

[Federal Register: May 4, 1994]

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DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration
50 CFR Parts 672 and 675

[Docket No. 940413-4113; I.D. 032394C] RIN 0648-AG59

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and
Aleutian Islands Area

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

ACTION: Proposed rule; proposed 1994 specification of Pacific halibut bycatch
allowances; request for comments.

SUMMARY: NMFS proposes regulations to implement several management measures
designed to prevent some Gulf of Alaska (GOA) trawl fisheries from taking an
unnecessarily large share of the GOA halibut bycatch limit; amend the directed
fishing standards to prohibit using retained amounts of arrowtooth flounder,
or groundfish species that are closed to directed fishing, as a basis for
calculating retainable amounts of other, more valuable groundfish species that
are closed to directed fishing; change the opening date of the yellowfin sole
and "other flatfish" fisheries in the Bering Sea and Aleutian Islands
management area (BSAI) from May 1 to January 1; and implement changes
pertaining to the annual specification and management of GOA halibut
prohibited species catch (PSC) limits. This action is necessary to reduce the
likelihood that one sector of the Alaska trawl fleet will preempt others for a
share of the Pacific halibut bycatch limit established for vessels using trawl
gear in the GOA, and provide greater opportunity to harvest available
groundfish under halibut bycatch restrictions in both the GOA and BSAI
fisheries. This action is intended to further the objectives of the fishery
management plans for the groundfish fisheries off Alaska.

DATES: Comments must be received by May 31, 1994.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management
Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori
Gravel). Individual copies of the environmental assessment/regulatory impact
review (EA/RIR) prepared for this action may be obtained from the same
address.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, Fisheries Management Division,
Alaska Region, NMFS, at 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive
economic zone (EEZ) of the GOA and the BSAI are managed by the Secretary of
Commerce in accordance with the Fishery Management Plan (FMP) for Groundfish
of the GOA and the FMP for the Groundfish Fishery of the BSAI. The FMPs were
prepared by the North Pacific Fishery Management Council (Council) under the
Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations
authorized under the FMP that pertain to the U.S. groundfish fisheries appear
at 50 CFR parts 672 and 675.

At its September 1993 meeting, the Council requested NMFS to prepare a
rulemaking that would implement several management measures that are intended
to prevent some GOA trawl fisheries from taking an unnecessarily large share
of the halibut bycatch limit relative to other groundfish trawl fisheries.
This results in the attainment of the halibut bycatch cap before some
groundfish total allowable catches (TACs) have been taken, causing a closure
of trawling operations in the GOA even though the full groundfish harvest
amount has not been taken in some fisheries. These measures were presented to

the Council in September 1993 by GOA and BSAI trawl industry representatives as an alternative to FMP amendments under consideration by the Council that would establish a super-exclusive registration program for vessels participating in the GOA and BSAI groundfish fisheries.

Three measures were proposed to address the preemption of one trawl fishery sector by another:

1. Establish two GOA trawl fishery categories for the purpose of apportioning the GOA halibut bycatch limit already established for the trawl gear fisheries (Sec. 672.20(f)). These two categories are the following: (1) The shallow-water fishery complex (pollock, Pacific cod, Atka mackerel, shallow-water flatfish, flathead sole, and ``other species''); and (2) the deep-water fishery complex (the deep water flatfish, rex sole, arrowtooth flounder, sablefish, and rockfish);
2. Revise the method for calculating retainable amounts of groundfish species under directed fishing standards (Sec. 672.20(h) and Sec. 675.20(i)). Revised methods prohibit using retained amounts of arrowtooth flounder, or groundfish species that are closed to directed fishing, as a basis for calculating retainable amounts of other, more valuable groundfish species that are closed to directed fishing; and
3. Adjust the opening date for the BSAI yellowfin sole and ``other flatfish' fisheries from May 1 to January 1. As a result of this season adjustment, directed fishing standards governing retainable amounts of flatfish species at Sec. 675.20(h)(2) are also revised.

At its December 1993 meeting, the Council requested that NMFS implement these measures early in the 1994 fishing year by emergency interim rulemaking. An emergency rule was issued on February 10, 1994 (59 FR 6222) under section 305(c) of the Magnuson Act.

A detailed description of, and justification for, each of the proposed management measures, including editorial changes to regulations addressing GOA halibut bycatch limits, follow.

