

minimize the take of short-tailed albatross could be implemented, ranging from those proposed in this rule to additionally more stringent measures, including closures. The economic impacts to small entities resulting from such measures would depend on a variety of factors, although very significant negative impacts could be expected if the halibut fishery were closed due to the take of short-tailed albatross in excess of the incidental take authorized under the section 7 consultation with the USFWS.

**List of Subjects in 50 CFR Part 679**

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: December 9, 1997.

**Gary Matlock,**

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

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

**PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

1. The authority citation for 50 CFR part 679 continues to read as follows:

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

2. In § 679.24, paragraph (e)(1)(ii) is removed, paragraphs (e)(1)(i), (e)(2)(iv) introductory text, and (e)(2)(iv)(A) through (e)(2)(iv)(D) are redesignated as paragraphs (e)(1), (e)(3) introductory text, and (e)(3)(i) through (e)(3)(iv), respectively, and redesignated paragraphs (e)(1) and (e)(3) introductory text and paragraph (e)(2)(ii) are revised to read as follows:

**§ 679.24 Gear limitations.**

\* \* \* \* \*

(e) *Seabird avoidance gear and methods for hook-and-line vessels fishing for groundfish—(1) Applicability.* The operator of a vessel that is required to obtain a Federal fisheries permit under § 679.4(b)(1) must comply with the seabird avoidance measures in paragraphs (e)(2) and (e)(3) of this section while fishing for groundfish with hook-and-line gear in the BSAI, in the GOA, or in waters of the State of Alaska that are shoreward of the BSAI and the GOA.

(2) \* \* \*

(ii) If offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable. The discharge site on board a vessel must be either aft of the hauling

station or on the opposite side of the vessel from the hauling station.

\* \* \* \* \*

(3) For a vessel greater than or equal to 26 ft (7.9 m) LOA, the operator of that vessel described in paragraph (e)(1) of this section must employ one or more of the following seabird avoidance measures:

\* \* \* \* \*

3. In § 679.42, paragraph (b) is revised to read as follows:

**§ 679.42 Limitations on use of QS and IFQ.**

\* \* \* \* \*

(b) *Gear.* (1) *IFQ Fisheries* Halibut IFQ must be used only to harvest halibut with fishing gear authorized in § 679.2. Sablefish fixed gear IFQ must not be used to harvest sablefish with trawl gear in any IFQ regulatory area, or with pot gear in any IFQ regulatory area of the GOA.

(2) *Seabird avoidance gear and methods.* The operator of a vessel using gear authorized at § 679.2 while fishing for IFQ halibut or hook-and-line gear while fishing for IFQ sablefish must comply with requirements for seabird avoidance gear and methods set forth at § 679.24(e).

\* \* \* \* \*

[FR Doc. 97-32682 Filed 12-12-97; 8:45 am]

BILLING CODE 3510-22-F

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 971208298-7298-01; I.D. 112097B]

**Groundfish Fishery of the Bering Sea and Aleutian Islands; Fisheries of the Exclusive Economic Zone; Proposed 1998 Harvest Specifications for Groundfish**

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

**ACTION:** Proposed 1998 harvest specifications for groundfish and associated management measures; request for comments.

**SUMMARY:** NMFS proposes 1998 harvest specifications, prohibited species bycatch allowances, and associated management measures for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish

for the 1998 fishing year. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI and to provide an opportunity for public participation in the annual groundfish specification process.

**DATES:** Comments must be received by January 12, 1998.

**ADDRESSES:** Comments must be sent to the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

The preliminary 1998 Stock Assessment and Fishery Evaluation (SAFE) report, dated September 1997, is available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510-2252 (907-271-2809).

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

**SUPPLEMENTARY INFORMATION:**

**Background**

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the total annual catch (TAC) for each target species and the "other species" category, the sum of which must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 679.20(a)(1)(i)). Regulations under § 679.20(c)(1) further require NMFS to publish annually and solicit public comment on proposed annual TACs, prohibited species catch (PSC) allowances, seasonal allowances of the pollock TAC, and amounts for the pollock and sablefish Community Development Quota (CDQ) reserve. The proposed specifications set forth in tables 1-6 of this proposed rule satisfy these requirements. For 1998, the sum of proposed TAC amounts is 2,000,000 mt. Under § 679.20(c)(3), NMFS will publish the final annual specifications for 1998 after considering (1) comments received within the comment period (see **DATES**) and (2) consultations with the Council at its December 1997 meeting.

