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**Dated:** December 7, 1999.

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National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 991207321-9321-01; I.D. 111899A]

#### Groundfish Fishery of the Gulf of Alaska; Fisheries of the Exclusive Economic Zone; Gulf of Alaska; Proposed 2000 Harvest Specifications for Groundfish

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

**ACTION:** Proposed 2000 specifications for groundfish and associated management measures; request for comments.

**SUMMARY:** NMFS proposes 2000 harvest specifications, reserves, and apportionments for groundfish; Pacific halibut prohibited species catch (PSC) limits; and assumed mortality rates for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest specifications for GOA groundfish for the 2000 fishing year. The intended effect of this action is to conserve and manage the groundfish resources of the GOA and to provide an opportunity for public participation in the annual groundfish specification process.

**DATES:** Comments must be received by January 12, 2000.

**ADDRESSES:** Comments may be sent to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel. Comments also may be sent via facsimile (fax) to 907-586-7465. Comments will not be accepted if submitted via e-mail or Internet. Courier or hand delivery of comments may be made to NMFS in the Federal Building, Room 453, 709 West 9th Street, Juneau, AK 99801.

Copies of the Draft Environmental Assessment/Initial Regulatory Flexibility Analysis (EA/IRFA) prepared for this action and the Preliminary 2000 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1999, are 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, 907-481-1780, fax 907-481-1781, or tom.pearson@noaa.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background for the 2000 Proposed Specifications

Federal regulations at 50 CFR part 679 implement the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) and govern the groundfish fisheries in the GOA. The North Pacific Fishery Management Council (Council) prepared the FMP, and NMFS approved it under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 600.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and for the "other species" category, the sum of which must be within the optimum yield range of 116,000 to 800,000 metric tons (mt) (§ 679.20 (a)(1)(ii)). Regulations under § 679.20(c)(1) further require NMFS to publish annually, and solicit public comment on, proposed annual TACs, halibut PSC amounts, seasonal allowances of pollock, and inshore/offshore Pacific cod. The proposed specifications set forth in tables 1 to 6 of this document satisfy these requirements. For 2000, the sum of the proposed TAC amounts is 306,535 mt. Under 679.20(c)(3), NMFS will publish the final specifications for 2000 after: (1) considering comments received within the comment period (see **DATES**); and (2) consulting with the Council.

Regulations at § 679.20(c)(2)(i) provide that interim specifications become effective 0001 hours, Alaska local time (A.l.t.) January 1 and remain in effect until superseded by the final harvest specifications. The regulations provide that the interim specifications will be established as one-fourth of each proposed TAC and apportionment thereof (not including the reserves and the first seasonal allowance of pollock), one-fourth of the proposed halibut PSC amounts, and the proposed first seasonal allowance of pollock. NMFS will publish interim specifications for the 2000 fishing year in a separate **Federal Register** document. No fishing is authorized before NMFS files interim

specifications with the Office of the Federal Register.

##### 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, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. This information was compiled by the Council's GOA Plan Team and is presented in the preliminary 2000 SAFE report for the GOA groundfish fisheries, dated September 1999. 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 GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species category.

The GOA Plan Team acknowledged that for purposes of the proposed 2000 overfishing levels and ABC amounts, the best information currently available is set forth in the final SAFE report for the 1999 GOA groundfish fisheries dated November 1998. The Plan Team further acknowledged that information on the status of stocks will be updated with the 1999 survey results and reconsidered by the Plan Team at its November 1999 meeting and will be included in the final 2000 SAFE report.

In October 1999, the Scientific and Statistical Committee (SSC), Advisory Panel (AP), and Council reviewed the Plan Team's preliminary recommendations to roll over 1999 ABC, overfishing, and TAC amounts, and to reconsider these amounts at the December 1999 Council meeting after new status of stocks information has been incorporated by the Plan Team into a final SAFE report. The SSC, AP, and Council concurred with the Plan Team's recommendations. However, the Plan Team's recommendation to roll over the 1999 groundfish harvest specifications for this action did not take into account the overfishing definitions approved in the Bering Sea and Aleutian Islands FMP and GOA FMP Amendments 56/56. Those overfishing definitions were used in August 1999 to reanalyze the status of the groundfish stocks in the BSAI and GOA. That analysis is presented in the draft EA prepared for this action. The

overfishing levels in these proposed specifications reflect that analysis. None of the Council's proposed TACs for 1999 exceed the proposed ABC for any species category (Table 1). Therefore, NMFS finds that the proposed TACs are consistent with the best available information on the biological condition of the groundfish stocks.