Establishment of Two GOA Trawl Categories for Purposes of Apportioning the Halibut Bycatch Mortality Limit

Existing regulations at Sec. 672.20(f) establish a framework process for the annual specification of separate Pacific halibut PSC limits for ``trawl'' and ``fixed gear'' fisheries, and for apportioning those limits by season. Although these regulations limit the bycatch of Pacific halibut in the GOA groundfish trawl fisheries, they have resulted in conflict among, and preemption of, groundfish trawling operations in the GOA as various trawl fishery components compete for shares of the available halibut PSC limit. This conflict occurs due to seasonal variations in halibut bycatch rates and amounts of halibut caught in the various trawl fisheries; NMFS lacks regulatory authority to apportion the halibut PSC limit among separate trawl fishery categories.

Under existing regulations, the possibility exists for the activities of one group of trawl vessels fishing for a particular groundfish species or species complex to take a disproportionate amount of the halibut PSC limit relative to other groundfish fisheries. The halibut PSC limit may be reached before the attainment of the fisheries' TAC amount and cause closure of all trawling operations in the GOA, except for trawling for pollock with pelagic trawl gear. Such closures may cause: significant amounts of economically important TAC to remain unharvested; idling of vessels and crew; and, a disruption of processing, fishing support sectors, fishery-dependent communities, and intermediate and final markets. Even if the total trawl PSC limit is not reached prematurely, the threat that it may be reached at any

point in the fishing year can force other user groups to incur unnecessary costs, alter fishing plans, or operate in a manner that causes conflict among user groups.

Many of the potentially adverse impacts of the present process used to manage halibut bycatch in the GOA trawl fisheries could be avoided or reduced if the GOA trawl PSC limit were apportioned between competing fishery categories. Fishery data from the GOA trawl fisheries indicate that the variation in halibut bycatch rates and associated bycatch mortality in these fisheries appears to be relatively well demarcated by the following operational categories: (1) Those vessels fishing for species in the ``shallow-water species complex'' (pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, or ``other species''); and (2) those vessels fishing for species in the ``deep-water species complex'' (sablefish, rockfish, deep water flatfish, and arrowtooth flounder). The Council's recommended management measure included flathead sole in the deep-water complex; however, 1993 fishery data show that more than 65 percent of the total GOA flathead sole harvest was associated with fisheries in the shallow-water complex. Therefore, NMFS proposes to include flathead sole in the shallow-water complex. In general, the shallow-water and deep-water complexes are associated with inshore and offshore trawl operations, respectively.

Based on Council recommendations at its September and December 1993 meetings, NMFS proposes to apportion the 1994 GOA halibut trawl PSC limit among fisheries and seasons as set out below:

Apportionment of the 2,000 metric ton (mt) halibut bycatch mortality limit established for the 1994 GOA trawl fisheries among the shallow and deep-water trawl fishery complexes and seasons. Seasons open and close at 12 noon, Alaska local time (A.l.t.), except that the first season opens at 0001 hours, A.l.t., January 20, and the last season ends at 12 midnight, A.l.t., December 31.

Season	Shallow complex	Deep complex	Total
Jan. 20-Mar. 31.....	500 mt....	100 mt....	600 mt.
Mar. 31-Jun. 30.....	100 mt....	300 mt....	400 mt.
Jun. 30-Sep. 30.....	200 mt....	400 mt....	600 mt.
Sep. 30-Dec. 31.....	(\1\)	(\1\)	400 mt.

\1\No apportionment.

Attainment of a seasonal (quarterly) bycatch allowance by a fishery complex would result in directed fishing closures for each species within that fishery complex for the remainder of the quarter, except that when the halibut bycatch allowance, or seasonal apportionment thereof, specified for the shallow-water complex is reached, directed fishing for pollock with pelagic trawl gear may continue subject to other regulatory provisions under Sec. 672.20(f). Any overages or shortfalls of a quarterly bycatch allowance would be accounted for in the subsequent quarterly allowance.

A detailed justification for the fishery and seasonal apportionments of the 1994 halibut PSC limit is described in the EA prepared for this management measure (see ADDRESSES). These apportionments are intended to accommodate seasonal bycatch requirements in a manner that optimizes the 1994 halibut PSC limit established for trawl gear relative to anticipated trawl fishing patterns and 1994 groundfish TACs.

