

(10) Trawling is prohibited from August 1 through August 31 in the Chum Salmon Savings area defined at § 679.21(e)(7)(vi)(B).

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6. In § 679.50, paragraphs (c)(1)(viii) and (c)(1)(ix) are added to read as follows:

§ 679.50 Groundfish Observer Program applicable through December 31, 1997.

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(c) * * *

(1) * * *

(viii) *Red King Crab Savings Area.* (A) Any catcher/processor or catcher vessel used to fish for groundfish in the Red King Crab Savings area must carry an observer during 100 percent of its fishing days in which the vessel uses pelagic trawl gear, pot, jig, or longline gear.

(B) Any catcher/processor or catcher vessel used to fish for groundfish in the Red King Crab Savings Subarea and subject to this subarea being open to vessels fishing for groundfish with non-pelagic trawl gear under § 679.21(e)(3)(ii)(B), must carry an observer during 100 percent of its fishing days in which the vessel uses non-pelagic trawl gear.

(ix) *Nearshore Bristol Bay Trawl Closure.* Any catcher/processor or catcher vessel used to fish for groundfish in the Nearshore Bristol Bay Trawl Closure area must carry an observer during 100 percent of its fishing days in which the vessel uses trawl gear.

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7. In § 679.62, paragraph (d) is revised to read as follows:

§ 679.62 General limitations.

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(d) *Closed areas.* It is unlawful for any person to dredge for scallops in any Federal waters off Alaska that are closed to fishing with trawl gear or non-pelagic trawl gear under § 679.22(a)(1)(i), (a)(2)(i), (a)(3), (a)(4), (a)(6), (a)(7), (a)(9), and (b).

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50 CFR Part 679

[Docket No. 900833-1095; I.D. 112596D]

Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 1997

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

ACTION: Pacific halibut and red king crab bycatch rate standards; request for comments.

SUMMARY: NMFS announces Pacific halibut and red king crab bycatch rate standards for the first half of 1997. Publication of these bycatch rate standards is necessary under regulations implementing the vessel incentive program. This action is necessary to implement the bycatch rate standards for trawl vessel operators who participate in the Alaska groundfish trawl fisheries. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources.

DATES: Effective 1201 hours, Alaska local time (A.l.t.), January 20, 1997, through 2400 hours, A.l.t., June 30, 1997. Comments on this action must be received at the following address no later than 4:30 p.m., A.l.t., January 15, 1997.

ADDRESSES: Comments should be mailed to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel; or be delivered to 709 West 9th Street, Federal Building, Room 401, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Susan J. Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) are managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR part 679.

Regulations at § 679.21(f) implement a vessel incentive program to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Under the incentive program, operators of trawl vessels may not exceed Pacific halibut bycatch rate standards specified for the BSAI and GOA midwater pollock and "other trawl" fisheries, and the BSAI yellowfin sole and "bottom pollock" fisheries. Vessel operators also may not exceed red king crab bycatch standards specified for the BSAI yellowfin sole and "other trawl"

fisheries in Bycatch Limitation Zone 1 (defined in § 679.2). The fisheries included under the incentive program are defined in regulations at § 679.21(f)(2).

Regulations at § 679.21(f)(3) require that halibut and red king crab bycatch rate standards for each fishery included under the incentive program be published in the Federal Register. The standards are in effect for specified seasons within the 6-month periods of January 1 through June 30, and July 1 through December 31. Given that the GOA and BSAI groundfish fisheries are closed to trawling from January 1 to January 20 of each year (§ 679.23(c)), the Administrator, Alaska Region, NMFS (Regional Administrator) is promulgating bycatch rate standards for the first half of 1997 effective from January 20, 1997, through June 30, 1997.

At its September 1996 meeting, the Council reviewed halibut and red king crab bycatch rates experienced by vessels participating in the fisheries under the incentive program during 1993-1996. Based on this and other information presented below, the Council recommended halibut and red king crab bycatch rate standards for the first half of 1997. These standards are unchanged from those specified for the first half of 1994, 1995, and 1996. The Council's recommended bycatch rate standards are listed in Table 1.

