

# Final Rule

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Monday  
February 5, 1996

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## Part II

### Department of Commerce

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National Oceanic and Atmospheric  
Administration

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50 CFR Part 611, et al.  
Groundfish of the Gulf of Alaska;  
Groundfish Fishery of the Bering Sea  
and Aleutian Islands; Final Rules

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Parts 611, 672, and 676**

[Docket No. 960129018-6018-01; I.D. 110295B]

**Groundfish of the Gulf of Alaska; Limited Access; Foreign Fishing; Final 1996 Harvest Specifications**

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

**ACTION:** Final 1996 harvest specifications for groundfish and associated management measures; closures.

**SUMMARY:** NMFS announces final 1996 harvest specifications for Gulf of Alaska (GOA) groundfish and associated management measures. This action is necessary to establish harvest limits and associated management measures for groundfish during the 1996 fishing year. NMFS is also closing fisheries as specified in the final 1996 groundfish specifications. These measures are intended to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

**EFFECTIVE DATES:** The final 1996 harvest specifications are effective at 12 noon Alaska local time (A.l.t.) on January 30, 1996, through 24:00 A.l.t. December 31, 1996, or until changed by subsequent notification in the Federal Register. The closures to directed fishing are effective January 30, 1996, through 24:00 A.l.t., December 31, 1996, or until changed by subsequent notification in the Federal Register.

**ADDRESSES:** Copies of the Environmental Assessment (EA) for 1996 Total Allowable Catch Specifications for the GOA, dated January 1996, may be obtained from Ronald J. Berg, Chief, Fisheries Management Division, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668. The Final Stock Assessment and Fishery Evaluation Report (SAFE report), dated November 1995, is available from the North Pacific Fishery Management Council, 605 W 4th Ave Suite 306, Anchorage, AK 99501-2252, or by calling 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Kaja Brix, 907-586-7228.

**SUPPLEMENTARY INFORMATION:****Background**

NMFS announces for the 1996 fishing year: (1) Total allowable catch (TAC) amounts for each groundfish species category in the GOA and apportionments thereof among domestic annual processing (DAP), joint venture processing (JVP), total allowable level of foreign fishing (TALFF), and reserves; (2) apportionments of reserves to DAP; (3) assignments of the sablefish TAC to authorized fishing gear users; (4) apportionments of pollock TAC among regulatory areas, seasons, and between inshore and offshore components; (5) apportionment of Pacific cod TAC between inshore and offshore components; (6) "other species" TAC; (7) prohibited species catch (PSC) limits relevant to fully utilized groundfish species; (8) closures to directed fishing; (9) Pacific halibut PSC mortality limits; and (10) seasonal apportionments of the halibut PSC limits. A discussion of each of these measures follows.

The process of determining TACs for groundfish species in the GOA is established in regulations implementing the FMP, which was prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act. The FMP is implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fishery at 50 CFR parts 672, 676, and 677. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

Pursuant to § 672.20(a)(2)(ii), the sum of the TACs for all species must fall within the combined optimum yield (OY) range of 116,000-800,000 metric tons (mt) established for these species in § 672.20(a)(1). Under §§ 611.92(c)(1) and 672.20(a)(2)(i), TACs are apportioned initially among DAP, JVP, TALFF, and reserves. The DAP amounts are intended for harvest by U.S. fishermen for delivery and sale to U.S. processors. JVP amounts are intended for joint ventures in which U.S. fishermen typically deliver their catches to foreign processors at sea. TALFF amounts are intended for harvest by foreign fishermen.

Regulations at § 672.20(a)(2)(ii) establish initial reserves equal to 20 percent of the TACs for pollock, Pacific cod, flatfish species categories, and "other species." NMFS has apportioned all of the reserves to DAP in the final harvest specifications. Reserves that are not reapportioned to DAP or JVP may be reapportioned to TALFF according to § 672.20(d)(2).

The Council met from September 27 through October 2, 1995, and developed recommendations for proposed 1996 TAC specifications for each species category of groundfish on the basis of the best available scientific information. The Council also recommended other management measures pertaining to the 1996 fishing year. Under § 672.20(c)(1)(ii), the proposed GOA groundfish specifications and specifications for prohibited species bycatch allowances for the groundfish fishery of the GOA were published in the Federal Register on November 30, 1995 (60 FR 61514). Interim amounts of one-fourth the TAC were published in the Federal Register on November 30, 1995 (60 FR 61492). The final 1996 initial groundfish harvest specifications and prohibited species bycatch allowances implemented under this action supersede the interim 1996 specifications.