Section 679.20(c)(2)(ii) require that interim specifications—one-fourth of each proposed initial TAC (ITAC)

amount and apportionment thereof, one-fourth of each proposed PSC allowance established under § 679.21, and the first seasonal allowances of pollock—be established effective 0001 hours Alaska local time (A.l.t.), January 1, that will remain in effect until the effective date of the 1998 final harvest specifications, which will be published in the **Federal Register**. Regulations at § 679.20(c)(2)(ii) do not provide for an interim specification either for sablefish CDQ reserve or for sablefish managed under the Individual Fishing Quota management plan. Interim TAC specifications and apportionments thereof for the 1998 fishing year are being published in the Rules and Regulations section of this **Federal Register** volume.

#### **Proposed Acceptable Biological Catch (ABC) and TAC Specifications**

The proposed ABC and TAC for each species are based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the BSAI at its September 1997 meeting. This information was compiled by the Council's BSAI Groundfish Plan Team and is presented in the preliminary 1998 SAFE report for the BSAI groundfish fisheries, dated September 1997. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species category. The preliminary 1998 SAFE report will be updated to include information collected during the 1997 resource assessment surveys. Revised stock assessments will be made available by the Plan Team in November 1997 and be included in the final 1998 SAFE report.

The proposed ABC amounts adopted by the Council for the 1998 fishing year are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to

calculate stock biomass. The proposed ABCs also are based on new definitions of ABC and overfishing that were adopted by the Council as Amendment 44 to the FMP. A final rule implementing Amendment 44 was published in the **Federal Register** January 17, 1997 (62 FR 2656). In general, the new definitions involve sophisticated statistical analyses of fish populations and are based on a successive series of six levels, or tiers, of reliable information available to fishery scientists. In 1997, the application of the revised definitions resulted in lower exploitation rates and ABCs for most species, although biomass estimates generally are unchanged. Details of the Plan Team's recommendations for preliminary 1998 overfishing and ABC amounts for each species are provided in the preliminary 1998 SAFE report. This report is available from the Council (see **ADDRESSES**). At its September 1997 meeting, the Council's SSC reviewed the Plan Team's preliminary recommendations for 1998 ABC amounts. The SSC concurred in the Plan Team's recommendations, except for pollock in the Bogoslof district. For this stock, the Plan Team had recommended an ABC of 60,319 mt. However, the SSC recommended that this ABC be adjusted downwards by the ratio of current estimated biomass (280,000 mt) to target biomass (2,000,000 mt), which resulted in an SSC-recommended ABC of 8,400 mt. The Council adopted the proposed overfishing and ABC amounts recommended by the SSC (Table 1).

#### **Specification and Apportionment of TAC Amounts**

The Council adopted the AP's proposals for the 1998 BSAI TAC amounts. For each species, this amount equals the lesser of either the 1997 TAC or the SSC's recommended 1998 ABC. NMFS finds that the recommended proposed TAC amounts are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 1.4 million to 2.0 million mt.

Except for the hook-and-line and pot gear allocation of sablefish, each species' TAC initially is reduced by 15 percent to establish the ITAC for each species (§ 679.20(b)(1)(i)). The sum of the 15-percent amounts is the reserve. One half of the pollock TACs placed in

reserve is designated as a CDQ reserve for use by CDQ participants (§ 679.31(a)(1)). The remainder of the reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing.

NMFS anticipates that the final 1998 groundfish specifications will include a 7.5 percent CDQ reserve for each groundfish species TAC and PSC limit as are authorized under Amendment 39 to the FMP. A proposed rule to implement Amendment 39 was published in the **Federal Register** on August 15, 1997 (62 FR 43866). Amendment 39 was approved by NMFS on September 12, 1997.

