |
| Pacific cod <sup>3</sup> .....           | W                 | 27,260  | 23,170  | 18,536           | .....       |
|  | C                 | 49,080  | 41,720  | 33,374           | .....       |
|  | E                 | 1,560   | 1,170   | 936              | .....       |
| Total .....                              |                   | 77,900  | 66,060  | 52,846           | 141,000     |
| Flatfish <sup>4</sup> (deep-water) ..... | W                 | 340     | 340     | .....            | .....       |
|  | C                 | 3,690   | 3,690   | .....            | .....       |
|  | E                 | 3,140   | 3,140   | .....            | .....       |
| Total .....                              |                   | 7,170   | 7,170   | .....            | 9,440       |

TABLE 1.—1998 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND FISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA—Continued

| Species                               | Area <sup>1</sup> | ABC               | TAC     | Initial TAC (mt) | Overfishing |
|---------------------------------------|-------------------|-------------------|---------|------------------|-------------|
| Rex sole <sup>4</sup>                 | W                 | 1,190             | 1,190   |                  |             |
|                                       | C                 | 5,490             | 5,490   |                  |             |
|                                       | E                 | 2,470             | 2,470   |                  |             |
| Total                                 |                   | 9,150             | 9,150   |                  | 11,920      |
| Flathead sole                         | W                 | 8,440             | 2,000   |                  |             |
|                                       | C                 | 15,630            | 5,000   |                  |             |
|                                       | E                 | 2,040             | 2,040   |                  |             |
| Total                                 |                   | 26,110            | 9,040   |                  | 34,010      |
| Flatfish <sup>5</sup> (shallow-water) | W                 | 22,570            | 4,500   |                  |             |
|                                       | C                 | 19,260            | 12,950  |                  |             |
|                                       | E                 | 1,320             | 1,180   |                  |             |
| Total                                 |                   | 43,150            | 18,630  |                  | 59,540      |
| Arrowtooth flounder                   | W                 | 33,010            | 5,000   |                  |             |
|                                       | C                 | 149,640           | 25,000  |                  |             |
|                                       | E                 | 25,690            | 5,000   |                  |             |
| Total                                 |                   | 208,340           | 35,000  |                  | 295,970     |
| Sablefish <sup>6</sup>                | W                 | 1,840             | 1,840   |                  |             |
|                                       | C                 | 6,320             | 6,320   |                  |             |
|                                       | E                 | 5,960             | 298     | (Trawl only)     |             |
|                                       | WYK               |                   | 2,175   | (H&L only)       |             |
|                                       | SEO               |                   | 3,487   | (H&L only)       |             |
| Total                                 |                   | 14,120            | 14,120  |                  | 23,450      |
| Pacific <sup>7</sup> ocean perch      | W                 | 1,810             | 1,810   |                  | 2,550       |
|                                       | C                 | 6,600             | 6,600   |                  | 9,320       |
|                                       | E                 | 4,410             | 2,366   |                  | 6,220       |
| Total                                 |                   | 12,820            | 10,776  |                  | 18,090      |
| Short raker/rougheye <sup>8</sup>     | W                 | 160               | 160     |                  |             |
|                                       | C                 | 970               | 970     |                  |             |
|                                       | E                 | 460               | 460     |                  |             |
| Total                                 |                   | 1,590             | 1,590   |                  | 2,740       |
| Other rock fish <sup>9 10 11</sup>    | W                 | 20                | 20      |                  |             |
|                                       | C                 | 650               | 650     |                  |             |
|                                       | E                 | 4,590             | 1,500   |                  |             |
| Total                                 |                   | 5,260             | 2,170   |                  | 7,560       |
| Northern Rockfish <sup>11</sup>       | W                 | 840               | 840     |                  |             |
|                                       | C                 | 4,150             | 4,150   |                  |             |
|                                       | E                 | 10                | 10      |                  |             |
| Total                                 |                   | 5,000             | 5,000   |                  | 9,420       |
| Pelagic shelf rockfish <sup>12</sup>  | W                 | 620               | 620     |                  |             |
|                                       | C                 | 3,260             | 3,260   |                  |             |
|                                       | E                 | 1,000             | 1,000   |                  |             |
| Total                                 |                   | 4,880             | 4,880   |                  | 8,040       |
| Thornyhead rockfish                   | W                 | 250               | 250     |                  |             |
|                                       | C                 | 710               | 710     |                  |             |
|                                       | E                 | 1,040             | 1,040   |                  |             |
| Total                                 |                   | 2,000             | 2,000   |                  | 2,840       |
| Demersal shelf rockfish <sup>13</sup> | SEO               | 560               | 560     |                  | 950         |
| Atka mackerel                         | GW                | 600               | 600     |                  | 6,200       |
| Other <sup>14</sup> species           | GW                | <sup>15</sup> N/A | 15,570  |                  |             |
| Total <sup>16</sup>                   |                   | 548,650           | 327,046 |                  | 817,270     |