**Specification and Apportionment of TAC Amounts and Reserves**

The proposed 2000 TAC amounts equal the 1999 TAC amounts for each species. 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 116,000 to 800,000 mt.

The reserves for the GOA (under § 679.20(b)(2)) are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish target species categories, and "other species." The GOA groundfish TAC amounts have been fully utilized by the respective domestic target species categories since 1987, and NMFS expects the same to occur in 2000. NMFS proposes apportionment of all the reserves to the respective target species categories except Pacific cod. The Pacific cod fishery in the GOA has become increasingly difficult to manage. The increased number of participants, unexpected increases in harvest rates, and unexpected shifts to other management areas and target species in

the GOA have resulted in overharvests of Pacific cod in some areas. Therefore, NMFS proposes initially to reserve 20 percent of the Pacific cod TACs in the GOA as a management buffer to prevent exceeding the Pacific cod TAC.

Table 1 lists the proposed 2000 ABC, TAC, and initial TAC amounts (for Pacific cod only), overfishing levels, and initial apportionments of groundfish in the GOA. The apportionment of TAC amounts among fisheries is set forth in the following tables. These proposed specifications are subject to change as a result of public comment, analysis of the current biological condition of the groundfish stocks, new information regarding the fishery, and consultation with the Council at its December 1999 meeting.

TABLE 1.—PROPOSED 2000 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND FISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA.

[Values are in metric tons.]

Species	Area <sup>1</sup>	ABC	TAC	Initial TAC	Overfishing	
Pollock <sup>2</sup>	Subtotal	92,480	92,480		157,000	
	WYK	(640)	2,110			
	SEO	(650)	6,330			
	Subtotal	E	8,440	8,440		14,400
	Total		100,920	100,920		171,400
Pacific cod <sup>3</sup>	W	29,540	23,630	18,904		
	C	53,170	42,935	34,348		
	E	1,690	1,270	1,016		
	Total		84,400	67,835	54,268	113,000
Flatfish <sup>4</sup> (deep-water)	W	240	240			
	C	2,740	2,740			
	WYK	1,720	1,720			
	SEO	1,350	1,350			
	Total		6,050	6,050		8,070
Rex sole	W	1,190	1,190			
	C	5,490	5,490			
	WYK	850	850			
	SEO	1,620	1,620			
	Total		9,150	9,150		11,920
Flathead sole	W	8,440	2,000			
	C	15,630	5,000			
	WYK	1,270	1,270			
	SEO	770	770			
	Total		26,110	9,040		34,010
Flatfish <sup>5</sup> (shallow-water)	W	22,570	4,500			
	C	19,260	12,950			
	WYK	250	250			

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[Values are in metric tons.]

Species	Area <sup>1</sup>	ABC	TAC	Initial TAC	Overfishing
Total	SEO	1,070	1,070		
		43,150	18,770		53,400
Arrowtooth flounder	W	34,400	5,000		
	C	155,930	25,000		
	WYK	13,260	2,500		
	SEO	13,520	2,500		
	Total		217,110	35,000	
Sablefish <sup>6</sup>	W	1,820	1,820		
	C	5,590	5,590		
	WYK		2,090		
	SEO		3,200		
	E	5,290	5,290		
Subtotal					
Total		12,700	12,700		15,000
Pacific <sup>7</sup> ocean perch	W	1,850	1,850		2,140
	C	6,760	6,760		7,830
	WYK	820	820		5,230
	SEO	3,690	3,160		
	E				5,230
Subtotal					
Total		13,120	12,590		15,200
Short raker/rougheye <sup>8</sup>	W	160	160		
	C	970	970		
	E	460	460		
	Total		1,590	1,590	
Other rockfish <sup>9,10,11</sup>	W	20	20		
	C	650	650		
	WYK	470	470		
	SEO	4,130	4,130		
	Total		5,270	5,270	
Northern Rockfish <sup>10,12</sup>	W	840	840		
	C	4,150	4,150		
	E	N/A <sup>15</sup>	N/A		
	Total		4,990	4,990	
Pelagic shelf rockfish <sup>13</sup>	W	530	530		
	C	3,370	3,370		
	WYK	740	740		
	SEO	240	240		
	Total		4,880	4,880	
Thornyhead rockfish	W	260	260		
	C	700	700		
	E	1,030	1,030		
	Total		1,990	1,990	
Demersal shelf rockfish <sup>11</sup>	SEO	560	560		698

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[Values are in metric tons.]