The Council met December 6 through 10, 1995, to review the best available scientific information concerning groundfish stocks, and to consider public testimony regarding 1996 groundfish fisheries. Scientific information is contained in the November 1995 SAFE report for the GOA. The SAFE report was prepared and presented by the GOA Plan Team to the Council and the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP) and includes the most recent information concerning the status of groundfish stocks based on the most recent catch data, survey data, and biomass projections using different modeling approaches or assumptions.

For establishment of the acceptable biological catches (ABCs) and TACs, the Council considered information in the SAFE report, recommendations from its SSC and AP, as well as public testimony. The SSC adopted the ABC recommendations from the Plan Team, which were provided in the SAFE report, for all of the groundfish species categories, except Pacific ocean perch (POP) and pelagic shelf rockfish.

The Plan Team separated dusky rockfish from the pelagic shelf rockfish assemblage and recommended an ABC for dusky rockfish of 5,090 mt and an ABC of 340 mt for the remainder of the pelagic shelf rockfish complex. The Plan Team recommended this action because adult dusky rockfish reside in habitats different from other species in the pelagic shelf rockfish assemblage. Adult dusky rockfish are commonly found on deeper offshore banks with smooth bottoms and are susceptible to trawl-gear operations. Conversely, most other rockfish in the assemblage inhabit shallow, rocky, nearshore areas and are

usually taken in jig fisheries. Furthermore, concerns exist about localized over-exploitation of black rockfish and other near-shore species in the Central GOA as a result of the developing rockfish jig fishery in that area.

The SSC did not believe adequate biological information is available to separate dusky rockfish from the pelagic shelf rockfish assemblage. Concern was also expressed that the small ABC for the remaining pelagic shelf complex could cause these species to be placed on a prohibited species status to avoid reaching the overfishing limit and result in closure of other fisheries. For these reasons the SSC did not recommend separating dusky rockfish from the pelagic shelf rockfish complex. The Council accepted the SSC's recommendation.

The SSC also did not accept the Plan Team's ABC (8,060 mt) for POP. As in previous years, the Plan Team adjusted the POP ABC by a ratio of  $F_{35\%}/F_{30\%}$  to provide a buffer between ABC and the overfishing limit. The SSC does not agree with this adjustment and, as it did in 1994 and 1995, recommended that the ABC equal the overfishing limit (10,165 mt). However, the Council adopted the recommendations of the Plan Team and set the ABC at 8,060 mt.

The ABC for demersal shelf rockfish (DSR) increased significantly over the 1995 estimates. This increase is mainly due to improvements in the assessment methodologies involving surveys using research submarines.

The Council adopted the SSC ABC recommendations for each species category, except for POP. The Council's

recommended ABCs, listed in Table 1, reflect harvest amounts that are less than the specified overfishing amounts (Table 1). The sum of 1996 ABCs for all groundfish is 475,170 mt, which is lower than the 1995 ABC total of 492,780 mt.

*1. Specifications of TAC and Apportionments Thereof Among DAP, JVP, TALFF, and Reserves*

The Council recommended TACs equal to ABCs for pollock, Pacific cod, sablefish, shortraker/rougheye rockfish, pelagic shelf rockfish, demersal shelf rockfish, Atka mackerel and northern rockfish. The Council recommended TACs less than the ABC for shallow-water and deep-water flatfish, other slope rockfish, rex sole, flathead sole, arrowtooth flounder, and thornyhead rockfish (Table 1).

The TAC for pollock is continuing to decline, following a downward trend in the ABC for this species. The 1996 sablefish TAC is also lower than the 1995 amount. For 1996 the SSC recommended that the ABC for Atka mackerel be reduced by one-half, from 6,480 mt to 3,240 mt, consistent with last year's recommendation. This conservative approach is recommended because of uncertainty in the abundance of Atka mackerel and because of concerns for marine mammals. Atka mackerel is an important prey species for sea lions and occurs in abundance near sea lion rookeries.

For other slope rockfish the AP recommended increases in all regulatory areas to allow these species, which are primarily taken as bycatch, to be processed and marketed instead of being

discarded. The Council accepted the AP recommendation for the Central Gulf Regulatory Area of 1,170 mt, which should provide enough for bycatch needs. The Council, however, reduced the AP's recommended amounts in the Western and Eastern Regulatory Areas to levels that should also be enough for bycatch needs.

The TAC for thornyhead rockfish was also reduced by the Council from 1,560 mt to 1,248 mt to create a buffer between the TAC and ABC.