<sup>1</sup> Regulatory areas and districts are defined at § 679.2.

<sup>2</sup> Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area (Table 3), each of which is further divided into three seasonal allowances. In the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

<sup>3</sup> Pacific cod is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Component allocations are shown in Table 4.

<sup>4</sup> "Deep water flatfish" means Dover sole, Greenland turbot, and deepsea sole.

<sup>5</sup> "Shallow water flatfish" means flatfish not including "deep water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup> Sablefish is allocated to trawl and hook-and-line gears (Table 2).

<sup>7</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup> "Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

<sup>9</sup> "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 Southeast Outside District means Slope rockfish.

<sup>10</sup> "Slope rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegates* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), and *S. reedi* (yellowmouth).

<sup>11</sup> "Northern rockfish" means *Sebastes polyspinis*.

<sup>12</sup> "Pelagic shelf rockfish" means *Sebastes ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

<sup>13</sup> "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).

<sup>14</sup> "Other species" means scallops, sharks, skates, squid, and octopus. The TAC for "other species" equals 5 percent of the TACs of target species.

<sup>15</sup> N/A means not applicable.

<sup>16</sup> The total ABC is the sum of the ABCs for target species.

2. Apportionments of Reserves

Regulations implementing the FMP require 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 (§ 679.20(b)(2)). For the preceding 10 years, including 1997, NMFS has reapportioned all of the reserves in the final harvest specifications except for Pacific cod in 1997. Except for Pacific cod, NMFS proposed reapportionment of all reserves for 1998 in the proposed GOA groundfish specifications published in the **Federal Register** on December 15, 1997 (62 FR 65644). NMFS received no public comments on the proposed reapportionments. For 1998, NMFS has reapportioned all of the reserves for pollock, flatfish, and "other species". NMFS is retaining the Pacific cod reserves at this time to provide for a management buffer to account for excessive fishing effort and/or incomplete or late catch reporting. In recent years, unpredictable increases in fishing effort and harvests, uncertainty of bycatch needs in other directed fisheries throughout the year, and untimely submission and revision of weekly processing reports have resulted in early and late closures of the Pacific cod fishery. NMFS believes that the retention of Pacific cod reserve amounts

to provide for TAC management difficulties later in the year is a conservative approach that will lead to a more orderly fishery and provide greater assurance that Pacific cod bycatch may be retained throughout the year. Specifications of TAC shown in Table 1 reflect apportionment of reserve amounts for pollock, flatfish species, and "other species." Table 1 also lists the initial TACs for Pacific cod, which reflect the withholding of the Pacific cod TAC reserves as follows: 4,634 mt in the Western GOA, 8,346 mt in the Central GOA, and 234 mt in the Eastern GOA.