On November 13, 1997, NMFS approved Amendment 34 to the FMP. This amendment requires that up to 2 percent of the TAC for Atka Mackerel in the Eastern Aleutian Islands District and the Bering Sea subarea be allocated to the jig gear fleet. The amount of this allocation will be determined annually by the Council based on the anticipated harvest capacity of the jig gear fleet. At its June 1997 meeting, the Council noted its intent to allocate 1 percent of Atka Mackerel TAC in the Eastern Aleutian Islands District/Bering Sea subarea to the jig gear fleet for the 1998 fishing year. A proposed rule to implement Amendment 34 was published in the **Federal Register** on September 22, 1997 (62 FR 49464). NMFS anticipates that a final rule will be effective prior to the 1998 trawl season (January 20). NMFS further anticipates that the final 1998 specifications will allocate 1 percent of the Eastern Aleutian Islands District/Bering Sea subarea Atka mackerel TAC to jig gear. Based on a proposed TAC of 15,000 mt, the jig gear allocation would be 150 mt.

Table 1 lists the proposed 1998 ABC, TAC, and ITAC amounts, overfishing levels, and initial apportionments of groundfish in the BSAI. The apportionment of TAC amounts among fisheries and seasons is discussed below. These proposed specifications are subject to change as a result of public comment, analysis of the current biological condition of the groundfish stocks, and new information regarding the fishery, and consultation with the Council at its December meeting.

TABLE 1.—PROPOSED 1998 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND OVERFISHING LEVELS OF GROUND FISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA <sup>1</sup>

Species	Area	ABC	TAC	ITAC <sup>2,3</sup>	Overfishing level
Pollock	Bering Sea (BS)	1,130,000	1,130,000	960,500	1,980,000
	Aleutian Islands (AI)	28,000	28,000	23,800	38,000
	Bogoslof District	8,400	1,000	850	22,800
Pacific cod	BSAI	306,000	270,000	229,500	418,000
Sablefish <sup>4</sup>	BS	1,308	1,100	468	2,750
	AI	1,367	1,200	255	2,860
Atka mackerel	Total	66,700	66,700	56,695	81,600
	Western AI	32,200	32,200	27,370	.....
	Central AI	19,500	19,500	16,575	.....
	Eastern AI/BS	15,000	15,000	12,750	.....
Yellowfin sole	BSAI	233,000	230,000	195,500	339,000
Rock sole	BSAI	296,000	97,185	82,607	427,000
Greenland turbot	Total	12,350	9,000	7,650	25,100
	BS	.....	6,030	5,126	.....
	AI	.....	2,970	2,525	.....
Arrowtooth flounder	BSAI	108,000	20,760	17,646	167,000
Flathead sole	BSAI	101,000	43,500	36,975	145,000
Other flatfish <sup>5</sup>	BSAI	97,500	50,750	43,138	150,000
Pacific ocean perch	BS	2,800	2,800	2,380	5,400
	AI Total	12,800	12,800	10,880	25,300
	Western AI	6,390	6,390	5,432	.....
	Central AI	3,170	3,170	2,695	.....
	Eastern AI	3,240	3,240	2,754	.....
Other red rockfish <sup>6</sup>	BS	1,050	1,050	893	1,400
Sharpchin/Northern	AI	4,360	4,360	3,706	5,810
Shortraker/rougheye	AI	938	938	797	1,250
Other rockfish <sup>7</sup>	BS	373	373	317	497
	AI	714	714	607	952
Squid	BSAI	1,970	1,970	1,675	2,620
Other species <sup>8</sup>	BSAI	25,800	25,800	21,930	138,000
Total		2,440,430	2,000,000	1,698,768	3,980,339

<sup>1</sup> Amounts are in metric tons. These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) area unless otherwise specified. With the exception of pollock, and for the purpose of these specifications, the BS includes the Bogoslof District.

<sup>2</sup> Except for the portion of the sablefish TAC allocated to hook-and-line and pot gear, 15 percent of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves. One half of the amount of the pollock TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (see § 679.31(a)(1)).

<sup>3</sup> Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear is reserved for use by CDQ participants (see § 679.31(c)). Regulations at § 679.20(b)(1) do not provide for the establishment of an ITAC for the hook-and-line and pot gear allocation for sablefish. The ITAC for sablefish reflected in table 1 is for trawl gear only.

<sup>4</sup> Regulations at § 679.20(a)(4) require sablefish TACs for BSAI subareas be divided between trawl and hook-and-line/pot gear in the following proportions: BS subarea— trawl gear 50 percent, hook-and-line/pot gear 50 percent; AI subarea—trawl gear 25 percent, hook-and-line/pot gear 75 percent.

<sup>5</sup> "Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, and arrowtooth flounder.