The sum of the TACs for all GOA groundfish is 260,207 mt, which is within the OY range specified by the FMP. The sum of the TACs is lower than the 1995 TAC sum of 279,463 mt. The Council, after adopting the TACs, recommended 1996 apportionments of the TACs for each species category among DAP, JVP, TALFF, and reserves. Existing harvesting and processing capacity of the U.S. industry is capable of utilizing the entire 1996 TAC specification for GOA groundfish; therefore, the Council recommended that the DAP allowance equal the TAC for each species category, resulting in no TALFF or JVP apportionments for the 1996 fishing year.

NMFS has reviewed the Council's recommendation for TAC specifications and apportionments and hereby approves these specifications under § 672.20(c)(1)(ii)(B). The TAC for "other species" is calculated as 5 percent of the sum of TACs for the other groundfish species categories, or 12,390 mt.

The 1996 ABCs, TACs, and overfishing levels are shown in Table 1.

TABLE 1

[1996 ABCs, TACs (=DAP), and Overfishing Levels of Groundfish (Metric Tons) for the 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. Amounts Specified as Joint Venture Processing (JVP) and Total Allowable Level of Foreign Fishing (TALFF) are Proposed to be Zero and are not Shown in This Table. Reserves are Apportioned to DAP. Values are in Metric Tons (mt)]

Species	Area <sup>1</sup>	ABC	TAC	Overfishing
Pollock: <sup>2</sup>				
Shumagin .....	(61) .....	25,480	25,480	.....
Chirikof .....	(62) .....	12,840	12,840	82,000
Kodiak .....	(63) .....	13,680	13,680	.....
Subtotal .....	W/C .....	52,000	52,000	.....
	E .....	2,810	2,810	4,400
Total .....	.....	54,810	54,810	86,400
Pacific cod: <sup>3</sup>				
	W .....	18,850	18,850	.....
	C .....	42,900	42,900	.....
	E .....	3,250	3,250	.....
Total .....	.....	65,000	65,000	88,000
Flatfish <sup>4</sup> (deepwater):				
	W .....	670	460	.....
	C .....	8,150	7,500	.....

TABLE 1—Continued

[1996 ABCs, TACs (=DAP), and Overfishing Levels of Groundfish (Metric Tons) for the 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. Amounts Specified as Joint Venture Processing (JVP) and Total Allowable Level of Foreign Fishing (TALFF) are Proposed to be Zero and are not Shown in This Table. Reserves are Apportioned to DAP. Values are in Metric Tons (mt)]

Species	Area <sup>1</sup>	ABC	TAC	Overfishing
Total .....	E .....	5,770	3,120	.....
	.....	14,590	11,080	17,040
Rex sole: <sup>4</sup>				
	W .....	1,350	800	.....
	C .....	7,050	7,050	.....
	E .....	2,810	1,840	.....
Total .....	.....	11,210	9,690	13,091
Flathead sole:				
	W .....	26,280	2,000	.....
	C .....	23,140	5,000	.....
	E .....	2,850	2,740	.....
Total .....	.....	52,270	9,740	31,557
Flatfish <sup>5</sup> (shallow-water):				
	W .....	8,880	4,500	.....
	C .....	17,170	12,950	.....
	E .....	2,740	1,180	.....
Total .....	.....	28,790	18,630	60,262
Arrowtooth flounder:				
	W .....	28,400	5,000	.....
	C .....	141,290	25,000	.....
	E .....	28,440	5,000	.....
Total .....	.....	198,130	35,000	231,416
Sablefish: <sup>6</sup>				
	W .....	2,200	2,200	.....
	C .....	6,900	6,900	.....
	WYK .....	3,040	3,040	.....
	SEO .....	4,940	4,940	.....
Total .....	.....	17,080	17,080	22,800
Pacific ocean perch: <sup>7</sup>				
	W .....	1,460	1,260	1,840
	C .....	3,860	3,333	4,870
	E .....	2,740	2,366	3,455
Total .....	.....	8,060	6,959	10,165
Short raker/rougheye: <sup>8</sup>				
	W .....	170	170	.....
	C .....	1,210	1,210	.....
	E .....	530	530	.....
Total .....	.....	1,910	1,910	2,925
Other rockfish: <sup>9 10 11</sup>				
	W .....	180	100	.....
	C .....	1,170	1,170	.....
	E .....	5,760	750	.....
Total .....	.....	7,110	2,020	8,395
Northern Rockfish: <sup>12</sup>				
	W .....	640	640	.....
	C .....	4,610	4,610	.....
	E .....	20	20	.....
Total .....	.....	5,270	5,270	9,926

TABLE 1—Continued

[1996 ABCs, TACs (=DAP), and Overfishing Levels of Groundfish (Metric Tons) for the 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. Amounts Specified as Joint Venture Processing (JVP) and Total Allowable Level of Foreign Fishing (TALFF) are Proposed to be Zero and are not Shown in This Table. Reserves are Apportioned to DAP. Values are in Metric Tons (mt)]

