

Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii), the Pacific cod TAC for the BSAI was established by the final 1994 initial specifications of groundfish (59 FR 7656, February 16, 1994), and increased by an apportionment from the reserve (59 FR 21673, April 26, 1994) to 191,000 metric tons (mt). The 1994 Pacific cod TAC allocated to vessels using trawl gear is 95,140 mt, and to vessels using hook-and-line or pot gear is 92,040 mt, pursuant to § 675.20(a)(3)(iv); 59 FR 4009, January 28, 1994; 59 FR 21673, April 26, 1994; and 59 FR 42776, August 19, 1994.

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.20(a)(9), that the 1994 Pacific cod TAC allocations to vessels using trawl gear and to vessels using hook-and-line or pot gear in the BSAI have been reached. Therefore, NMFS is requiring that further catches of Pacific cod by vessels using trawl gear and vessels using hook-and-line or pot gear in the BSAI be treated as prohibited species in accordance with § 675.20(c)(3), effective from 12 noon, A.l.t., November 25, 1994, until 12 midnight, A.l.t., December 31, 1994.

Classification

This action is taken under § 675.20 and is exempt from review under E.O. 12866.

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

Dated: November 25, 1994.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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50 CFR Part 677

[Docket No. 940839-4328; I.D. 081294A]

North Pacific Fisheries Research Plan

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

ACTION: Final specifications for 1995.

SUMMARY: NMFS announces North Pacific Fisheries Research Plan (Research Plan) final specifications for calendar year 1995. The specifications will be used to calculate fees to be paid by participants in the Gulf of Alaska

(GOA) groundfish fishery, Bering Sea and Aleutian Islands (BSAI) management area groundfish fishery, BSAI area king and Tanner crab fisheries, and Pacific halibut fishery in convention waters off Alaska (Research Plan fisheries) to fund an observer program to promote management, conservation, and scientific understanding of groundfish, halibut, and crab resources off Alaska.

EFFECTIVE DATE: January 1, 1995, through December 31, 1995.

ADDRESSES: The final report "Establishing the Fee Percentage and Standard Exvessel Prices for 1995" is available from the National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

FOR FURTHER INFORMATION CONTACT: Kim S. Rivera, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Section 313 of the Magnuson Act, as amended by section 404 of the High Seas Driftnet Fisheries Enforcement Act, Public Law 102-582, authorizes the North Pacific Fishery Management Council (Council) to prepare, in consultation with the Secretary of Commerce, a Research Plan for all fisheries under the Council's jurisdiction, except salmon fisheries. On September 6, 1994, NMFS published a final rule (59 FR 46126) to implement the Research Plan. That rule requires that observers be stationed on certain fishing vessels and at U.S. fish processors participating in Research Plan fisheries. The requirements may be extended to the halibut fishery off Alaska. Observers will be deployed for the purpose of collecting data necessary for the conservation, management, and scientific understanding of fisheries under the Council's authority. The Research Plan also establishes a system of fees to pay for the costs of implementing the Research Plan, beginning January 1, 1995. The fees are based on the exvessel value of retained catch from Research Plan fisheries. NMFS published in the Federal Register on September 12, 1994 (59 FR 46816) proposed specifications establishing these values for 1995. The comment period ended on October 12, 1994. No written comments were received on the proposed specifications.

Changes From the Proposed Rule

1. *Standard Exvessel Prices.* Prior to the September 15, 1994, meeting of the Council's Observer Oversight Committee (OOC), the draft report, "Establishing the Fee Percentage and Standard Exvessel Prices for 1995," was

revised based on recommendations made by the Council at its June 1994 meeting and on new exvessel price and program cost data. The OOC reviewed the revised draft and made its recommendations for the final fee percentage and standard exvessel prices. The draft report was revised for the September 1994 Council meeting. At that meeting, the Council: (1) Reviewed the information in the draft report; (2) received comments from the OOC, Advisory Panel (AP), Science and Statistical Committee (SSC), and the public; (3) adopted the recommendation of the OOC, AP, and SSC for a fee percentage of 2 percent; and (4) adopted the AP's recommendations for the final standard exvessel prices for 1995.

The AP recommended reductions in 18 of the standard exvessel prices proposed in the draft report and an increase in one price. For many of the prices proposed in the draft report, the size of the sample of fish ticket data with exvessel price information was large enough to provide good lower bound estimates of the 1994 exvessel prices. The 1994 fish ticket data tend to provide lower bound estimates for two reasons. First, they typically have not been adjusted to reflect post-season bonuses. Second, no adjustment has been made for the lower prices paid for small fish that are used to produce meal and are considered to be discards for the purposes of the fee collection program. Therefore, the AP recommendations appeared to be very conservative.