3. Allocations of the Sablefish TACs to Vessels Using Hook-and-Line and Trawl Gear

Under § 679.20(a)(4)(i) and (ii), sablefish TACs for each of the regulatory areas and districts are allocated 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 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 as bycatch to support directed fisheries for other target species. Sablefish caught in the

GOA with gear other than hook-and-line or trawl gear must be treated as prohibited species and may not be retained. In previous years the Council has recommended the trawl allocation of sablefish TAC be subdivided between the West Yakutat and Southeast Outside Districts. However, the Council expects that part of the License Limitation Program (amendment 41 to the FMP) implementing a no trawl zone East of 140° W. long. (the Southeast Outside District) will become effective during the 1998 fishing year. As a result, a single trawl allocation for the Eastern Regulatory Area is established with the expectation that all trawl harvest of sablefish will occur in the West Yakutat District once the Southeast Outside District trawl closure becomes effective. The 1998 management of the Eastern Regulatory Area allocation of sablefish to trawl gear will have no effect on the amount of sablefish allocated to vessels using hook-and-line gear in either the West Yakutat or the Southeast Outside Regulatory Districts. Table 2 shows the allocations of the 1998 sablefish TACs between hook-and-line and trawl gear. In the Eastern Regulatory Area the trawl allocation is not apportioned by district while the hook-and-line allocation is apportioned into the West Yakutat and Southeast Outside Districts.

TABLE 2.—1998 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ALLOCATIONS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR

| Area/District           | TAC    | Hook-and-Line apportionment (mt) | Trawl apportionment |
|-------------------------|--------|----------------------------------|---------------------|
| Western .....           | 1,840  | 1,472                            | 368                 |
| Central .....           | 6,320  | 5,056                            | 1,264               |
| Eastern .....           | 5,960  | .....                            | 298                 |
| West Yakutat .....      | .....  | 2,175                            | .....               |
| Southeast Outside ..... | .....  | 3,487                            | .....               |
| Total .....             | 14,120 | 12,190                           | 1,930               |

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

In the GOA, pollock is apportioned by area and season, and is further allocated for processing by inshore and offshore components. Regulations at § 679.20(a)(5)(ii)(A) require that the TAC for pollock in the combined Western and Central GOA be apportioned in proportion to the distribution of pollock biomass as determined by the most recent NMFS surveys among the Shumagin (610), Chirikof (620), and Kodiak (630) statistical areas. This measure was intended to provide spatial distribution of the pollock harvest as a sea lion protection measure. Each statistical area apportionment is further apportioned into three seasonal allowances of 25, 25, and 50 percent, respectively (§ 679.20(a)(5)(ii)(B)). As established under § 679.23(d)(2), the first, second, and third seasonal allowances are available on January 1, June 1, and September 1, respectively. Within any fishing year, any unharvested amount of any seasonal allowance of pollock TAC is added in equal proportions to all subsequent seasonal allowances, resulting in a sum

for each allowance not to exceed 150 percent of the initial seasonal allowance. Similarly, harvests in excess of a seasonal allowance of TAC are deducted in equal proportions from the remaining seasonal allowances of that fishing year. The Eastern Regulatory Area pollock TAC of 5,580 mt is not allocated among smaller areas, or seasons. As mentioned above, at its February 1998 meeting, the Council approved a regulatory amendment to shift 10 percent of the pollock TAC in the Western and Central Regulatory Areas of the GOA from September 1 to June 1. This shift will result in seasonal apportionments of 25 percent of the pollock TAC to the January 1 season, 35 percent to the June 1 season, and 40 percent to the September 1 season. This change was identified during the section 7 consultation on the final 1998 harvest specifications as a reasonable and prudent measure to limit the potential impacts of pollock fishing on sea lions during the critical fall and winter months. NMFS is proceeding with rulemaking to make the regulatory changes, which, if approved, could become effective by the June 1, 1998, fishing season.