Species	Area <sup>1</sup>	ABC	TAC	Overfishing
Pelagic shelf rockfish: <sup>13</sup>	W .....	910	910	.....
	C .....	3,200	3,200	.....
	E .....	1,080	1,080	.....
	Total .....	5,190	5,190	8,704
Demersal shelf rockfish: <sup>11</sup>	SEO .....	950	950	1,702
	Thornyhead rockfish:			
Atka mackerel:	GW .....	1,560	1,248	2,200
	.....		2,310	.....
	C .....		925	.....
	E .....		5	.....
Total .....	3,240	3,240	9,800	
Other species: <sup>14</sup>	GW .....	N/A <sup>15</sup>	12,390	.....
	Total: <sup>16</sup> .....	475,170	260,207	604,383

<sup>1</sup> Regulatory areas and districts are defined at §672.2.

<sup>2</sup> Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area (Table 3), each of which is further divided into equal quarterly allowances. In the Eastern Regulatory Area, pollock is not divided into quarterly allowances.

<sup>3</sup> Pacific cod is allocated 90 percent to the inshore, and 10 percent to the offshore component. Component allowances are shown in Table 4.

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

<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).

<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 melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

<sup>14</sup> "Other species" means sculpins, sharks, skates, eulachon, smelts, capelin, 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.

**2. Apportionment of Reserves to DAP**

Regulations implementing the FMP require that 20 percent of each TAC for pollock, Pacific cod, flatfish species, and the "other species" category be set aside in reserves for possible apportionment at a later date (§672.20(a)(2)(ii)). For the preceding 8 years, including 1995, NMFS has apportioned all of the reserves to DAP in the final harvest specifications. NMFS proposed apportionment of reserves for 1996 in the proposed GOA groundfish specifications published in the Federal Register on November 30, 1995 (60 FR 61514). NMFS received no public comments on the proposed apportionments. For 1996, NMFS apportions reserves for each species

category to DAP, anticipating that domestic harvesters and processors will need all the DAP amounts.

**3. Assignment of the Sablefish TACs to Authorized Fishing Gear Users**

Under §672.24(c), sablefish TACs for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is assigned to hook-and-line gear and 20 percent to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is assigned to hook-and-line gear and 5 percent is assigned to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used as bycatch to support directed

fisheries for other target species. Sablefish caught in the GOA with gear other than hook-and-line or trawl gear must be treated as prohibited species and may not be retained. Table 2 shows the assignments of the 1996 sablefish TACs between hook-and-line and trawl gear.

TABLE 2

[1996 Sablefish TAC Specifications in the Gulf of Alaska and Assignments Thereof to Hook-and-Line and Trawl Gear. Values are in metric tons]

Area/District	TAC	Hook-and-line share	Trawl share
Western .....	2,200	1,760	440
Central .....	6,900	5,520	1,380
West Yakutat .....	3,040	2,888	152
Southeast Outside ..	4,940	4,693	247
Total .....	17,080	14,861	2,219

**4. Apportionments of Pollock TAC Among Regulatory Areas, Seasons, and Between Inshore and Offshore Components**

In the GOA, pollock is apportioned by area, season, and inshore/offshore components. Regulations at § 672.20(a)(2)(iv) require that the TAC for pollock in the combined W/C GOA be apportioned among statistical areas Shumagin (61), Chirikof (62), and Kodiak (63) in proportion to known distributions of the pollock biomass. This measure was intended to provide spatial distribution of the pollock harvest as a sea lion protection measure. Each statistical area apportionment is further divided equally among the four quarterly reporting periods of the fishing year (Table 3). Within any fishing year, any unharvested amount of any quarterly allowance of pollock TAC is added in equal proportions to the quarterly allowance of following quarters, resulting in a sum for each quarter that does not exceed 150 percent of the initial quarterly allowance. Similarly, harvests in excess of a quarterly allowance of TAC are deducted in equal proportions from the remaining quarterly allowances of that fishing year. As specified at § 672.23(e), directed fishing for the four quarterly allowances will start on January 1, June 1, July 1, and October 1. The Eastern Regulatory Area pollock TAC of 2,810 mt is not allocated among smaller areas, or quarters.

The Council is expected to take final action in January 1996 on a proposed amendment, which, if approved by NMFS, would combine the third and fourth quarters into a final season with a start date in September or October. This would change the pollock seasonal apportionments from four seasons to three seasons. Should the Council recommend this change and NMFS approve it, any ensuing changes to the 1996 seasonal apportionment of pollock TACs would be implemented under a separate rulemaking.