<sup>6</sup> "Other red rockfish" includes shortraker, rougheye, sharpchin, and northern.

<sup>7</sup> "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker, and rougheye.

<sup>8</sup> "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

**Seasonal Allowances of Pollock TACs**

Under § 679.20(a)(5)(i)(A), the pollock ITAC for each subarea or district of the BSAI is divided into two seasonal allowances. The first allowance is made available for directed fishing from January 1 to April 15 (roe season), and the second allowance is made available from September 1 until November 1 (non-roe season). The Council proposed that the seasonal allowances for the Bering Sea pollock roe and non-roe seasons be specified at 45 percent and 55 percent of the ITAC amounts, respectively (Table 2). As in past years, the pollock TAC amounts specified for the Aleutian Islands subarea and the Bogoslof District would not be

seasonally apportioned and the entire ITAC would be made available January 1.

When specifying seasonal allowances of the pollock TAC, the Council and NMFS considered the factors specified in section 14.4.10 of the FMP. A discussion of these factors relative to the roe and non-roe seasonal allowances was presented in the proposed 1995 specifications for BSAI groundfish (59 FR 64383, December 14, 1994). At this time, the Council's findings are unchanged from those set forth for 1995, given that the relative seasonal allowances are the same.

**Apportionment of the Pollock TAC to the Inshore and Offshore Components**

Section 679.20(a)(6)(i) requires that the proposed pollock ITAC amounts specified for the BSAI be allocated 35 percent to vessels catching pollock for processing by the inshore component and 65 percent to vessels catching pollock for processing by the offshore component. Definitions of these components are found at § 679.2. The proposed 1998 ITAC specifications are consistent with these requirements (Table 2).

TABLE 2.—PROPOSED SEASONAL ALLOWANCES OF THE INSHORE AND OFFSHORE COMPONENT ALLOCATIONS OF POLLOCK TAC AMOUNTS<sup>1</sup>

Subarea and Component	TAC	ITAC	Roe sea- son <sup>2</sup>	Non-roe season <sup>3</sup>
Bering Sea .....	1,130,000	960,500	432,225	528,275
Inshore .....	.....	336,175	151,279	184,896
Offshore .....	.....	624,325	280,946	343,379
Aleutian Islands .....	28,000	23,800	23,800	<sup>4</sup>
Inshore .....	.....	8,330	8,330	<sup>4</sup>
Offshore .....	.....	15,470	15,470	<sup>4</sup>
Bogoslof District .....	1,000	850	850	<sup>4</sup>
Inshore .....	.....	298	298	<sup>4</sup>
Offshore .....	.....	553	553	<sup>4</sup>

<sup>1</sup> Based on an offshore component allocation of 0.65 (ITAC) and on an inshore component allocation of 0.35 (ITAC).

<sup>2</sup> January 1 through April 15—based on a 45/55 split (roe=45 percent).

<sup>3</sup> September 1 until November 1—based on a 45/55 split (non-roe equals 55 percent).

<sup>4</sup> Remainder.

**Apportionment of the Pollock TAC to the Western Alaska Community Development Quota**

Section 679.31(a)(1) requires that one-half of the pollock TAC placed in the reserve for each subarea or district, or 7.5 percent of each TAC, be assigned to a CDQ reserve for each subarea or district. The proposed 1998 CDQ reserve amounts for each subarea are as follows:

BSAI subarea	Pollock CDQ (MT)
Bering Sea .....	84,750
Aleutian Islands .....	2,100
Bogoslof .....	75
Total .....	86,925

Under regulations governing the CDQ program at § 679.30, NMFS may allocate the 1998 pollock CDQ reserves to eligible Western Alaska communities or groups of communities that have an approved community development plan (CDP). NMFS has approved six CDPs and associated percentages of the CDQ

reserve for each CDP recipient for 1996–98 (60 FR 66516, December 22, 1995). As with the pollock ITAC, the Council recommended that the CDQ pollock reserve be seasonally apportioned so that no more than 45 percent of a CDP’s 1998 Bering Sea pollock allocation may be harvested during the pollock roe season, January 1 through April 15. Up to 100 percent of a CDP’s 1998 Aleutian Islands or Bogoslof District pollock allocation could be harvested during this time period.