Revision of the Methodology Used To Calculate Retainable Amounts of Groundfish Under Directed Fishing Standards

The proposed rule amends Sec. 672.20(h) and Sec. 675.20(i) to address problems with the current regulatory provisions for calculation of ``retainable'' bycatch amounts of groundfish species for which directed fishing is closed. Current regulations provide for an overly liberal computation of retainable amounts of groundfish bycatch species, because the basis for bycatch retention inappropriately includes species not open for directed fishing. This compromises the purpose of using directed fishing standards to restrict bycatch of species after directed fishery closures. This also creates a circular process, effectively allowing excessive bycatch retention.

An associated concern exists that operators of some vessels deliberately target on arrowtooth flounder merely to provide a basis for retaining allowable amounts of highly valued groundfish species for which directed fishing is closed. In this case, arrowtooth flounder is harvested solely for the purpose of providing ``directed catch'' against which ``retainable bycatch'' quantities may be calculated and accumulated. The arrowtooth flounder directed catch is discarded and only the economically valuable bycatch, authorized on the basis of the quantity of the arrowtooth harvest, is actually retained for processing. This practice effectively subverts the ``bycatch only'' intent of fishery closures and associated directed fishing standards at Sec. 672.20(g) and Sec. 675.20(h). Furthermore, trawl operations for arrowtooth flounder experience relatively high bycatch rates of halibut and, thus, contribute to premature attainment of the halibut PSC limit, further aggravating the competition for the halibut PSC limit in the GOA trawl fisheries and increasing the potential for costly trawl fishery closures.

Adjustment of Season Opening Dates for the BSAI Flatfish Fisheries

The proposed rule would adjust the opening date for the yellowfin sole and ``other flatfish'' fisheries from May 1 to January 1. The purpose of this season adjustment is to provide the BSAI trawl industry with viable fishing alternatives; reduce the need for, and likelihood of, significant movement of fishing capacity from the BSAI to the GOA; reduce competition for the halibut PSC limit established for the GOA trawl fisheries; and reduce the likelihood that displacement of Bering Sea trawl effort into the GOA may preempt fishing opportunities for GOA operations later in the fishing year by exhausting the GOA trawl halibut PSC limit, thus necessitating GOA-wide trawl closures.

The original purpose for delaying directed fishing for yellowfin sole and ``other flatfish'' species until May 1 was to prevent the joint venture processing (JVP) and domestic annual processing (DAP) fisheries from taking a disproportionate share of their respective red king crab or halibut bycatch allowances established for Bycatch Limitation Zones 1 or 2H (defined at Sec. 675.2), before available amounts of yellowfin sole and other groundfish species were harvested. Early attainment of red king crab or halibut bycatch allowances due to of high bycatch rates experienced in the early spring flatfish fisheries resulted in premature fishery closures that prevented available amounts of flatfish and other groundfish species from being harvested. Delaying the opening of the yellowfin sole and ``other flatfish'' fisheries until May 1 allowed the DAP fisheries to utilize the bulk of the available Zone 1 PSC limits in the rock sole and Pacific cod fisheries from January through April, optimizing their catch of allocated groundfish species.

The flatfish fisheries have changed substantially since the May 1 starting date was implemented. JVP fisheries no longer operate in the EEZ off Alaska. The domestic industry has developed profitable new markets for products from the ``other flatfish'' complex. In addition, the yellowfin sole and rock sole/``other flatfish'' fisheries are allocated separate bycatch allowances

that may be seasonally apportioned to optimize the groundfish harvest within the established prohibited species bycatch restrictions.

The May 1 opening date of the yellowfin sole and ``other flatfish'' fisheries now has the effect of preventing domestic fishermen from harvesting these resources at the beginning of the fishing year, when few other fishing opportunities exist. This season has contributed, for example, to a situation in which the available TAC for the ``other flatfish'' complex has been underutilized in recent years. In 1991, only about 47 percent of the TAC for this species group was harvested. In 1992 and 1993, that figure was 38 percent and 45 percent, respectively. Nonetheless, while these resources have been underutilized, despite an expressed interest in accessing them at the beginning of the fishing year, retention of the May 1 opening has forced BSAI trawl fishermen either to move into the GOA deep-water flatfish fishery, which opens in January, or cease fishing until May 1.

The rock sole fishery in the Bering Sea currently opens at the beginning of the fishing year to allow fishing in the lucrative ``roe'' fishery. This fishery typically closes in late February or early March when the rock sole have finished spawning. Seasonal halibut bycatch restrictions can close other fisheries (e.g., Pacific cod during 1991 and 1992), leaving, as noted above, few alternative fishing opportunities for the BSAI groundfish fleet. Flathead sole, one of the species in the Bering Sea ``other flatfish'' category, produce roe that matures just after rock sole roe matures. Markets for roe-bearing flathead sole have emerged, making this fishery a natural extension of that for roe-bearing rock sole in the Bering Sea. Other markets for these flatfish species, including a domestic fillets market, are under development.