Regulations at § 672.20(a)(2)(v)(A) require that the DAP apportionment for pollock in all regulatory areas and all quarterly allowances thereof be divided into inshore and offshore components. One hundred percent of the pollock DAP in each regulatory area is apportioned to the inshore component after subtraction of amounts that are determined by the Director, Alaska Region, NMFS (Regional Director) to be necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species. The amount of pollock available for harvest by vessels in the offshore component is that amount actually taken as bycatch during directed fishing for groundfish species other than pollock, up to the maximum retainable bycatch amounts allowed under regulations at § 672.20(g).

TABLE 3

[Distribution of Pollock in the Western and Central Regulatory Areas of the Gulf of Alaska (W/C GOA); Biomass Distribution, Area Apportionments, and Quarterly Allowances. ABC for the W/C GOA is 52,000 Metric Tons (mt). Biomass Distribution is Based on 1993 Survey Data. TACs are Equal to ABC. Inshore and Offshore Allocations of Pollock are not Shown. ABCs and TACs are Rounded to the Nearest 10 mt]

Statistical area	Bio-mass percent	1996 TAC	Quarterly allowance
Shumagin (61) .....	49.0	25,480	6,370
Chirikof (62) .....	24.7	12,840	3,210
Kodiak (63) .....	26.3	13,680	3,420
Total .....	100.0	52,000	13,000

**5. Apportionment of Pacific Cod TAC Between Inshore and Offshore Components**

Regulations at § 672.20(a)(2)(v)(B) require that the DAP apportionment of Pacific cod in all regulatory areas be allocated to vessels catching Pacific cod for processing by the inshore and offshore components. The inshore component is equal to 90 percent of the Pacific cod TAC in each regulatory area. The remaining 10 percent of the TAC is assigned to the offshore component. Inshore and offshore allocations of the 65,000 mt Pacific cod TAC for 1996 are shown in Table 4.

TABLE 4

[1996 Allocation (metric tons) of Pacific Cod in the Gulf of Alaska; Allocations to Inshore and Offshore Components]

Regulatory area	TAC	Component allocation	
		Inshore (90%)	Offshore (10%)
Western .....	18,850	16,965	1,885
Central .....	42,900	38,610	4,290
Eastern .....	3,250	2,925	325
Total .....	65,000	58,500	6,500

**6. PSC Limits Relevant to Fully Utilized Species**

Under § 672.20(b)(1), if NMFS determines, after consultation with the Council, that the TAC for any species or species group will be fully utilized in the DAP fishery, a groundfish PSC limit applicable to the JVP fisheries may be specified for that species or species group.

The Council recommended that DAP equal TAC for each species category. NMFS concurs with the Council's recommendation, and has not established any JVP amounts; therefore, no groundfish PSC limits under § 672.20(b)(1) are necessary.

**7. Closures to Directed Fishing**

The "interim 1995 initial specifications of groundfish, associated management measures, and closures" for the GOA (60 FR 61492, November 30, 1995) contained several closures to directed fishing for groundfish during 1996. The closures for the final specifications, which supersede the closures announced in the interim specifications, are listed in Table 5.

Under § 672.20(c)(2)(ii), the Regional Director determined that the entire TACs or allocations of TAC of groundfish species and species groups listed in Table 5 will be needed as incidental catch to support other anticipated groundfish fisheries during 1996. The Regional Director is establishing directed fishing allowances of zero mt and prohibiting directed fishing for the remainder of the year for the fisheries listed in Table 5. Maximum retainable bycatch amounts for the aforementioned closures may be found at § 672.20(g).

In addition to the above closures, NMFS closed Statistical Area 61 to directed fishing for pollock effective 12 noon, A.l.t., January 28, 1996 (Action filed by the Office of the Federal Register on January 26, 1996.) and Statistical Area 62 to directed fishing for pollock effective 12 noon, A.l.t., January 29, 1996 (Action filed by the Office of

the Federal Register on January 26, 1996.) under authority of the interim 1996 specifications. In accordance with § 672.20(c)(2)(ii) and § 672.23(e), the closures for Statistical Areas 61 and 62 will remain in effect until the second quarter directed fishery opens at noon, A.l.t., June 1, 1996, or until changed by subsequent notification in the Federal Register. Under authority of the interim

1996 specifications, NMFS closed Statistical Area 63 to directed fishing for pollock effective 12 noon, A.l.t., January 23, 1996 (61 FR 2457, January 26, 1996) in order to reserve amounts anticipated to be needed for incidental catch in other fisheries. The Regional Director determined that the first quarterly TAC for pollock in Statistical Area 63 had not been reached. On January 29, 1996,

NMFS terminated the closure and opened directed fishing for pollock (Action filed with the Office of Federal Register on January 29, 1996.). Under the final 1996 specifications, the directed fishery for pollock in Statistical Area 63 will remain open until 12 noon, A.l.t., April 1, 1996, or until changed by subsequent notification in the Federal Register.