**Allocation of the Pacific Cod TAC**

Under § 679.20(a)(7), 2 percent of the Pacific cod ITAC is allocated to vessels using jig gear, 51 percent to vessels using hook-and-line or pot gear, and 47 percent to vessels using trawl gear. The portion of the Pacific cod TAC allocated to trawl gear is further allocated 50 percent to catcher vessels and 50 percent to catcher processor vessels (§ 679.20(a)(7)(i)(B)). The Council proposes to continue the 1997 seasonal allowances of the portion of the Pacific cod TAC allocated to the hook-and-line

and pot gear fisheries. The seasonal allowances are authorized under § 679.20(a)(7)(iv) and are intended to provide for the harvest of Pacific cod when flesh quality and market conditions are optimum and Pacific halibut bycatch rates are low. The Council’s recommendations for seasonal apportionments are based on (1) seasonal distribution of Pacific cod relative to prohibited species distributions, (2) variations in prohibited species bycatch rates in the Pacific cod fisheries throughout the year, and (3) economic effects of seasonal allowances of Pacific cod on the hook-and-line and pot gear fisheries. Table 3 lists the proposed 1998 allocations and seasonal apportionments of the Pacific cod ITAC. Consistent with § 679.20(a)(iv)(C), the Council has proposed that any portion of the first seasonal allowance that is not harvested by the end of the first season would become available on September 1, the beginning of the third season.

TABLE 3.—1998 GEAR SHARES AND SEASONAL APPORTIONMENTS OF THE BSAI PACIFIC COD INITIAL ITAC

Gear	Percent TAC	Share ITAC (mt)	Seasonal apportionment <sup>1</sup>					
			Date	Percent	Amount			
Jig .....	2	4,590	Jan 1-Dec 31 .....	100	4,590			
			Hook-&-line/pot gear .....	51	117,045	Jan 1-Apr 30 .....	73	85,443
						May 1-Aug 31 .....	23	26,920
Trawl gear .....	47	107,865	Jan 1-Dec 31 .....	.....	4	4,682		
				Catcher vessel (50%) .....	.....	53,933	100	107,865
				Catcher/processor (50%) .....	.....	53,933	.....	.....
Total .....	100	229,500	.....	.....	.....			

<sup>1</sup> Any unused portion of the first seasonal Pacific cod allowance specified for the Pacific cod hook-and-line or pot gear fishery would be re-apportioned to the third seasonal allowance.

**Sablefish Gear Allocation and CDQ Allocations for Sablefish**

Section 679.20(a)(4) requires that the sablefish TACs for the BSAI subareas be divided between trawl and hook-and-line/pot gear types. Gear allocations of

TACs are established in the following proportions: Bering Sea subarea—trawl gear 50 percent, hook-and-line/pot gear 50 percent; and Aleutian Islands subarea—trawl gear 25 percent, hook-and-line/pot gear 75 percent. In addition, regulations under § 679.31(c)

require NMFS to withhold 20 percent of the hook-and-line and pot gear sablefish allocation as sablefish CDQ reserve. Gear allocations of the proposed sablefish TAC and CDQ reserve amounts are specified in Table 4 as follows:

TABLE 4.—1998 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

Subarea and gear	Percent of TAC	Share of TAC (mt)	Initial TAC (mt) <sup>1</sup>	CDQ reserve
Bering Sea:				
Trawl .....	50	550	468	N/A
Hook-and-line/pot gear <sup>2</sup> .....	50	550	N/A	110
Total .....		1,100	468	110
Aleutian Islands:				
Trawl .....	25	300	255	N/A
Hook-and-line/pot gear <sup>2</sup> .....	75	900	N/A	180
Total .....		1,200	255	180

<sup>1</sup> Except for the sablefish hook-and-line and pot gear allocation, 15 percent of TAC is apportioned to reserve. The ITAC is the remainder of the TAC after the subtraction of these reserves.

<sup>2</sup> For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. Section 679.20(b)(1) does not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear.

Under regulations governing the sablefish CDQ program at subpart C of part 679, NMFS may allocate the 1998 sablefish CDQ reserve to eligible Western Alaska communities or groups of communities that have an approved CDP. However, CDPs have not been approved for 1998. The State of Alaska consulted with the Council at its September meeting and recommended CDPs and the associated allocations of sablefish CDQ reserve. If NMFS approves the recommended CDPs, a notice of the decision will be published in the **Federal Register**, prior to the publication of the final specifications.