Species	Area <sup>1</sup>	ABC	TAC	Initial TAC	Overfishing
Atka mackerel .....	GW .....	600	600	.....	6,200
Other <sup>14</sup> species .....	GW .....	N/A <sup>15</sup>	14,600	.....	.....
TOTAL <sup>16</sup> .....	.....	532,590	306,535	.....	712,578

<sup>1</sup> Regulatory areas and districts are defined at § 679.2.

<sup>2</sup> NMFS is not apportioning pollock among the Central and Western Regulatory Areas until permanent reasonable and prudent alternatives can be implemented that would avoid the likelihood that the pollock fisheries off Alaska will jeopardize the continued existence of the western population of Steller sea lions or adversely modify its critical habitat. In the Eastern Regulatory Area, pollock is not divided by seasonal allowances.

<sup>3</sup> Pacific cod is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Component allocations are shown in Table 4.

<sup>4</sup> "Deep water flatfish" means Dover sole, Greenland turbot, and deepsea sole.

<sup>5</sup> "Shallow water flatfish" means flatfish not including "deep water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup> Sablefish is allocated to trawl and hook-and-line gears (Table 2).

<sup>7</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup> "Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

<sup>9</sup> "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District means Slope rockfish.

<sup>10</sup> "Slope rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), and *S. reedi* (yellowmouth). In the Eastern GOA only, "slope rockfish" also includes northern rockfish, *S. polyspinous*.

<sup>11</sup> "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>12</sup> "Northern rockfish" means *Sebastes polyspinis*.

<sup>13</sup> "Pelagic shelf rockfish" means *Sebastes ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

<sup>14</sup> "Other species" means sculpins, sharks, skates, squid, and octopus. The TAC for "other species" equals 5 percent of the TACs of target species.

<sup>15</sup> N/A means not applicable.

<sup>16</sup> The total ABC is the sum of the ABCs for target species.

**Proposed Apportionment of the Sablefish TAC Amounts to Users of Hook-and-Line and Trawl Gear**

Under § 679.20(a)(4)(i) and (ii), sablefish TAC amounts for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Central and Western Regulatory Areas, 80 percent of the TAC amounts is allocated to vessels using hook-and-line gear and 20 percent is allocated to vessels using trawl gear. In

the Eastern Regulatory Area, 95 percent of the TAC is assigned to vessels using hook-and-line gear and 5 percent is assigned to vessels using trawl gear. Additionally the Eastern Regulatory Area hook-and-line allocation of sablefish is apportioned between the West Yakutat and Southeast Outside Districts based on biomass distribution. In the Eastern Regulatory Area, the trawl allocation is not apportioned by district although regulations at § 679.7(b) prohibit the use of trawl gear east of

140° W. long. The trawl gear allocation in the Eastern Regulatory Area may only be used for bycatch to support directed fisheries for other trawl target species west of 140° W. long. Sablefish caught in the GOA with gear other than hook-and-line or trawl must be treated as prohibited species and may not be retained. Table 2 shows the assignments of the proposed 2000 sablefish TAC amounts between vessels using hook-and-line and trawl gears.

TABLE 2. PROPOSED 2000 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ALLOCATIONS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR.

[Values are in metric tons.]

Area/District	TAC	Hook-and-line apportionment	Trawl apportionment
Western .....	1,820	1,456	364
Central .....	5,590	4,472	1,118
West Yakutat .....	2,090	1,825	265
Southeast Outside .....	3,200	3,200	0
Total .....	12,700	10,953	1,747

### Proposed Apportionments of Pollock TAC Among Regulatory Areas and Seasons, and Allocations for Processing by Inshore and Offshore Components

NMFS is not establishing seasons or apportioning pollock TAC among the regulatory areas in the Central and Western GOA Regulatory Areas at this time. NMFS is preparing a proposed rule that would permanently implement reasonable and prudent alternatives (RPA's) to avoid the likelihood that the pollock fisheries off Alaska will jeopardize the continued existence of the western population of Steller sea lions or adversely modify its critical habitat. Three types of management measures would be implemented for the pollock fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) and GOA: (1) Measures to temporally disperse fishing effort, (2) measures to spatially disperse fishing effort, and (3) measures to provide full protection from pollock fisheries that

compete with Steller sea lions for prey in waters immediately adjacent to rookeries and important haulouts. Final measures must be effective prior to the start of the BSAI and GOA pollock fisheries on January 20, 2000, or NMFS will be obligated under the Endangered Species Act to close all fishing for pollock until such measures can be implemented.