TABLE 5.—CLOSURES TO DIRECTED FISHING FOR TOTAL ALLOWABLE CATCHES IMPLEMENTED BY THIS ACTION.<sup>1</sup> OFFSHORE=THE OFFSHORE COMPONENT; TRW=TRAWL; ALL=ALL GEARS; WG=WESTERN REGULATORY AREA; CG=CENTRAL REGULATORY AREA; EG=EASTERN REGULATORY AREA; GOA=ENTIRE GULF OF ALASKA.

Fishery	Component	Gear	Closed areas
Atka mackerel .....	.....	ALL .....	GOA
Northern rockfish .....	.....	ALL .....	WG, EG
Deep-water flatfish .....	.....	ALL .....	WG
Other rockfish <sup>2</sup> .....	.....	ALL .....	GOA
Pacific cod .....	Offshore .....	ALL .....	EG
Sablefish .....	.....	TRW .....	GOA
Shortraker/rougheye rockfish .....	.....	ALL .....	GOA
Thornyhead rockfish .....	.....	ALL .....	GOA

<sup>1</sup> These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 672.

<sup>2</sup> Other rockfish includes slope and demersal shelf rockfish in the WG and CG.

**8. Halibut Prohibited Species Catch (PSC) Mortality Limits**

Under § 672.20(f)(2), annual Pacific halibut PSC limits are established and apportioned to trawl and hook-and-line gear and are established for pot gear.

Regulations at § 672.20(f)(1)(ii) authorize the exemption of specified non-trawl fisheries from the halibut PSC limit. As in 1995 the Council exempted pot gear and the hook-and-line sablefish fishery from the non-trawl halibut limit for 1996. The Council recommended these exemptions because of the low halibut bycatch mortality experienced in the pot gear fisheries (16 mt in 1995) and because of the 1995 implementation of the sablefish and halibut Individual Fishing Quota program, which allows legal-sized halibut to be retained in the sablefish fishery.

As in 1995, the Council recommended a hook-and-line halibut PSC mortality limit of 300 mt. Ten mt of this limit are apportioned to the DSR fishery. The remainder is seasonally apportioned among the non-sablefish hook-and-line fisheries as shown in Table 6.

The Council continued to recommend a trawl PSC mortality limit of 2,000 mt. The PSC limit has remained unchanged since 1989. Regulations at § 672.20(f)(1)(i) authorize separate apportionments of the trawl halibut bycatch mortality limit between trawl fisheries for deep-water and shallow-water species fisheries. These apportionments are divided seasonally to avoid seasonally high halibut bycatch rates.

NMFS concurs with the Council's recommendations listed above. The following types of information as presented in, and summarized from, the 1995 SAFE report, or as otherwise available from NMFS, Alaska Department of Fish and Game, the International Pacific Halibut Commission (IPHC) or public testimony were considered:

**(A) Estimated Halibut Bycatch in Prior Years**

The best available information on estimated halibut bycatch is available from 1995 observations of the groundfish fisheries as a result of the NMFS Observer Program. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through December 31, 1995, is 2,065 mt, 325 mt, and 16 mt, respectively, for a total of 2,406 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries throughout the year. Trawling for the deep-water fishery complex was closed during the first quarter on March 27 (60 FR 16587, March 31, 1995), for the second quarter on April 22 (60 FR 20658, April 27, 1995) and for the third quarter on July 21 (60 FR 37601, July 21, 1995). The shallow-water fishery complex was closed in the second quarter on May 8 (60 FR 25623, May 12, 1995) and in the third quarter on July 17 (60 FR 37600, July 21, 1995). All trawling was closed in the fourth quarter on October 23.

The amount of groundfish that trawl or hook-and-line gear might have harvested if halibut had not been seasonally limiting in 1995, is unknown. However, lacking market incentives, some amounts of groundfish will not be harvested, regardless of halibut PSC bycatch availability.

**(B) Expected Changes in Groundfish Stocks**

At its December 1995 meeting, the Council adopted lower ABCs for pollock, Pacific cod, sablefish, and thornyhead rockfish than those established for 1995. The Council adopted higher ABCs for DSR and POP than those established for 1995. More information on these changes is included in the Final SAFE Report dated November 1995 and in the Council and SSC minutes.