Opening the BSAI yellowfin sole fishery and the ``other flatfish'' fishery at the beginning of the fishing year (January 1) would provide vessels operating in the Bering Sea with the opportunity to participate in a potentially profitable, developing fishery. This opportunity is expected to reduce the need for vessels to move into the GOA trawl fisheries early in the fishing year, and thus would decrease pressure on the GOA halibut PSC limit and diminish the probability of preemption of existing GOA groundfish fisheries through early closure.

The proposed rule would amend the directed fishing standard for flatfish species (Sec. 675.20(h)(2)) to accommodate this season change and allow sufficient bycatch amounts of rock sole, yellowfin sole, arrowtooth flounder, or ``other flatfish'' in the flatfish fisheries, while allowing for fishing operations to minimize the discard waste of these species. The proposed rule would also establish species-specific standards, rather than aggregate standards, for all flatfish species closed to directed fishing. The intent of this action is to simplify directed fishing standards, and to reduce discard waste by increasing the retainable amounts of flatfish species closed to directed fishing relative to other flatfish species that are open to directed fishing. Editorial and Technical Changes to Sec. 672.20(f)

NMFS proposes to reorganize Sec. 672.20(f) to clarify the presentation and interpretation of regulations pertaining to halibut PSC limits. Existing regulations at Sec. 672.20(f)(1)(i) and (2)(i) would be amended and redesignated as (f)(3)(i) and (f)(1), respectively, to implement management measures set out in this proposed rule. To eliminate redundant regulatory language, paragraph Sec. 672.20(f)(2)(ii) would be amended and included as part of paragraph (f)(1) to cross reference the publication of proposed and final specifications required under Sec. 672.20(c). These documents also include proposed and final halibut PSC limits and satisfy separate publication

requirements currently set out in Sec. 672.20(f)(2)(ii).

The following paragraphs would be redesignated as indicated; no changes would be made to the regulatory text:

Existing regulation	Redesignation
(f)(1)(ii).....	(f)(3)(ii)
(f)(1)(iii).....	(f)(3)(iii)
(f)(1)(iv).....	(f)(1)(iii)(B)
(f)(1)(v).....	(f)(1)(iii)(C)
(f)(2)(iii).....	(f)(1)(iii)(A)
(f)(2)(iv).....	(f)(2)
(f)(2)(v).....	(f)(4)

The redesignated regulatory text is republished as part of the proposed rule. However, NMFS is not requesting public comment on the redesignated paragraphs.

Classification

NMFS prepared an analysis of the economic impact on small entities as part of the EA/RIR. All vessels using trawl gear to harvest BSAI or GOA groundfish and processors receiving trawl-caught groundfish could be affected by the management measures proposed under this action. Most catcher vessels harvesting groundfish off Alaska meet the definition of a small entity under the Regulatory Flexibility Act. In 1993, 265 catcher vessels were issued permits to harvest groundfish with trawl gear in Federal waters. All these vessels could be affected due to adjustments in fishing patterns resulting from (1) changing the season of the BSAI flatfish fisheries, and (2) revising the management of the GOA halibut PSC limit established for trawl fisheries. These effects are not expected to result in a reduction in annual gross revenues by more than 5 percent, annual compliance costs that would increase total costs of production by more than 5 percent, or compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities. Therefore, the proposed action would not result in a ``significant economic impact'' on small entities under the RFA. A copy of the EA/RIR is available (see ADDRESSES).

This proposed rule has been determined to be not significant for purposes of E.O. 12866. List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Recordkeeping and reporting requirements.

Dated: April 28, 1994. John T. Everett, Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are proposed to be amended as follows:

PART 672--GROUND FISH FISHERY OF THE GULF OF Alaska

1. The authority citation for part 672 continues to read as follows: Authority: 16 U.S.C. 1801 et seq.

2. In section 672.20, paragraphs (f) and (h)(1) are revised to read as follows: Sec. 672.20 General limitations.

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(f) Halibut PSC limits-

(1) Notification of proposed halibut PSC limits. NMFS will publish annually in the Federal Register, proposed and final halibut PSC limits and apportionments thereof authorized under this paragraph (f), in the notification required under paragraph (c) of this section. Public comment will be accepted by NMFS on the proposed halibut PSC limits and apportionments

thereof for a period of 30 days after publication in the Federal Register. NMFS will consider comments received on proposed halibut limits and, after consultation with the Council, will publish notification in the Federal Register specifying the final halibut PSC limits and apportionments thereof.