In the Eastern Regulatory Area pollock would be apportioned between the West Yakutat and Southeast Outside Districts on an annual basis. The pollock TAC in all regulatory areas would be allocated 100 percent to vessels catching pollock for processing by the inshore component after subtraction of amounts that the Regional Administrator, NMFS, determines to be necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species (§ 679.20(a)(6)(ii)). At this time, these bycatch amounts are unknown. They

would be determined during the fishing year.

### Proposed Apportionments of Pacific Cod TAC Amounts

The apportionment of Pacific cod in all GOA regulatory areas would be allocated at 90 percent of the Pacific cod TAC to vessels catching Pacific cod for processing by the inshore component and 10 percent of the Pacific cod TAC to vessels catching Pacific cod for processing by the offshore component (§ 679.20(a)(6)(iii)). Inshore and offshore component allocations of the proposed 54,268 mt initial TAC for Pacific cod for each regulatory area are shown in Table 3.

Beginning in 1997, the Council recommended a GOA Pacific cod TAC lower than the ABC to account for removals from the developing state waters Pacific cod fishery. The Pacific cod TAC could be further reduced for 2000 pending State action to increase the state waters harvest of Pacific cod.

TABLE 3.—PROPOSED 2000 ALLOCATION (METRIC TONS) OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS

Regulatory area	Initial TAC	Component Allocation	
		Inshore (90%)	Offshore (10%)
Western .....	18,904	17,014	1,890
Central .....	34,348	30,913	3,435
Eastern .....	1,016	914	102
Total .....	54,268	48,841	5,427

### “Other Species” TAC

The FMP specifies that amounts for the “other species” category are calculated as 5 percent of the combined TAC amounts for target species. The GOA-wide “other species” TAC is calculated as 14,600 mt, which is 5 percent of the sum of combined TAC amounts for the target species.

### Proposed Halibut PSC Limits

Under § 679.21(d), annual Pacific halibut PSC limits are established for trawl and hook-and-line gear and may be established for pot gear. In October 1999, the Council recommended that NMFS re-establish the 1999 halibut PSC limits of 2,000 mt for the trawl fisheries and 300 mt for the hook-and-line fisheries, with 10 mt of the hook-and-line limit allocated to the demersal shelf

rockfish (DSR) fishery in the Southeast Outside District and the remainder to the remaining hook-and-line fisheries.

Regulations at § 679.21(d)(4) authorize exemption of specified nontrawl fisheries from the halibut PSC limit. The Council proposes to exempt pot gear, jig gear, and the hook-and-line sablefish fishery from the nontrawl halibut limit for 2000. The Council proposed these exemptions because the halibut bycatch mortality experienced in the pot gear

fisheries is relatively low (17 mt in 1996, 13 mt in 1997, 13 mt in 1998, and 44 mt in 1999) and because the halibut and sablefish Individual Fishing Quota (IFQ) program, implemented in 1995, allows retention of legal-sized halibut in the sablefish fishery by persons holding IFQ permits for halibut.

Under § 679.21(d)(5), NMFS seasonally apportions the halibut PSC limits based on recommendations from the Council. The FMP requires that the following information be considered by the Council in recommending seasonal apportionments of halibut PSC limits: (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 bycatch rates on a seasonal basis, (5) expected changes in directed groundfish fishing seasons, (6) expected actual start of fishing effort, and (7) economic effects of establishing of the target groundfish industry.

The final rule establishing the final 1999 groundfish and PSC specifications (64 FR 12094, March 11, 1999)

summarizes Council findings with respect to each of the FMP considerations set forth here. At this time, the Council's findings are unchanged from those set forth in 1999. Pacific halibut PSC limits, and apportionments thereof, are presented in Table 4. Regulations at § 679.21(d)(5)(iii) specify that any overages or shortfalls in a seasonal apportionment of a PSC limit will be deducted from or added to the next respective seasonal apportionment within the 2000 season.

TABLE 4.—PROPOSED 2000 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS.