**(C) Expected Changes in Groundfish Catch**

The total of the 1996 TACs for the GOA is 260,207 mt, a slight decrease from the 1995 TAC total of 279,463 mt. At its December 1995 meeting, the Council changed the 1996 TACs for some fisheries from the 1995 TACs. Those fisheries for which the 1996 TACs are lower than in 1995 are pollock (decreased to 54,810 mt from 65,360 mt), Pacific cod (decreased to 65,000 mt from 69,200 mt), sablefish (decreased to 17,080 mt from 21,500 mt), other slope rockfish (decreased to 2,020 mt from 2,235 mt), and thornyhead rockfish (decreased to 1,248 mt from 1,900 mt). Those species for which the 1996 TAC

is higher than in 1995 are POP (increased to 6,959 mt from 5,630 mt) and DSR (increased to 950 mt from 580 mt).

**(D) Current Estimates of Halibut Biomass and Stock Condition**

The stock assessment for 1995 conducted by the IPHC indicates that the total exploitable biomass of Pacific halibut in the BSAI management area and the GOA together was 166.85 million lbs (75,700 mt). Biomass declined 18 percent between 1993 and 1994, and indicates a decline of 14 percent between 1994 and 1995. These rates are high relative to the 5–15 percent declines observed in previous years.

Recruitment of 8-year-old halibut appears again to have dropped off in all areas. Recruitment in 1995 represents the lowest recruitment of 8-year-old fish observed in nearly two decades. The low recruitment of recent years indicates that the stock will continue its

decline at a rate of about 10–15 percent per year over the next several years.

**(E) Other Factors**

Potential impacts of expected fishing for groundfish on halibut stocks and U.S. halibut fisheries and methods available for, and costs of, reducing halibut bycatches in the groundfish fisheries were discussed in the proposed 1996 specifications (60 FR 61514, November 30, 1995). That discussion is not repeated here.

**9. Seasonal Allocations of the Halibut PSC Limits**

Under § 672.20(f)(1)(iii), NMFS seasonally allocates 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 allocations of halibut: (a) Seasonal distribution of halibut, (b) seasonal distribution of target groundfish species relative to halibut distribution, (c) expected halibut bycatch needs on a

seasonal basis relative to changes in halibut biomass and expected catches of target groundfish species, (d) expected bycatch rates on a seasonal basis, (e) expected changes in directed groundfish fishing seasons, (f) expected actual start of fishing effort, and (g) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

The notices publishing the final 1995 initial groundfish and PSC specifications (60 FR 3470, February 14, 1995, as amended by 60 FR 12149, March 6, 1995) summarize Council findings with respect to each of the FMP considerations set forth above. At this time, the Council's findings are unchanged from those set forth for 1995. Pacific halibut PSC limits, and apportionments thereof, are presented in Table 6. Regulations 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 1996 season.

**TABLE 6.—FINAL 1996 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS. THE PACIFIC HALIBUT PSC LIMIT FOR HOOK-AND-LINE GEAR IS ALLOCATED TO THE DEMERSAL SHELF ROCKFISH (DSR) FISHERY AND FISHERIES OTHER THAN DSR. VALUES ARE IN METRIC TONS**

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–Jun 30 .....	400 (20%)	May 18–Aug 31 .....	15 (5%)		
Jul 1–Sep 30 .....	600 (30%)	Sep 1–Dec 31 .....	25 (9%)		
Oct 1–Dec 31 .....	400 (20%)				
<b>Total .....</b>	<b>2,000 (100%)</b>		<b>290 (100%)</b>		<b>10 (100%)</b>

Regulations at § 672.20(f)(1)(i) authorize apportionments of the trawl halibut PSC limit allowance as bycatch allowances to a deep-water species fishery category, comprised of sablefish,

rockfish, deep-water flatfish, rex sole and arrowtooth flounder; and a shallow-water species fishery category, comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole,

Atka mackerel, and other species. The apportionment for these two fishery categories is presented in Table 7.

**TABLE 7.—FINAL 1996 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
Jan. 20–Mar. 31 .....	500	100	600
Apr. 1–Jun. 30 .....	100	300	400
Jul. 1–Sep. 30 .....	200	400	600
Oct. 1–Dec. 31—No apportionment between shallow-water and deep-water fishery categories during the 4th quarter.			