TABLE 1.—BYCATCH RATE STANDARDS, BY FISHERY AND QUARTER, FOR THE FIRST HALF OF 1997 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA

Fishery and quarter	1997 bycatch rate standard
Halibut bycatch rate standards (kilogram (kg) of halibut/metric ton (mt) of groundfish catch)	
BSAI Midwater pollock:	
Qt 1	1.0
Qt 2	1.0
BSAI Bottom pollock:	
Qt 1	7.5
Qt 2	5.0
BSAI Yellowfin sole:	
Qt 1	5.0
Qt 2	5.0
BSAI Other trawl:	
Qt 1	30.0
Qt 2	30.0
GOA Midwater pollock:	
Qt 1	1.0
Qt 2	1.0
GOA Other trawl:	
Qt 1	40.0
Qt 2	40.0

TABLE 1.—BYCATCH RATE STANDARDS, BY FISHERY AND QUARTER, FOR THE FIRST HALF OF 1997 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA—Continued

Fishery and quarter	1997 bycatch rate standard
Zone 1 red king crab bycatch rate standards (number of crab/mt of groundfish catch)	
BSAI yellowfin sole:	
Qt 1	2.5
Qt 2	2.5
BSAI Other trawl:	
Qt 1	2.5
Qt 2	2.5

As required by § 679.21(f)(4), the Council's recommended bycatch rate standards for January through June are based on the following information:

- (A) Previous years' average observed bycatch rates;
- (B) Immediately preceding season's average observed bycatch rates;
- (C) The bycatch allowances and associated fishery closures specified under §§ 679.21 (d) and (e);
- (D) Anticipated groundfish harvests;
- (E) Anticipated seasonal distribution of fishing effort for groundfish; and
- (F) Other information and criteria deemed relevant by the Regional Administrator.

The recommended 1997 standards are based largely on anticipated seasonal fishing effort for groundfish species and 1993–96 halibut and red king crab bycatch rates observed in the trawl fisheries included under the incentive program. The Council anticipates that the 1997 prohibited species bycatch allowances, groundfish harvests, and seasonal distribution of fishing effort will be similar to 1996.

Bycatch Rate Standards for Pacific Halibut

As in past years, the halibut bycatch rate standard recommended for the BSAI and GOA midwater pollock fisheries (1 kg halibut/mt of groundfish) is higher than the bycatch rates normally experienced by vessels participating in these fisheries. The recommended standard is intended to encourage vessel operators to maintain off-bottom trawl operations and limit further bycatch of halibut in the pollock fishery when halibut bycatch restrictions at § 679.21 prohibit directed fishing for pollock by vessels using nonpelagic trawl gear.

The recommended halibut bycatch rate standards for the BSAI "bottom pollock" fishery continue to approximate the average annual rates

observed on trawl vessels participating in this fishery during the past 5 years. During the first quarter of 1996, the average halibut bycatch rate in this fishery was 2.18 kg halibut/mt groundfish. Directed fishing for pollock by the offshore and inshore component pollock fisheries in the Bering Sea subarea during the 1996 pollock roe season closed February 26 and March 2, respectively, and in the Aleutian Islands subarea for the offshore component on March 2. Directed fishing for pollock by these components did not reopen until September 1, the start of the pollock nonroe season. Directed fishing for pollock in the Aleutian Islands subarea by the inshore component closed March 10, reopened for a 24-hour period from March 15 until March 16, 1996, and did not reopen until September 1. As in past years, the directed fishing allowances specified for the 1997 pollock roe season likely will be reached before the end of the roe season on April 15. Directed fishing for pollock is prohibited from the end of the pollock roe season (April 15) until the beginning of the pollock nonroe season (September 1), except by vessels fishing under the Community Development Quota program (50 CFR part 679, subpart C).

Data available on halibut bycatch rates in the yellowfin sole fishery during the first and second quarters of 1996 showed an average bycatch rate of about 2.89 and 4.19 kg halibut/mt of groundfish, respectively. As in past years, the Council has presumed that a bycatch rate standard of 5.0 kg halibut/mt of groundfish for the yellowfin sole fishery will continue to encourage vessel operators to take action to avoid excessively high bycatch rates of halibut.

A 30 kg halibut/mt of groundfish bycatch rate standard was recommended for the BSAI "other trawl" fishery. This standard is unchanged since 1992. The Council recommended a 40 kg halibut/mt of groundfish bycatch rate standard for the GOA "other trawl" fishery, which is unchanged from 1994. Observer data collected from the 1996 BSAI "other trawl" fishery show first and second quarter halibut bycatch rates of 11 and 13 kg halibut/mt of groundfish, respectively. Observer data collected from the 1996 GOA "other trawl" fishery show first and second quarter halibut bycatch rates of 15 and 49 kg halibut/mt of groundfish, respectively.