[The Pacific halibut PSC limit for hook-and-line gear would be allocated to the demersal shelf rockfish (DSR) fishery in the SE Outside District and other fisheries. The hook-and-line sablefish fishery is exempt from halibut PSC limits. Values are in mt]

Trawl gear		Hook-and-line gear			
Dates	Amount	Other than DSR		DSR	
		Dates	Amount	Dates	Amount
Jan 1–Mar 31 .....	600 (30%)	Jan 1-May 17 .....	250 (86%)	Jan 1-Dec 31 .....	10 (100%)
Apr 1-Jul 3 .....	400 (20%)	May 18-Aug 31 .....	15 (5%)	.....	.....
Jul 4-Sep 30 .....	600 (30%)	Sep 1-Dec 31 .....	25 (9%)	.....	.....
Oct 1-Dec 31 .....	400 (20%)	.....	.....	.....	.....
Total .....	2,000 (100%)	.....	290 (100%)	.....	10 (100%)

Regulations at § 679.21(d)(3)(iii) authorize the apportionment of the trawl halibut PSC limit to a deep-water species fishery (comprising sablefish,

rockfish, deep-water flatfish, rex sole, and arrowtooth flounder) and a shallow-water species fishery (comprising pollock, Pacific cod, shallow-water

flatfish, flathead sole, Atka mackerel, and "other species"). The proposed apportionment for these two fishery complexes is presented in Table 5.

TABLE 5. PROPOSED 2000 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX.

[Values are in metric tons.]

Season	Shallow water	Deep water	Total
January 20–March 31 .....	500	100	600
April 1–July 3 .....	100	300	400
July 4–September 30 .....	200	400	600
Subtotal.			
January 20–September 30 .....	800	800	1,600
October 1–December 31 .....	.....	.....	400
Total .....	.....	.....	2,000

NOTE: Pacific halibut PSC is not apportioned between shallow-water and deep-water categories from October 1 through December 31.

The Council may recommend, or NMFS may make, some changes in the seasonal, gear type, and fishing-complex apportionments of halibut PSC limits for the final 2000 harvest specifications. NMFS considers the following types of information in setting halibut PSC limits as presented by, and summarized from, the preliminary 2000 SAFE Report, or from public comment and testimony.

1. Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is available from data collected by observers during 1999. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through October 16, 1999, is 2,115 mt, 343 mt, and 44 mt, respectively, for a total halibut mortality of 2,502 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries during all quarters of the 1999 fishing year. Trawling for the deep-water fishery complex was closed for the first quarter on March 24 (64 FR 14840, March 29, 1999), for the second quarter on April 25 (64 FR 22815, April 28, 1999), for the third quarter on July 21 (64 FR 40293, July 26, 1999), and for the fourth quarter on October 16, 1999 (64 FR 56473, October 20, 1999). The

shallow-water fishery complex was closed for the first quarter on March 20 (64 FR 14155, March 24, 1999), for the second quarter on April 1 (64 FR 16654, April 6, 1999), for the third quarter on July 4 (64 FR 35080, June 30, 1999), and for the fourth quarter on October 16, 1999 (64 FR 56473, October 20, 1999). The use of hook-and-line gear targeting groundfish other than sablefish and DSR was closed for the first trimester on April 24 (64 FR 22814, April 28, 1999), for the second trimester on May 18 (64 FR 27476, May 20, 1999), and for the third trimester on September 1 (64 FR 46317, August 25, 1999). The amount of groundfish that might have been harvested if halibut had not been seasonally limiting in 1999 is unknown. However, lacking market incentives, some amounts of groundfish will not be harvested, regardless of halibut PSC bycatch availability.

**2. Expected Changes in Groundfish Stocks**

The proposed 2000 ABC amounts for the species or species groups are unchanged from 1999 amounts.

**3. Expected Changes in Groundfish Catch**

The total of the proposed 2000 TAC amounts for the GOA is 306,535 mt, which represents 100 percent of the sum of TAC amounts for 1999 (306,535 mt).

**4. Current Estimates of Halibut Biomass and Stock Condition**

The most recent information on halibut biomass and stock condition may be found in the final SAFE report for 1999, dated November 1998. New information will be incorporated in the final SAFE report for 2000.