The Council recommended that the revised halibut discard mortality rates recommended by the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1996 groundfish fisheries. NMFS concurs with the Council's

recommendation. The IPHC's assumed halibut mortality rates are based on an average of mortality rates determined from NMFS-observer data collected during 1993 and 1994. Two separate mortality rates are established for the GOA bottom trawl pollock fishery: 54

percent for shoreside processors and 74 percent for at-sea processors. The rate differences for at-sea and shoreside processors result from analyses by the IPHC, which showed that at-sea processing vessels had a significantly higher discard mortality rate than the



shorebased operators. However, NMFS notes that directed fishing for GOA pollock by the offshore component is prohibited under § 672.20(a)(2)(v) and that at-sea processing of pollock would be unlikely.

Based on new information the IPHC also recommended different seasonal rates for deep-water flatfish of 60 percent for the spring/summer and 52 percent for the fall/winter. For purposes of this notice, NMFS defines spring/summer to mean April 1–September 30, and fall/winter to mean October 1–March 31. The IPHC also recommended a new rate for the Atka mackerel fishery of 48 percent, a rate of 57 percent for trawl sablefish and a rate of 47 percent for other species.

The halibut mortality rates are listed in Table 8.

TABLE 8.—1996 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA. TABLE VALUES ARE PERCENT OF HALIBUT BYCATCH ASSUMED TO BE DEAD

Gear and Target	
Hook-and-line:	
Sablefish .....	23
Pacific cod .....	12
Rockfish .....	18
Trawl:	
Midwater pollock .....	72
Rockfish .....	57
Shallow-water flatfish .....	67
Pacific cod .....	56
Deep-water flatfish—April 1–Sept. 30 .....	60
Deep-water flatfish—Oct. 1–March 31 .....	52
Bottom pollock	
Shoreside .....	54
At-sea .....	74
Atka mackerel .....	48
Sablefish .....	57
Other species .....	47
Pot:	
Pacific cod .....	17

Responses to Comments

Written comments on the proposed 1996 specifications and other management measures were requested until December 29, 1995 (60 FR 61514; November 30, 1995). No written comments were received.

Classification

This action is authorized under 50 CFR 611.92 and 672.20; and is exempt from review under E.O. 12866.

This action adopts final 1996 harvest specifications for the GOA, revises associated management measures, and closes specified fisheries. Generally, this action does not significantly revise

management measures in a manner that would require time to plan or prepare for those revisions. In some cases, such as closures, action must be taken immediately to conserve fishery resources. Without these closures, specified TAC amounts will be overharvested and retention of these species will become prohibited, which would disadvantage fishermen who could no longer retain bycatch amounts of these species. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources. Accordingly, the Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3) with respect to such provisions and to the apportionment discussed above. In some cases, the interim specifications in effect would be insufficient to allow directed fisheries to operate during a 30-day delayed effectiveness period, which would result in unnecessary closures and disruption within the fishing industry; in many of these cases, the final specifications will allow the fisheries to continue, thus relieving a restriction. Provisions of a rule relieving a restriction under 5 U.S.C. 553(d)(1) are not subject to a delay in effective date.

Pursuant to section 7 of the Endangered Species Act, NMFS and the Fish and Wildlife Service have determined that the groundfish fishery operating under the 1996 GOA TAC specifications is unlikely to jeopardize the continued existence or recovery of species listed as endangered or threatened or to adversely modify critical habitat.

NMFS prepared an EA on the 1996 TAC specifications. The AA concluded that no significant impact on the environment will result from their implementation. A copy of the EA is available (see ADDRESSES).

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

Dated: January 30, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 675, and 676

[Docket No. 960129019-6019-01; I.D. 111495A]

Groundfish Fishery of the Bering Sea and Aleutian Islands; Foreign Fishing; Limited Access; Final 1996 Harvest Specifications for Groundfish

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

ACTION: Final 1996 specifications of groundfish and associated management measures; closures.

SUMMARY: NMFS announces final 1996 harvest specifications of total allowable catches (TACs), initial apportionments of TACs for each category of groundfish, and associated management measures in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish during the 1996 fishing year. NMFS also is closing specified fisheries consistent with the final 1996 groundfish specifications and fishery bycatch allowances of prohibited species. These measures are intended to conserve and manage the groundfish resources in the BSAI.

EFFECTIVE DATE: The final 1996 harvest specifications are effective at noon, Alaska local time (A.l.t.), January 30, 1996, through 2400 A.l.t., December 31, 1996, or until changed by subsequent notification in the Federal Register. The closures to directed fishing are effective noon, A.l.t., January 30, 1996, through 2400 A.l.t., December 31, 1996.

ADDRESSES: The final Environmental Assessment (EA) prepared for the 1996 Total Allowable Catch Specifications may be obtained from the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or by calling 907-586-7229. The final Stock Assessment and Fishery Evaluation (SAFE) report 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: Susan J. Salvesson, NMFS, 907-586-7228.