Regulations at § 679.20(a)(6)(ii) require that the pollock TAC in all regulatory areas and all seasonal allowances thereof be allocated for processing by the inshore and offshore components. One hundred percent of the pollock TAC in each regulatory area is allocated to vessels catching pollock for processing by the inshore component after subtraction of amounts that are projected by the Administrator, Alaska Region, NMFS (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 bycatch during directed fishing for groundfish species other than pollock, up to the maximum retainable bycatch amounts allowed under regulations at § 679.20(e) and (f). At this time, these bycatch amounts are unknown and will be determined during the fishing year. The distribution of pollock within the combined Western and Central Regulatory Areas is shown in Table 3, except that allocations of pollock for processing by the inshore and offshore component are not shown.

TABLE 3.—DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (W/C GOA); BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND SEASONAL ALLOWANCES. ABC FOR THE W/C GOA IS 119,150 METRIC TONS (MT). BIOMASS DISTRIBUTION IS BASED ON 1996 SURVEY DATA. TACS ARE EQUAL TO ABC. INSHORE AND OFFSHORE ALLOCATIONS OF POLLOCK ARE NOT SHOWN. ABCS AND TACS ARE ROUNDED TO THE NEAREST 5 MT

| Statistical area     | Biomass percent | 1998 ABC = TAC | Seasonal allowances |             |        |
|----------------------|-----------------|----------------|---------------------|-------------|--------|
|                      |                 |                | First               | Second (mt) | Third  |
| Shumagin (610) ..... | 25              | 29,790         | 7,450               | 7,450       | 14,890 |
| Chirikof (620) ..... | 42              | 50,045         | 12,510              | 12,510      | 25,025 |
| Kodiak (630) .....   | 33              | 39,315         | 9,830               | 9,830       | 19,655 |
| Total .....          | 100             | 119,150        | 29,790              | 29,790      | 59,570 |

**5. Allocations for Processing of Pacific Cod TAC Between Inshore and Offshore Components**

Regulations at § 679.20(a)(6)(iii) require that the TAC apportionment of Pacific cod in all regulatory areas be allocated 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. These allocations of the Pacific cod initial TAC for 1998 are shown in Table 4. The Pacific cod reserves are not included in the table.

TABLE 4.—1998 ALLOCATION OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS

| Regulatory area | Initial TAC | Component allocation |                |
|-----------------|-------------|----------------------|----------------|
|                 |             | Inshore (90%) (mt)   | Offshore (10%) |
| Western .....   | 18,536      | 16,682               | 1,854          |
| Central .....   | 33,374      | 30,037               | 3,337          |
| Eastern .....   | 936         | 842                  | 94             |

TABLE 4.—1998 ALLOCATION OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS—Continued

| Regulatory area | Initial TAC | Component allocation |                |
|-----------------|-------------|----------------------|----------------|
|                 |             | Inshore (90%) (mt)   | Offshore (10%) |
| Total .....     | 52,846      | 47,561               | 5,285          |

6. Pacific Halibut PSC Mortality Limits

Under § 679.21(d), annual Pacific halibut PSC limits are established and apportioned to trawl and hook-and-line gear and may be established for pot gear.

As in 1997, the Council recommended that pot gear, jig gear, and the hook-and-line sablefish fishery be exempted from the non-trawl halibut limit for 1998. The Council recommended these exemptions because of the low halibut bycatch mortality experienced in the pot gear fisheries (14 mt in 1997), the jig gear fisheries (not estimated in 1997), and because of the 1995 implementation of the sablefish and halibut Individual Fishing Quota program, which allows legal-sized halibut to be retained in the sablefish fishery.

As in 1997, the Council recommended a hook-and-line halibut PSC mortality limit of 300 mt. Ten mt of this limit are apportioned to the demersal shelf rockfish fishery. The remainder is seasonally apportioned among the non-sablefish hook-and-line fisheries as shown in Table 5.

The Council continued to recommend a trawl halibut PSC mortality limit of 2,000 mt. The PSC limit has remained unchanged since 1989. Regulations at § 679.21(d)(3)(iii) authorize separate apportionments of the trawl halibut PSC limit between trawl fisheries for deep-water and shallow-water species. Regulations at § 679.21(d)(5) authorize seasonal apportionments of halibut PSC limits.