The International Pacific Halibut Commission (IPHC) has added the following information to the preliminary SAFE report for 2000, dated September 1999: (1) Halibut viability information collected by observers in 1998, (2) discard mortality rates (DMRs) have been estimated for the 1998 groundfish fisheries, and (3) DMR recommendations for year 2000 halibut bycatch monitoring.

**5. Potential Impacts of Expected Fishing for Groundfish on Halibut Stocks and U.S. Halibut Fisheries**

The allowable commercial catch of halibut will be adjusted to account for the overall halibut PSC mortality limit established for groundfish fisheries. The 2000 groundfish fisheries are expected to use the entire proposed halibut PSC limit of 2,300 mt. The allowable directed commercial catch is determined by accounting for the

recreational catch, waste, and bycatch mortality and then providing the remainder to the directed fishery. Groundfish fishing is not expected to adversely affect the halibut stocks.

**6. Methods Available for, and Costs of, Reducing Halibut Bycatch in Groundfish Fisheries**

Methods available for reducing halibut bycatch include: (1) Reducing halibut bycatch rates through the Vessel Incentive Program; (2) modifications to gear; (3) changes in groundfish fishing seasons; (4) individual transferable quota programs; and (5) time/area closures.

Reductions in groundfish TAC amounts provide no incentive for fishermen to reduce bycatch rates. Costs that would be imposed on fishermen as a result of reducing TAC amounts depend on the species and amounts of groundfish foregone.

Trawl vessels carrying observers for purposes of complying with observer coverage requirements (50 CFR 679.50) are subject to the Vessel Incentive Program. This program encourages trawl fishermen to avoid high halibut bycatch rates while conducting groundfish fisheries by specifying bycatch rate standards for various target fisheries.

Current regulations (§ 679.24(b)(1)(ii)) specify requirements for tunnel openings for groundfish pots to reduce halibut bycatch. As a result, low bycatch and mortality rates of halibut in pot fisheries have justified exempting pot gear from PSC limits.

The regulations also define pelagic trawl gear in a manner intended to reduce bycatch of halibut by displacing fishing effort off the bottom of the sea floor when certain halibut bycatch levels are reached during the fishing year. The definition provides standards for physical conformation (§ 679.2, see authorized fishing gear) and performance of the trawl gear in terms of crab bycatch (§ 679.7(a)(14)).

Furthermore, all hook-and-line vessel operators are required to employ careful release measures when handling halibut bycatch (§ 679.7(a)(13)). These measures are intended to reduce handling mortality, to increase the amount of groundfish harvested under the available halibut mortality bycatch limits, and to possibly lower overall halibut bycatch mortality in groundfish fisheries.

The sablefish/halibut IFQ program (implemented in 1995) was intended, in part, to reduce the halibut discard mortality in the sablefish fishery.

NMFS and the Council will review the methods available for reducing halibut bycatch listed here to determine

their effectiveness, and will initiate changes, as necessary, in response to this review or to public testimony and comment.

Consistent with the goals and objectives of the FMP to reduce halibut bycatch while providing an opportunity to harvest the groundfish OY, NMFS proposes the assignments of 2,000 mt and 300 mt of halibut PSC limits to trawl and hook-and-line gear, respectively. While these limits would reduce the harvest quota for commercial halibut fishermen, NMFS has determined that they would not result in unfair allocation to any particular user group. NMFS recognizes that some halibut bycatch will occur in the groundfish fishery, but the Vessel Incentive Program, required modifications to gear, and implementation of the halibut/sablefish IFQ program are intended to reduce adverse impacts on halibut fishermen while promoting the opportunity to achieve the OY from the groundfish fishery.

**Halibut Discard Mortality Rates**

The Council recommended that the assumed recommended halibut mortality rates developed by staff of the IPHC for the 1999 GOA groundfish fisheries be adopted for purposes of monitoring halibut bycatch allowances established for the 2000 GOA groundfish fisheries. The justification for these mortality rates is discussed in the final SAFE report dated November 1998. Most of the IPHC's assumed mortality rates were based on an average of discard mortality rates determined from NMFS-observer data collected during 1997 and 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 are scheduled to present to the Council at its meeting in December 1999.

**TABLE 6.—PROPOSED 2000 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA**

[Listed values are percent of halibut bycatch assumed to be dead.]

Gear and target	Mortality rate
Hook-and-Line:	
Pacific cod .....	16
Rockfish .....	9
Other species .....	16
Trawl:	
Midwater pollock .....	76
Rockfish .....	64
Shallow-water flatfish .....	71

TABLE 6.—PROPOSED 2000 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA—Continued

[Listed values are percent of halibut bycatch assumed to be dead.]