To determine whether the AP recommendations were lower than the exvessel prices expected for 1995, NMFS reexamined the groundfish fish ticket price data and contacted several dominant processors to clarify the expectations concerning exvessel prices for 1995. This review suggested that the AP recommendations tended to understate the 1994 fish ticket prices and the price expectations for 1995 of the processors that were contacted. Therefore, the standard exvessel prices for groundfish established for 1995 by NMFS are based on 1994 groundfish fish ticket data, instead of the AP recommendations, when the sample sizes are adequate. For BSAI pollock, 1994 fish ticket price data in combination with information from several dominant pollock processors were used to establish the standard exvessel prices. The processors indicated that the prices established for BSAI pollock are within their expected ranges for 1995. The standard exvessel prices established for halibut and crab are based on price projections provided by dominant processors for halibut and crab, respectively. The large reductions

in the guideline harvest levels for the three largest crab fisheries have increased significantly the uncertainty concerning what the actual exvessel prices for crab will be in 1995.

The final report "Establishing the Fee Percentage and Standard Exvessel Prices for 1995" and the Council recommendations for 1995 standard exvessel prices indicate a net weight price for halibut. All of the other species standard exvessel prices are expressed as round-weight prices. Regulations at § 677.6(b)(iv) require a round-weight standard exvessel price be used to calculate the bimonthly fee assessment. As a result, the Council's recommended halibut net-weight price of \$2.10/lb has been multiplied by the halibut product recovery rate (0.75) to arrive at the round-weight standard exvessel price (\$1.58/lb).

2. *Species or Species Group Designations.* Standard exvessel prices are given for species or species groups in the Research Plan fisheries. Several of these designations have been revised to reflect the species or species group designations in the proposed 1995 annual BSAI and GOA groundfish specifications or to provide clarification. "Flatfish" and "other red rockfish" have been removed; "other species", "rex sole", "sharpchin rockfish", and "northern rockfish" have been added. *Chionocetes angulatus*, *C. tanneri*, and *Lithodes cousei* have been added to the

crab species, because they inadvertently were not included in the proposed rule.

1995 Final Research Plan Specifications

Section 677.11(b) of the Research Plan regulations requires NMFS to consider comments received on the proposed specifications and, following consultation with the Council, and with the State of Alaska in the case of observer coverage levels in the crab fisheries, to publish final specifications for the upcoming calendar year in the **Federal Register**. These specifications include standard exvessel prices, total exvessel value, fee percentage, levels of observer coverage for Research Plan fisheries, and embarkment/disembarkment ports for observers.

After considering comments received on the proposed specifications and, following consultation with the Council, NMFS established the 1995 annual Research Plan specifications. The final report, "Establishing the Fee Percentage and Standard Exvessel Prices for 1995" contains details of the derivation of these final specifications, including sources of information and assumptions that are not repeated here. Copies of the revised report are available from NMFS (see ADDRESSES).

Final specifications for calendar year 1995 are as follows:

1. *Standard exvessel prices.* Standard exvessel prices are used to determine the annual fee percentage for the

calendar year and are the basis for calculating bimonthly fee assessments. Standard exvessel prices for species harvested in Research Plan fisheries are based on:

a. Exvessel price information by applicable season, area, gear, and processing sector for the most recent 12-month period for which data are available;

b. Factors that are expected to change exvessel prices in the upcoming calendar year; and

c. Any other relevant information that may affect expected exvessel prices during the calendar year.

For 1995, the standard exvessel prices of species from Research Plan fisheries, based on best available information, are as follows:

Species	Price per pound, round weight (\$/lb)
Halibut	1.58
<i>Tanner crab:</i>	
<i>C. bairdi</i>	3.00
<i>C. opilio</i>	2.00
<i>C. angulatus</i>	1.40
<i>C. tanneri</i>	1.40
<i>King crab:</i>	
Bristol Bay red	5.00
Adak red	5.00
Pribilof red	6.80
Norton Sound red	2.20
St. Matthew blue	4.30
Dutch Harbor brown	3.00
Adak brown	3.00
<i>Lithodes cousei</i>	2.00