**Allocation of Prohibited Species Catch (PSC) Limits for Crab, Halibut, and Herring**

PSC limits for halibut are set forth at § 679.21 (e)(1)(iii). For the BSAI trawl fisheries, the limit is 3,775 mt mortality of Pacific halibut (§ 679.21(e)(1)(iii)) and for non-trawl fisheries, the limit is 900 mt mortality (§ 679.21(e)(2)). PSC limits for crab and herring are annually specified based on abundance and spawning biomass.

For 1998, the PSC limit of red king crab in Zone 1 for trawl vessels is 100,000 crab based on the criteria set out at § 679.21(e)(1)(i). The number of mature female red king crab is estimated to be above the threshold of 8.4 million animals, and the effective spawning biomass is estimated to be greater than 14.5 million lbs (6,577 mt) but less than 55 million lbs (24,948 mt) (§ 679.21(e)(1)(i)(B)).

The 1998 *C. bairdi* PSC limit is 750,000 animals in Zone 1 and 2.1 million animals in Zone 2. These numbers are based on the criteria set out at § 679.21(e)(1)(ii). In Zone 1, *C. bairdi* abundance is estimated at over 150 million to 270 million animals (§ 679.21(e)(1)(ii)(A)(2)). In Zone 2, *C. bairdi* abundance is estimated at over 175 million to 290 million animals (§ 679.21(e)(1)(ii)(B)(2)).

NMFS approved Amendment 40 to the FMP on October 15, 1997. This amendment establishes a PSC limit for *C. opilio* crab based on annual abundance of crab as indicated by trawl surveys. NMFS anticipates that regulations implementing Amendment 40 will be published and effective by mid-December 1997. Based on the proposed rule (62 FR 43307, August 13, 1997), the 1998 *C. opilio* PSC limit would be established at 0.1133 percent of the 1997 Bering Sea *C. opilio* crab abundance, or 4,654,000 crab.

The PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass (§ 679.21(e)(1)(iv)). NMFS's best estimate of 1998 herring biomass is 157,900 mt. This amount was derived using 1996 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game (ADF&G). Therefore, the proposed herring PSC limit for 1998 is 1,579 mt. This value is subject to change, pending an updated forecast analysis of 1997 herring survey data that will be presented to the Council by the

ADF&G during the Council's December 1997 meeting.

Section 679.21(e)(3) authorizes the apportionment of each trawl PSC limit into PSC allowances for seven specified trawl-fishery categories. Section 679.21(e)(4)(ii) further authorizes the apportionment of the non-trawl halibut PSC limit among five non-trawl fishery categories. The fishery bycatch allowances for the trawl and non-trawl fisheries are listed in Table 5.

The fishery bycatch allowances listed in table 5 reflect the recommendations made to the Council by its AP. These recommendations are unchanged from those specified for 1997. The justification for these allowances is discussed in the publication of the final 1997 specifications (62 FR 7168, February 18, 1997). Because NMFS action on Amendment 40 and its implementing rule had not been finalized at the time of the September 1997 Council meeting, the Council did not propose to apportion the proposed *C. opilio* PSC limit among trawl fishery categories. The Council is expected to do so at its December 1997 meeting.

Section 679.21(e)(4)(ii) authorizes the exemption of specified non-trawl fisheries from the halibut PSC limit. As in past years, the Council proposes to exempt the 1998 pot gear, jig gear, and sablefish hook-and-line gear fishery categories from halibut bycatch restrictions.

The Council proposed that the pot and jig gear fisheries be exempt from halibut-bycatch restrictions because these fisheries use selective gear types

that experience low halibut bycatch mortality. Between January 1997 and September 1997, the groundfish pot gear fishery was responsible for an estimated halibut bycatch mortality of about 12 mt. The jig gear fleet comprises of vessels less than 60 ft (18.3 m) length overall that are exempt from observer coverage requirements. As a result, no observer data are available on halibut bycatch in the BSAI jig gear fishery. Nonetheless, the selective nature of this gear type and the relatively small amount of groundfish harvested with jig gear likely results in a negligible amount of halibut bycatch mortality.