With the exception of the GOA second quarter "other trawl" fishery, the average bycatch rates experienced by vessels participating in the GOA and BSAI "other trawl" fisheries generally have been lower than the Council's

recommended bycatch rate standards for these fisheries. The Council determined that its recommended halibut bycatch rate standards for the "other trawl" fisheries, including the second quarter GOA fishery, would continue to provide an incentive to vessel operators to avoid unusually high halibut bycatch rates while participating in these fisheries and contribute towards an overall reduction in halibut bycatch rates experienced in the Alaska trawl fisheries. Furthermore, these standards would provide some leniency to those vessel operators that choose to use large mesh trawl gear as a means to reduce groundfish discard amounts. The bycatch rates of halibut and crab could increase for those vessels using this gear type, but observer data do not exist on which to base a revised bycatch rate standard for these operations. The Council recommended maintaining the current bycatch rate standards for the "other trawl" fisheries until observer data becomes available that would provide a basis for bycatch rate standards for vessels using large mesh trawl gear.

Bycatch Rate Standards for Red King Crab

The Council's recommended red king crab bycatch rate standard for the BSAI yellowfin sole and "other trawl" fisheries in Zone 1 of the Bering Sea subarea is 2.5 crab/mt of groundfish during the first half of 1997. This standard is unchanged since 1992. The red king crab bycatch rates experienced by the yellowfin sole and the "other trawl" fisheries in Zone 1 during the first quarter of 1996 were reduced significantly from past years and averaged 0.00 and 0.14 crab/mt of groundfish, respectively. The average bycatch rates of red king crab experienced in these two fisheries during the second quarter of 1995 were 0.01 and 0.00 crab/mt groundfish, respectively. The low 1996 red king crab bycatch rates primarily were due to interim trawl closures in Zone 1 that were implemented in 1995 and 1996 to reduce red king crab bycatch rates. The low bycatch rates experienced by the 1996 fisheries also were a result, in part, to the closure of Zone 1 to the yellowfin sole fishery on March 20, 1996, due to the attainment of the fishery's Zone 1 C. *bairdi* Tanner crab bycatch allowance. The BSAI rock sole/flathead sole/other flatfish fisheries were closed from February 26 until April 1; April 13 until June 3; June 8 until July 1; and July 31 until the end of the year due to the attainment of seasonal halibut bycatch allowances.

The total bycatch of red king crab by vessels participating in the 1996 yellowfin sole and "other trawl" fisheries is estimated at about 16,800 crab, or about 8 percent of the 200,000 red king crab bycatch limit established for the trawl fisheries in Zone 1. The 1996 bycatch amounts of red king crab are reduced substantially from those experienced in 1994 and 1995 (244,634 and 32,600 crab, respectively). As mentioned above, this reduction primarily is due to interim trawl closures in Zone 1 implemented to reduce red king crab bycatch rates (60 FR 4866, January 25, 1995; 60 FR 63451, December 11, 1995). On November 26, 1996, NMFS approved an amendment to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area that would implement a similar trawl closure on a permanent basis, as well as additional seasonal closures in near shore areas to protect sensitive crab habitat. Therefore, NMFS expects that the 1997 red king crab bycatch rates in Zone 1 will be similar to those experienced in 1996. In spite of anticipated 1997 red king crab bycatch rates significantly lower than 2.5 red king crab/mt of groundfish, the

Council recommended the red king crab bycatch rate standards be maintained at this level to avoid unusually high crab bycatch rates while providing some leniency to those vessel operators that choose to use large mesh trawl gear as a means to reduce groundfish discard amounts.

The Regional Administrator has determined that Council recommendations for bycatch rate standards are appropriately based on the information and considerations necessary for such determinations under § 679.21(f). Therefore, the Regional Administrator concurs in the Council's determinations and recommendations for halibut and red king crab bycatch rate standards for the first half of 1997 as set forth in Table 1. These bycatch rate standards may be revised and published in the Federal Register when deemed appropriate by the Regional Administrator pending his consideration of the information set forth at § 679.21(f)(4).

As required in regulations at §§ 679.2 and 679.21(f)(5), the 1997 fishing months are specified as the following periods for purposes of calculating vessel bycatch rates under the incentive program:

Month 1: January 1 through February 1;
Month 2: February 2 through March 1;
Month 3: March 2 through March 29;
Month 4: March 30 through May 3;
Month 5: May 4 through May 31;
Month 6: June 1 through June 28;
Month 7: June 29 through August 2;
Month 8: August 3 through August 30;
Month 9: August 31 through September 27;
Month 10: September 28 through November 1;
Month 11: November 2 through November 29; and
Month 12: November 30 through December 31.

Classification

This action is taken under 50 CFR 679.21(f) and is exempt from review under E.O. 12866.

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

Dated: December 11, 1996.

Gary C. Matlock,

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

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