NMFS concurs with the Council's recommendations. The following types of information as presented in, and summarized from, the current SAFE report, or as otherwise available from NMFS, Alaska Department of Fish and Game, the International Pacific Halibut Commission (IPHC) or public testimony were considered:

(A) Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is based on 1997 observed halibut bycatch rates and NMFS's estimates of groundfish catch. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through December 31, 1997, is 2,011 mt,

217 mt, and 14 mt, respectively, for a total of 2,242 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries throughout 1997. Trawling for the deep-water fishery complex was closed during the first quarter on March 15 (62 FR 13352, March 20, 1997), for the second quarter on April 14 (62 FR 18725, April 17, 1997) and for the third quarter on July 20 (62 FR 39782, July 24, 1997). The shallow-water complex was closed in the second quarter on May 6 (62 FR 25138, May 8, 1997) and in the third quarter on August 11 (62 FR 43485, August 14, 1997). All trawling was closed in the fourth quarter on November 26 (62 FR 63887, December 3, 1997).

The amount of groundfish that trawl gear might have harvested if halibut had not been seasonally limiting in 1997, is unknown.

(B) Expected Changes in Groundfish Stocks

At its December 1997 meeting, the Council adopted higher ABCs for pollock, arrowtooth, pelagic shelf rockfish, and thornyhead rockfish than those established for 1997. The Council adopted lower ABCs for Pacific cod, sablefish, POP, demersal shelf rockfish, and Atka mackerel than those established for 1997. More information on these changes is included in the Final SAFE report and in the Council and SSC minutes.

(C) Expected Changes in Groundfish Catch

The total of the 1998 TACs for the GOA is 327,176 mt, an increase of 15 percent from the 1997 TAC total of 282,815 mt. Those fisheries for which the 1998 TACs are lower than in 1997 are Pacific cod (decreased to 66,060 mt from 69,115 mt), sablefish (decreased to 14,120 mt from 14,520 mt), pelagic shelf rockfish (decreased to 5,000 mt from 5,140 mt), demersal shelf rockfish (decreased to 560 mt from 950 mt), and Atka mackerel (decreased to 600 mt from 1,000 mt). Those species for which the 1998 TACs are higher than in 1997 are pollock (increased to 124,730 mt from 79,980 mt), POP (increased to 10,776 mt from 9,190 mt), thornyhead

rockfish (increased to 2,000 mt from 1,700 mt), and other species (increased to 15,450 mt from 13,470 mt).

(D) Current Estimates of Halibut Biomass and Stock Condition

The stock assessment for 1997 conducted by the IPHC indicates that the total exploitable biomass of Pacific halibut in the BSAI and GOA management areas together was 289,216 mt.

In previous years, stock assessments used a catch-age model, which did not take into account that Pacific halibut have undergone a rapid reduction in body growth in recent years, with average weight-at-age now half of what it was 20 years ago. To address problems with the previous stock assessment model, an alternative assessment model was developed which accounts for possible changes in fishing selectivity with age that result from changes in size at age. Exploitable biomass estimates have increased under the new stock assessment. The increase in the estimates is principally due to: (1) selectivity of the different age classes is now better represented; (2) bycatch mortality, along with other removals, is now included directly in the assessment; and (3) information from IPHC hook-and-line surveys is now explicitly incorporated into the assessment. Under previous assessment methods the recruitment trend estimates were in severe decline. Some decline is still predicted; however, the decline is not severe and the strength of more recent year classes is better represented in the assessment model. The IPHC has also reduced the target exploitation rate from 0.3 to 0.2, based on analysis that demonstrated that harvest rates in the range of 0.2–0.25 may achieve close to maximum yields under different recruitment scenarios while having a high probability that the stock level stays within the range of historical abundance. Additional information on the Pacific halibut stock assessment may be found in the SAFE report.