Gear and target	Mortality rate
Pacific cod .....	66
Deep-water flatfish .....	66
Flathead sole:	
Catcher vessels .....	58
Catcher/processing vessels .....	74
Rex sole .....	55
Bottom pollock .....	73
Atka mackerel .....	57
Sablefish .....	71
Other species .....	66
Pot:	
Pacific cod .....	6
Other species .....	6

**Classification**

This action is authorized under 50 CFR 679.20 and is exempt from review under E.O. 12866.

Pursuant to section 7 of the Endangered Species Act, NMFS has completed a consultation on the effects of the 1999 to 2002 pollock and Atka mackerel fisheries on listed species, including the Steller sea lion, and designated critical habitat. The Biological Opinion prepared for this consultation, dated December 3, 1998, concluded that the Atka mackerel fisheries in the BSAI are not likely to jeopardize the continued existence of Steller sea lions or adversely modify their designated critical habitat. However, the Biological Opinion concluded that the pollock fisheries in the BSAI and the GOA would cause jeopardy and adverse modification.

NMFS is developing a proposed rule to permanently implement RPAs to avoid the likelihood that the pollock fisheries off Alaska will jeopardize the continued existence of the western population of Steller sea lions or adversely modify its critical habitat. Final regulations must be effective prior to the start of the BSAI and GOA pollock fisheries on January 20, 2000, or NMFS will be obligated under the Endangered Species Act to close all fishing for pollock until such measures can be implemented.

NMFS must also complete a consultation on the effects of the 2000 BSAI groundfish fisheries on listed species, including the Steller sea lion and salmon, and on designated critical habitat. These consultations will be completed in December 1999 before the start of the 2000 groundfish fishery. These consultations cannot be

completed until new fishery information is available in late November.

NMFS prepared a Draft EA/IRFA that describes the impact these proposed specifications, if adopted, may have on small entities. The preferred alternative would allow the GOA groundfish fisheries to continue under final specifications set at 1999 levels until the TAC is harvested or until the fishery is closed due to attainment of a PSC limit, or for other management reasons. Under the preferred alternative, the 2000 TACs would be based on the most recent scientific information as reviewed by the Plan Team, SSC, AP, and Council and that includes public testimony and comment from the September Plan Team and October Council meetings. The preferred alternative also achieves optimum yield while preventing overfishing. Small entities would receive the maximum benefits under this alternative, in that they would be able to harvest target species and species groups at the highest available level based on stock status and ecosystem concerns. This proposed rule would apply to all vessels harvesting groundfish in the GOA. In 1998, 1,239 vessels caught groundfish in the GOA. NMFS has no information to accurately determine which of these vessels represent “small businesses” for IRFA purposes. No reporting requirements exist with this proposed action. NMFS is not aware of any other Federal rules which duplicate, overlap or conflict with the proposed specifications. The proposed rule would affect these vessels by authorizing fishing and establishing harvest limits. The amounts proposed are the same as last year’s.

The establishment of differing compliance or reporting requirements or timetables, the use of performance rather than design standards, or exempting affected small entities from any part of this action would not be appropriate because of the nature of this action.

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

Dated: December 8, 1999.

**Penelope D. Dalton,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 991207320–9320–01; I.D. 111899B]

**Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Proposed 2000 Harvest Specifications for Groundfish**

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

**ACTION:** Proposed 2000 specifications for groundfish and associated management measures; apportionment of reserves; request for comments.

**SUMMARY:** NMFS proposes 2000 harvest specifications, prohibited species bycatch allowances, and associated management measures for the groundfish fishery of the Bering Sea and Aleutian Islands Area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish during the 2000 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area (FMP). 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, 2000.

**ADDRESSES:** Comments may be sent to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel or delivered to the Federal Building, 709 West 9th Street, Juneau, AK.

Copies of the draft Environmental Assessment/Initial Regulatory Flexibility Analysis (EA/IRFA) prepared for this action and the Preliminary 2000 Stock Assessment and Fishery Evaluation (SAFE) report, dated September 1999, are available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510–2252 (907–271–2809).

**FOR FURTHER INFORMATION CONTACT:** Shane Capron, 907–586–7228 or shane.capron@noaa.gov.

**SUPPLEMENTARY INFORMATION:**