As in past years, the Council recommended that the sablefish Individual Fishing Quota (IFQ) fishery be exempt from halibut bycatch restrictions because of the sablefish and halibut IFQ program (subpart D of part 679). The IFQ program requires legal-sized halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder is aboard. In 1995, about 36 mt of halibut discard mortality was estimated for the sablefish IFQ fishery. A similar estimate for the 1996 or 1997 fishery has not been calculated. Section 679.21(e)(5) authorizes NMFS, after consultation with the

Council, to establish seasonal apportionments of prohibited species bycatch allowances. At its September 1997 meeting, the Council adopted the AP's recommendation to propose seasonal apportionments of the trawl bycatch allowances only for halibut bycatch specified for the rockfish trawl fishery. The intent of this proposal was to reduce halibut bycatch during the first quarter when it is the highest. NMFS anticipates the Council will consider additional seasonal apportionments during its December 1997 meeting.

TABLE 5.—PROPOSED 1998 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

Trawl fishers	Prohibited species and zone			C. bairdi (animals)	
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1 <sup>1</sup>	Zone 1 <sup>1</sup>	Zone 2 <sup>1</sup>
Yellowfin sole .....	930	267	10,000	276,316	1,071,000
Rock sole/oth.flat/flat sole <sup>1</sup> .....	795	.....	75,000	296,052	357,000
Turbot/sablefish/arrowtooth <sup>2</sup> .....	0	.....	.....	.....	0
Rockfish .....	100	7	.....	.....	7,000
Jan. 1–Mar. 31 .....	0	.....	.....	.....	.....
Apr. 1–Dec. 31 .....	100	.....	.....	.....	.....
Pacific cod .....	1,600	20	7,500	133,224	195,000
Midwater pollock .....	.....	1,142	.....	.....	.....
Pollock/Atka/other <sup>3</sup> .....	350	143	7,500	44,408	470,000
<b>TOTAL TRAWL</b> .....	<b>3,775</b>	<b>1,579</b>	<b>100,000</b>	<b>750,000</b>	<b>2,100,000</b>
Non-trawl fisheries:					
Pacific cod .....	840				
Other non-trawl .....	60				
Groundfish pot & jig .....	( <sup>4</sup> )				
Sablefish hook & line .....	( <sup>4</sup> )				
<b>Total non-Trawl</b> .....	<b>900</b>				

<sup>1</sup> Rock sole, flathead sole, and other flatfish fishery category.  
<sup>2</sup> Greenland turbot, arrowtooth flounder, and sablefish fishery category.  
<sup>3</sup> Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.  
<sup>4</sup> Exempt.

To monitor halibut bycatch mortality allowances and apportionments, the Administrator, Alaska Region, NMFS (Regional Administrator), will use observed halibut bycatch rates, assumed mortality rates, and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. The Regional Administrator monitors the fishery's halibut bycatch mortality allowances using assumed mortality rates that are based on the best information available, including information contained in the annual SAFE report.

The Council proposed that the assumed halibut mortality rates developed by staff of the International Pacific Halibut Commission (IPHC) for the 1997 BSAI groundfish fisheries be

rolled over for purposes of monitoring halibut bycatch allowances established for 1998. The justification for these mortality rates is discussed in the February 18, 1997, publication of the 1997 final specifications (62 FR 7168). NMFS notes that the assumed halibut mortality rate for the hook-and-line gear fishery for Pacific cod was adjusted in mid-1997 from 11.5 percent to 12 percent as a result of updated analyses provided by the IPHC. NMFS proposes to use the 12-percent rate in 1998. The proposed mortality rates listed in Table 6 are subject to change pending the results of an updated analysis on halibut mortality rates in the groundfish fisheries that IPHC staff is scheduled to present to the Council at the Council's December 1997 meeting.

TABLE 6.—PROPOSED ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1998

Fishery	Assumed mortality (percent)
Hook-and-line gear fisheries:	
Rockfish .....	15
Pacific cod .....	12
Greenland turbot .....	11
Sablefish .....	29
Trawl gear fisheries:	
Midwater pollock .....	79
Non-pelagic pollock .....	76
Yellowfin sole .....	79
Rock sole .....	73
Flathead sole .....	65
Other flatfish .....	65

TABLE 6.—PROPOSED ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1998—Continued

Fishery	As- sumed mortality (per- cent)
Rockfish .....	72
Pacific cod .....	68
Atka mackerel .....	73
Arrowtooth flounder .....	66
Greenland turbot .....	66
Sablefish .....	23
Other species .....	68
Pot gear fisheries Pacific cod .....	10

**Classification**

This action is authorized under 50 CFR 679 and is exempt from review under E.O. 12866.