GROUND FISH, BY AREA AND GEAR

Season ¹	Species	Bering Sea/Aleutians		Gulf of Alaska Regulatory Areas			
		Other gear	Trawl gear	Western/Central		Eastern	
				Other gear	Trawl gear	Other gear	Trawl gear
1	Arrowtooth flounder	0.020	0.020	0.020	0.020	0.020	0.020
1	Atka mackerel	0.090	0.090	0.090	0.090	.....	.....
1	Deep-water flatfish ² .....	.....	.....	0.136	0.136	0.154	0.154
1	Demersal shelf rockfish ³ .....	.....	.....	0.306	0.151	0.489	0.151
1	Flathead sole	0.122	0.122	0.122	0.122	0.122	0.122
1	Greenland turbot	0.210	0.210	.....	.....	.....	.....
1	Other flatfish ⁴	0.060	0.060	.....	.....	.....	.....
1	Other species ⁵	0.188	0.020	0.188	0.020	0.188	0.020
1	Other rockfish ⁶	0.484	0.120	.....	.....	.....	.....
1	Pacific ocean perch	0.249	0.120	0.249	0.120	0.249	0.120
1	Pacific cod	0.180	0.128	0.188	0.142	0.279	0.153
1	Pelagic shelf rockfish ⁷ .....	.....	.....	0.395	0.130	0.282	0.130
1	Pollock	0.072	0.085	0.078	0.080	0.058	0.085
2	Pollock	0.072	0.077	0.078	0.071	0.058	0.080
1	Rex sole .....	.....	.....	0.196	0.196	0.217	0.217
1	Rock sole	0.300	0.300	.....	.....	.....	.....
2	Rock sole	0.060	0.060	.....	.....	.....	.....
1	Sablefish	1.128	0.761	1.199	0.925	1.245	1.039
1	Shallow-water flatfish ⁸ .....	.....	.....	0.143	0.143	0.352	0.172
1	Sharpchin rockfish	0.104	0.104	.....	.....	.....	.....
1	Northern rockfish	0.104	0.104	0.104	0.104	0.104	0.104
1	Shortraker/rougeye rockfish ⁹	0.200	0.200	0.200	0.200	0.200	0.200
1	Slope rockfish ¹⁰ .....	.....	.....	0.350	0.104	0.252	0.104
1	Thornyhead rockfish .....	.....	.....	0.482	0.258	0.531	0.258

GROUND FISH, BY AREA AND GEAR—Continued

Season ¹	Species	Bering Sea/Aleutians		Gulf of Alaska Regulatory Areas			
		Other gear	Trawl gear	Western/Central		Eastern	
				Other gear	Trawl gear	Other gear	Trawl gear
1	Yellowfin sole	0.060	0.060	.....	.....	.....	.....

¹ For both pollock and rock sole, season 1 is January–March and season 2 is the rest of the year. For all remaining species, season 1 is the entire year.

² Deep-water flatfish in the GOA means Dover sole and Greenland turbot.

³ Demersal shelf rockfish in the GOA means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quiltback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

⁴ Other flatfish in the BSAI means flatfish not including Pacific halibut, flathead sole, Greenland turbot, rock sole, and yellowfin sole.

⁵ Other species in the BSAI and the GOA means sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus.

⁶ Other rockfish in the BSAI means all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin rockfish, northern rockfish, shortraker rockfish, and rougheye rockfish.

⁷ Pelagic shelf rockfish in the GOA means *Sebastes melanaps* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

⁸ Shallow-water flatfish in the GOA means flatfish not including deep-water flatfish, flathead sole, rex sole, or arrowtooth flounder.

⁹ Shortraker/rougheye rockfish means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

¹⁰ Slope rockfish in the GOA means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodii* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. babcocki* (redbanded), and *S. reedi* (yellowmouth).

Note: "—" for price indicates that for that area, that particular species or species group designation is not applicable.

2. Total exvessel value. The total exvessel value of Research Plan fisheries is calculated as the sum of the product of the standard exvessel prices established for the calendar year and projected retained catches, by species.

For 1995, the estimate of the exvessel value of groundfish excludes one half of the value of retained catch delivered by catcher vessels ≥60 ft (18.3 m) length overall (\$160.6 million/2 = \$80.3 million) because this retained catch is

only subject to the processors' portion of the fee percentage.

For 1995, projected total exvessel values of species from Research Plan fisheries, based on best available information, are as follows:

