

Highway; Crystal Gateway #1, First Floor; Arlington, VA 22202.

By E-Mail: Comments in ASCII format only may be mailed directly to SUPERFUND.DOCKET@EPAMAIL.EPA.GOV. E-mailed comments must be followed up by an original and three copies sent by mail or Federal Express.

FOR FURTHER INFORMATION CONTACT: Terry Keidan, State and Site Identification Center, Office of Emergency and Remedial Response (Mail Code 5204G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460; telephone (703) 603-8852.

Dated: February 24, 1998.

Larry G. Reed,

Acting Director, Office of Emergency and Remedial Response.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 980212037-8037-01; I.D. 012798A]

RIN 0648-AJ87

Fisheries of the Exclusive Economic Zone Off Alaska; Halibut Donation Program

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 50 to the Fishery Management Plan for Groundfish of the Gulf of Alaska and Amendment 50 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs) that have been submitted by the North Pacific Fishery Management Council (Council) for Secretarial review. This rule would authorize the limited retention of Pacific halibut taken as bycatch in the groundfish trawl fisheries off Alaska for distribution to economically disadvantaged individuals by tax-exempt organizations through a NMFS-authorized distributor. This action would support industry initiatives to reduce regulatory discards in the groundfish fisheries by processing halibut bycatch for human

consumption. This action is necessary to promote the goals and objectives of the FMPs that govern the commercial groundfish fisheries off Alaska.

DATES: Comments on the proposed rule must be received by April 20, 1998.

ADDRESSES: Comments should be submitted to the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK, Attn: Lori Gravel. Copies of the proposed Amendments to the FMP and the Environmental Assessment/Regulatory Impact Review (EA/RIR) and related economic analysis prepared for the proposed action are available from NMFS at the above address or by calling the Alaska Region, NMFS, at 907-586-7228. Send comments regarding burden estimates or any other aspect of the data requirements, including suggestions for reducing burdens to NMFS and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attn: NOAA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Management Background and Need for Action

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska and the Bering Sea and Aleutian Islands management area are managed by NMFS under the FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the Alaska groundfish fisheries appear at 50 CFR parts 600 and 679.

The Council has submitted Amendments 50/50 to the FMPs for Secretarial review and a Notice of Availability of the FMP amendments was published on February 4, 1998 (63 FR 5777) with comments on the FMP amendments invited through April 6, 1998. All written comments received by April 6, 1998, whether specifically directed to the FMP amendments, the proposed rule, or both, will be considered in the approval/disapproval decision on the FMP amendments.

Pacific halibut are taken incidentally to the Alaska groundfish fisheries. Vessels participating in these fisheries typically use trawl, hook-and-line, or pot gear. Trawl gear accounts for most of the groundfish catch, and for about 84 percent of the halibut bycatch mortality.

A portion of this bycatch is landed dead at shoreside processing facilities because sorting of catch at sea is not always feasible. Such bycatch must then be returned to Federal waters for disposal as a prohibited species. Total halibut bycatch mortality in the Alaska groundfish fisheries was estimated to be 6,757 metric tons during 1996.

In general, no information exists to indicate that the current level of halibut bycatch landed at shoreside processing sites in the Alaska trawl fisheries presents critical conservation issues. The International Pacific Halibut Commission (IPHC) has recommended enhanced data collection at shoreside processing plants to assess the levels of shoreside landings of trawl halibut bycatch.

At its January 1996 Annual Meeting, the IPHC endorsed a pilot program allowing limited retention of halibut bycatch for donation to the needy through food bank organizations. The pilot program was intended to explore ways to reduce discard of dead halibut and to improve bycatch records. However, NMFS was not able to identify an acceptable administrative procedure for transferring halibut bycatch from shoreside processing plants to the government for distribution to foodbank organizations. At its 1997 Annual Meeting, the IPHC requested that its staff work with NMFS to develop an acceptable administrative procedure for limited retention of halibut bycatch landed at shoreside processing plants. NMFS recommended that amendments to the FMPs be prepared to allow a NMFS authorized distributor(s) to receive and distribute halibut bycatch. The program would be similar to the current salmon donation program authorized at 50 CFR 679.26. The IPHC staff further recommended that regulations implementing the FMP amendments be effective only for a 3-year period so that management agencies may assess the halibut donation program prior to determining whether to continue it under a future regulatory amendment.

At its April 1997 meeting, the Council adopted Amendments 50/50 and recommended that they be implemented on a temporary basis, to assess the feasibility of a donation program for halibut bycatch landed dead at shoreside processors. The Council's recommendation endorses the policy of reducing unnecessary discard of dead, but wholesome, fish, thereby benefitting the public by allowing fish that would otherwise be discarded to be retained for processing and delivery to food bank organizations. The Council's intent in making its recommendation was to