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1998 SAFE Report will be available for public review at the December 1997 Council meeting. After the December meeting, a final EA will be prepared on the final TAC amounts recommended by the Council.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce made the following certification to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that these proposed specifications, if adopted, would not have a significant impact on a substantial number of small entities as follows:

The Small Business Administration has defined all fish-harvesting or hatchery businesses that are independently owned and operated, not dominant in their field of operation, with annual receipts not in excess of \$3,000,000 as small businesses. Additionally, seafood processors with 500 employees or fewer, wholesale industry members with 100 employees or fewer, not-for-profit enterprises, and government jurisdictions with a populations of 50,000 or less are considered small entities. NMFS has determined that a "substantial number" of small entities would generally be 20 percent of the total universe of small entities affected by the regulation. A regulation would have a "significant economic impact" on these small entities if it reduced annual gross revenues by more than 5 percent, increased total costs of production by more than 5 percent, or resulted in compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities. NMFS typically assumes that all catcher vessels participating in the Alaska groundfish fisheries are "small entities" for purposes of the Regulatory Flexibility Act (RFA).

Based on the number of vessels that caught groundfish in 1996, the number of fixed gear

and trawl catcher vessels expected to be operating as small entities in the 1998 Bering Sea and Aleutian Islands groundfish fishery is 410. All participants in the BSAI groundfish fisheries, including small entities, could be affected by the harvest limits established in the 1998 specifications. Thus, a substantial number of small entities would likely be affected by these proposed specifications.

No changes in the 1998 TACs are proposed relative to the 1997 TACs. Further, no significant changes in the socioeconomic condition of the BSAI groundfish fishery have occurred or are anticipated that could affect the economic impact on small entities of the 1998 specifications. Any changes in final TAC amounts for specific species that may be recommended by the Council at its December 1997 meeting likely would not have a significant economic impact given that the Alaska groundfish fishing fleet is accustomed to shifting effort among alternative species and management areas in response to changes in TAC between years and inseason closures.

Based on 1996 data presented in the preliminary 1998 SAFE report dated September 1997 (See ADDRESSES), the total exvessel value of the BSAI groundfish fishery is estimated at \$413.1 million. These revenues are shared among small and large sector entities. Based on the proposed specifications, the value of the BSAI fishery is expected to remain at approximately this level with no significant allocation shifts between sectors. Thus, based on the SAFE report and the existence of no significant intervening changes, it is unlikely that the proposed specifications would have a significant economic impact on small entities. For the reasons presented above, these revenues are not expected to change significantly within either sector. This assessment will be reviewed again subsequent to the Council's final recommendations for 1998 TAC amounts. These final recommendations will be based on new information on the status of BSAI groundfish stocks that currently is not available. If the Council recommends significant changes to the proposed specifications, the potential economic impacts on small entities will be reevaluated.

Therefore, an initial regulatory flexibility analysis was not prepared.

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

Dated: December 9, 1997.

**Gary C. Matlock,**

*Acting Assistant Administrator For Fisheries, National Marine Fisheries Service.*

[FR Doc. 97-32681 Filed 12-12-97; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 971208297-7297-01; I.D. 112097A]

**Groundfish Fishery of the Gulf of Alaska; Fisheries of the Exclusive Economic Zone; Proposed 1998 Harvest Specifications for Groundfish**

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

**ACTION:** Proposed 1998 harvest specifications for groundfish and associated management measures; request for comments.

**SUMMARY:** NMFS proposes 1998 harvest specifications for groundfish, reserves and apportionment thereof, Pacific halibut prohibited species catch (PSC) limits, and associated management measures for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits and associated management measures for groundfish the 1998 fishing year. The intended effect of this action is to conserve and manage the groundfish resources in the GOA and to provide an opportunity for public participation in the annual groundfish specification process.

**DATES:** Comments must be received by January 14, 1998.

**ADDRESSES:** Comments must be sent to the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668. Attn: Lori Gravel.

The preliminary 1998 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1997, is available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252 (907-271-2809).

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

**SUPPLEMENTARY INFORMATION:**

**Background**

Groundfish fisheries in the GOA are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act.