(i) Trawl gear fisheries.

(A) After consultation with the Council, NMFS will publish notification in the Federal Register specifying the proposed halibut PSC limit for vessels using trawl gear. The halibut PSC limit specified for vessels using trawl gear may be further apportioned as bycatch allowances to the fishery categories listed in paragraph (f)(1)(i)(B) of this section, based on each category's proportional share of the anticipated halibut bycatch mortality during a fishing year and the need to optimize the amount of total groundfish harvest under the halibut PSC limit. The sum of all bycatch allowances will equal the halibut PSC limit established under this paragraph (f)(1)(i).

(B) For purposes of apportioning the trawl halibut PSC limit among fisheries, the following fishery categories are specified and defined in terms of round-weight equivalents of those groundfish species for which a TAC has been specified under paragraphs (a) and (c) of this section:

(1) Shallow-water species fishery. Fishing with trawl gear during any weekly reporting period that results in a retained aggregate catch of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and ``other species'' that is greater than the retained aggregate amount of other groundfish species or species group.

(2) Deep-water species fishery. Fishing with trawl gear during any weekly reporting period that results in a retained catch of groundfish and is not a shallow-water species fishery as defined under paragraph (f)(1)(i)(B)(1) of this section.

(ii) Hook-and-line and pot gear fisheries. After consultation with the Council, NMFS will publish notification in the Federal Register specifying the proposed halibut PSC limits for the hook-and-line gear fisheries. The notification may also specify a halibut PSC limit for the pot gear fisheries. The proposed halibut PSC limit for hook-and-line gear fisheries may be further apportioned as bycatch allowances to the directed fishery for demersal shelf rockfish in the Southeast Outside District of the Eastern Regulatory Area and to all other hook- and-line gear fisheries.

(iii) Seasonal apportionments.

(A) NMFS, after consultation with the Council, may apportion each halibut PSC limit or bycatch allowance specified under this paragraph on a seasonal basis. NMFS will base any seasonal apportionment of a halibut PSC limit or bycatch allowance on the following types of information:

- (1) Seasonal distribution of halibut;
- (2) Seasonal distribution of target groundfish species relative to halibut distribution;
- (3) Expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catches of target groundfish species;
- (4) Expected variations in bycatch rates throughout the fishing year;
- (5) Expected changes in directed groundfish fishing seasons;
- (6) Expected start of fishing effort; and
- (7) Economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

(B) Unused seasonal apportionments of halibut PSC limits specified for trawl, hook-and-line, or pot gear will be added to the respective seasonal apportionment for the next season during a current fishing year.

(C) If a seasonal apportionment of a halibut PSC limit specified for

trawl, hook-and-line, or pot gear is exceeded, the amount by which the seasonal apportionment is exceeded will be deducted from the respective apportionment for the next season during a current fishing year.

(iv) Apportionment among regulatory areas and districts. Each halibut PSC limit specified under this paragraph (f) may also be apportioned among the regulatory areas and districts of the Gulf of Alaska.

(2) NMFS may, by notification in the Federal Register, change the halibut PSC limits during the year for which they were specified, based on new information of the types set forth in paragraph (f)(1) of this section.

(3) Attainment of a halibut PSC limit or bycatch allowance-

(i) Trawl gear fisheries. If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in either of the trawl fishery categories listed in paragraph (f)(1)(i)(B) of this section will catch the Pacific halibut bycatch allowance, or apportionments thereof, specified for that fishery category under paragraph (f)(1) of this section, NMFS will publish notification in the Federal Register closing the entire Gulf of Alaska to directed fishing with trawl gear for each species and/or species group that comprises that fishing category; provided, however, that when the halibut bycatch allowance, or seasonal apportionment thereof, specified for the shallow-water species fishery is reached, fishing for pollock by vessels using pelagic trawl gear may continue, consistent with other provisions of this part.