(E) Other Factors

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 were discussed in the proposed 1998 specifications (62 FR 65644, December 15, 1997). That discussion is not repeated here.

**7. Fishery and Seasonal Apportionments of the Halibut PSC Limits**

Under § 679.21(d)(5), NMFS seasonally apportionments the halibut PSC limits based on recommendations from the Council. The FMP requires that the following information be considered by the Council in recommending seasonal apportionments of halibut PSC limits: a.

Seasonal distribution of halibut, b. seasonal distribution of target groundfish species relative to halibut distribution, c. expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catches of target groundfish species, d. expected bycatch rates on a seasonal basis, e. expected changes in directed groundfish fishing seasons, f. expected actual start of fishing effort, and g. economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

The publication of the final 1997 groundfish and PSC specifications (62

FR 8179, February 24, 1997) summarizes Council findings with respect to each of the FMP considerations set forth above. At this time, the Council's findings are unchanged from those set forth for 1997. Pacific halibut PSC limits, and apportionments thereof, are presented in Table 5. Regulations specify that any overages or shortfalls in a seasonal apportionment of a PSC limit will be deducted from or added to the next respective seasonal apportionment within the 1998 season.

**TABLE 5.—FINAL 1998 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS. THE PACIFIC HALIBUT PSC LIMIT FOR HOOK-AND-LINE GEAR IS ALLOCATED TO THE DEMERSAL SHELF ROCKFISH (DSR) FISHERY AND FISHERIES OTHER THAN DSR**

| Trawl gear         |              | Hook-and-line gear  |        |       |                    |        |       |
|--------------------|--------------|---------------------|--------|-------|--------------------|--------|-------|
| Dates              | Amount       | Other than DSR      |        |       | DSR                |        |       |
|                    |              | Dates               | Amount |       | Dates              | Amount |       |
|                    |              |                     | (mt)   | (%)   |                    | (mt)   | (%)   |
| Jan 1–Mar 31 ..... | 600 (30%)    | Jan 1–May 17 .....  | 250    | (86)  | Jan 1–Dec 31 ..... | 10     | (100) |
| Apr 1–Jun 30 ..... | 400 (20%)    | May 18–Aug 31 ..... | 15     | (5)   |                    |        |       |
| Jul 1–Sep 30 ..... | 600 (30%)    | Sep 1–Dec 31 .....  | 25     | (9)   |                    |        |       |
| Oct 1–Dec 31 ..... | 400 (20%)    |                     |        |       |                    |        |       |
| Total .....        | 2,000 (100%) |                     | 290    | (100) |                    | 10     | (100) |

Regulations at § 679.21(d)(3)(iii) authorize apportionments of the trawl halibut PSC limit to a deep-water species complex, comprised of sablefish, rockfish, deep-water flatfish, rex sole and arrowtooth flounder; and a shallow-water species complex, comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and other species. The apportionment for these two fishery complexes is presented in Table 6.

**TABLE 6.—FINAL 1998 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX**

| Season                | Shallow-water | Deep-water (mt) | Total |
|-----------------------|---------------|-----------------|-------|
| Jan. 20–Mar. 31 ..... | 500           | 100             | 600   |
| Apr. 1–Jun. 30 .....  | 100           | 300             | 400   |
| Jul. 1–Sep. 30 .....  | 200           | 400             | 600   |
| Jan. 20–Sep. 30 ..... | 800           | 800             | 1,600 |
| Oct. 1–Dec. 31 .....  |               |                 | 400   |
| Total .....           |               |                 | 2,000 |

No apportionment between shallow-water and deep-water fishery complexes during the 4th quarter.