PROJECTED 1995 RETAINED CATCH (ROUND WEIGHT), PRICE, AND EXVESSEL VALUE BY SPECIES

Species	Retained catch ¹ (x1,000 lbs)	Price ² (\$/lb)	Exvessel value ³ (x\$1,000)
Halibut	58,667	1.58	92,400
Tanner crab:			
<i>C. bairdi</i>	7,500	3.00	22,500
<i>C. opilio</i>	55,700	2.00	111,400
King crab:			
Bristol Bay red	0	5.00	0
Adak red	1,000	5.00	5,000
Pribilof red	2,000	6.80	13,600
Norton Sound red	300	2.20	660
St. Matthew blue	3,000	4.30	12,900
Adak brown	1,200	3.00	3,600
Total crab	4,100	3.00	12,300
Groundfish:	74,800		³ 181,960
Arrowtooth flounder	3,475	0.02	70
Atka mackerel	120,226	0.09	10,820
Deep-water flatfish	3,210	0.14	437
Demersal shelf rockfish	1,620	0.40	645
Flathead sole	14,468	0.12	1,765
Greenland turbot	13,691	0.21	2,875
Other flatfish	7,930	0.06	476
Other species	3,386	0.15	491
Other rockfish	962	0.41	399
Pacific ocean perch	32,852	0.12	3,946
Pacific cod	355,754	0.16	55,165
Pelagic shelf rockfish	5,877	0.15	860
Pollock	2,744,282	0.08	218,471
Rex sole	9,414	0.20	1,845
Rock sole	44,712	0.21	9,392
Sablefish	52,226	1.19	62,054
Shallow-water flatfish	13,685	0.14	1,958
Sharpchin/northern	1,989	0.10	207
Shortraker/rougheye	4,677	0.20	935
Slope rockfish	12,917	0.11	1,358

PROJECTED 1995 RETAINED CATCH (ROUND WEIGHT), PRICE, AND EXVESSEL VALUE BY SPECIES—Continued

Species	Retained catch ¹ (x1,000 lbs)	Price ² (\$/lb)	Exvessel value ³ (x\$1,000)
Thornyhead rockfish	1,803	0.36	645
Yellowfin sole	146,685	0.06	8,801
Total ⁴ groundfish	3,595,840		³ 383,616
Research plan fisheries total ⁴			⁵ \$658,000,000

¹ Retained catch for groundfish and crab species excludes catch from State waters.
² Exvessel prices for groundfish are weighted average prices across area, gear and season.
³ The product of retained catch and price does not necessarily equal the exvessel value due to rounding of retained catch and price.
⁴ Totals do not necessarily equal sums of all species due to rounding of retained catch and price.
⁵ In millions.

3. *Research Plan fee percentage.* The Research Plan fee percentage for a calendar year must equal the lesser of 2 percent of the exvessel value of retained catch in the Research Plan fisheries or the fee percentage calculated using the following equation:

Fee percentage = $[100 \times (RRPC - FB - OF) / V] / (1 - NPR)$,
 where:
 RRPC is the projection of recoverable Research Plan costs for the coming year;
 FB is the projected end of the year balance of funds collected under the Research Plan;
 OF is the projection of other funding for the coming year;
 V is the projected exvessel value of retained catch in the Research Plan fisheries for the coming year; and
 NPR is the percent (expressed as a decimal) of fee assessments that are expected to result in nonpayment.
 For 1995, the best estimate of RRPC is \$13.8 million. FB will be \$0 for 1995, because no balance of funds exist at the end of 1994 to apply against program costs in 1995. OF for 1995 is projected

to be \$2.6 million, consisting of \$2.1 million from NMFS and \$0.5 million from the Alaska Department of Fish and Game. V for 1995 is estimated to be \$577.7 million, as described under item 2 above. NPR is estimated at 3 percent. Therefore, applying the formula above, the calculated fee percentage would be:

$$[100 \times (\$13.8 \text{ million} - \$0 - \$2.6 \text{ million}) / \$577.7 \text{ million}] / (1 - .03) = 2.0 \text{ percent.}$$

Because the calculated fee is equal to the maximum assessable fee, the fee percentage for 1995 is 2.0 percent.

4. *Observer coverage.* For 1995, observer coverage levels in Research Plan fisheries are unchanged from 1994 and are set out at § 677.10(a).

5. *Embarkment/disembarkment ports.* For 1995, observer contractors and operators of vessels required to have observer coverage arrange for observer embarkment and disembarkment. NMFS is not involved in this arrangement. Therefore, specification of embarkment/disembarkment ports for 1995 is not necessary.

During November 1994, NMFS distributed standard exvessel prices to participants in the Research Plan fisheries, as well as other information on the 1995 fee collection program, to facilitate industry planning for the 1995 implementation of the Research Plan. Except for halibut, the final standard exvessel prices specified in this action are unchanged from those distributed to Research Plan fishery participants. The halibut price has been revised to reflect a round-weight price as described above.

Classification

This action is taken under the authority of 50 CFR 677.11, as published at 59 FR 46126, September 6, 1994, and is exempt from review under E.O. 12866.

Dated: November 28, 1994.

Gary Matlock,
 Program Management Officer, National Marine Fisheries Service.
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