(ii) Hook-and-line fisheries-

(A) Groundfish other than demersal shelf rockfish in the Southeast Outside District. If, during the year, the Regional Director determines that the catch of halibut by operators of vessels using hook-and-line gear in groundfish fisheries other than the directed fishery for demersal shelf rockfish in the Southeast Outside District will reach the halibut bycatch allowance, or seasonal apportionment thereof, specified for hook-and-line gear under paragraph (f)(1) of this section, NMFS will publish notification in the Federal Register prohibiting directed fishing for groundfish, other than demersal shelf rockfish in the Southeast Outside District, by vessels using hook-and-line gear for the remainder of the season to which the halibut bycatch allowance or seasonal apportionment thereof applies.

(B) Demersal shelf rockfish in the Southeast Outside District. If, during the year, the Regional Director determines that the catch of halibut by operators of vessels using hook-and-line gear in the directed fishery for demersal shelf rockfish in the Southeast Outside District will reach the halibut bycatch allowance, or seasonal apportionment thereof, specified for this fishery under paragraph (f)(1) of this section, NMFS will publish notification in the Federal Register prohibiting directed fishing for demersal shelf rockfish in the Southeast Outside District by vessels using hook-and-line gear for the remainder of the season to which the halibut bycatch allowance or seasonal apportionment thereof applies.

(iii) Pot gear fisheries. If, during the fishing year, the Regional Director determines that the catch of halibut by operators of vessels using pot gear to participate in a directed fishery for groundfish will reach the halibut PSC limit, or seasonal apportionment thereof, provided for under paragraph (f)(1) of this section, NMFS will publish notification in the Federal Register prohibiting directed fishing for groundfish by vessels using pot gear for the remainder of the season to which the halibut PSC limit or seasonal apportionment applies.

(4) When the vessels to which a halibut PSC limit applies have caught an amount of halibut equal to that PSC, the Regional Director may, by

notification in the Federal Register, allow some or all of those vessels to continue to fish for groundfish using nonpelagic trawl gear under specified conditions, subject to the other provisions of this part. In authorizing and conditioning such continued fishing with bottom-trawl gear, the Regional Director will take into account the following considerations, and issue relevant findings:

(i) The risk of biological harm to halibut stocks and of socio- economic harm to authorized halibut users posed by continued bottom trawling by these vessels;

(ii) The extent to which these vessels have avoided incidental halibut catches up to that point in the year;

(iii) The confidence of the Regional Director in the accuracy of the estimates of incidental halibut catches by these vessels up to that point in the year;

(iv) Whether observer coverage of these vessels is sufficient to assure adherence to the prescribed conditions and to alert the Regional Director to increases in their incidental halibut catches; and

(v) The enforcement record of owners and operators of these vessels, and the confidence of the Regional Director that adherence to the prescribed conditions can be assured in light of available enforcement resources.

* * * * *

(h) * * *

(1) Calculations.

(i) In making any determination concerning directed fishing under paragraph (g) of this section, the amount or percentage of any species, species group, or any fish or fish products will be calculated in round-weight equivalents.

(ii) Arrowtooth flounder or any groundfish species for which directed fishing is closed may not be used to calculate retainable amounts of other groundfish species under paragraph (g) of this section.

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PART 675--GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

3. The authority citation for part 675 continues to read as follows:
Authority: 16 U.S.C. 1801 et seq.

4. In section 675.20, paragraphs (h)(2) and (i)(1) are revised to read as follows:

Sec. 675.20 General limitations.

* * * * *

(h) * * *

(2) Yellowfin sole, rock sole, arrowtooth flounder, or ``other flatfish''. The operator of a vessel is engaged in directed fishing for yellowfin sole, rock sole, arrowtooth flounder, or ``other flatfish'' if he or she retains at any time during a trip an amount of one of these species equal to or greater than 35 percent of the amount of the other respective species retained at the same time on the vessel during the same trip, plus 20 percent of any groundfish species other than yellowfin sole, rock sole, or ``other flatfish'' retained at the same time on the vessel during the same trip.

* * * * *

(i) * * *

(1) Calculations.

(i) In making any determination concerning directed fishing under paragraph (h) of this section, the amount or percentage of any species,

species group, or any fish or fish products will be calculated in round-weight equivalents.

(ii) Arrowtooth flounder or any groundfish species for which directed fishing is closed may not be used to calculate retainable amounts of other groundfish species under paragraph (h) of this section.

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5. In Sec. 675.23, paragraph (c) is revised to read as follows:

Sec. 675.23 Seasons.

* * * * *

(c) Directed fishing for arrowtooth flounder and Greenland turbot is authorized from 12 noon Alaska local time, May 1 through 12 midnight, Alaska local time, December 31, subject to the other provisions of this part.

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