The Council recommended that the revised halibut discard mortality rates recommended by the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1998 groundfish fisheries. NMFS concurs with the Council's recommendation. Most of the IPHC's assumed halibut mortality rates were based on an average of mortality rates determined from NMFS observer data collected during 1995 and 1996. For fisheries where a steady trend from 1993

to 1996 towards increasing or decreasing mortality rates was observed, the IPHC recommended using the most recent year's observed rate. Rates for 1995 and 1996 were lacking for some fisheries, so rates from the most recent years were used. For fisheries where insufficient mortality data are available the mortality rate for Pacific cod for that gear type was recommended as a default rate. Most of the assumed mortality rates recommended for 1998 differ slightly from those used in 1997. The

recommended rates for hook-and-line targeted fisheries range from 9 to 24 percent. The recommended rates for most trawl targeted fisheries are higher and range from 57 to 73 percent. The recommended rate for all pot targeted fisheries is lower at 14 percent. The 1998 assumed halibut mortality rates are listed in Table 7.



TABLE 7.—1998 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA. LISTED VALUES ARE PERCENT OF HALIBUT BYCATCH ASSUMED TO BE DEAD

| Gear and target              | Mortality rate (%) |
|------------------------------|--------------------|
| Hook-and-Line:               |                    |
| Sablefish .....              | 24                 |
| Pacific cod .....            | 12                 |
| Rockfish .....               | 9                  |
| Other species .....          | 12                 |
| Trawl:                       |                    |
| Midwater pollock .....       | 66                 |
| Rockfish .....               | 68                 |
| Shallow-water flatfish ..... | 71                 |
| Pacific cod .....            | 67                 |
| Deep-water flatfish .....    | 64                 |
| Flathead sole .....          | 67                 |
| Rex sole .....               | 69                 |
| Bottom pollock .....         | 73                 |
| Atka mackerel .....          | 57                 |
| Sablefish .....              | 67                 |
| Other species .....          | 67                 |
| Pot                          |                    |
| Pacific cod .....            | 14                 |
| Other species .....          | 14                 |

### Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under E.O. 12866.

This action adopts final 1998 harvest specifications for the GOA, and revises associated management measures. Generally, this action does not significantly revise management measures in a manner that would require time to plan or prepare for those revisions. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources. Accordingly, the Assistant Administrator for Fisheries, NOAA finds there is good cause to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3) with respect to such provisions and to the apportionment discussed above. In some cases, the interim specifications in effect would be insufficient to allow directed fisheries to operate during a 30-day delayed effectiveness period, which would result in unnecessary closures and disruption within the fishing industry. In many of these cases, the final specifications will allow the fisheries to continue, thus relieving a

restriction. Provisions of a rule relieving a restriction under 5 U.S.C. 553(d)(1) are not subject to a delay in effective date.

A formal section 7 consultation under the Endangered Species Act was initiated for the final 1998 GOA specifications. In a biological opinion dated March 2, 1998, the Assistant Administrator determined that fishing activities conducted under final 1998 GOA specifications are not likely to jeopardize the continued existence of the western population of Steller sea lions and is not likely to destroy or adversely modify designated critical habitat for the species in Alaska. The biological opinion also determined that NMFS must implement reasonable and prudent measures to protect Steller sea lions:

1. NMFS will reapportion 10 percent of the 1998 pollock TAC in the combined W/C Regulatory Area from the September 1 season to the June 1 season. This will result in a 25 percent, 35 percent, and 40 percent distribution of pollock TAC among the January 1, June 1, and September 1 seasons, respectively.

2. Reapportionment will take place before the beginning of the June 1 season.

NMFS prepared an environmental assessment (EA) on the 1998 TAC

specifications. The total harvest levels examined in the EA do not exceed the OY. The models used to derive catch levels are both conservative and based on the best scientific information available. The Assistant Administrator concluded that no significant impact on the environment will result from implementation of the 1998 specifications. A copy of the EA is available (see ADDRESSES).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for the Advocacy of the Small Business Administration (SBA) that this final specification will not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. Consequently, no regulatory flexibility analysis has been prepared.

**Authority:** 16 U.S.C. 773 *et seq.* 16 U.S.C. 1801 *et seq.*, and 3631 *et seq.*

Dated: March 9, 1998.

**David L. Evans,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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