

NMFS is prohibiting the taking and retention of scallops in District 16 of Scallop Registration Area D from 1200 hrs, A.I.t., November 29, 1996, through 2400 hrs, A.I.t., December 31, 1996.

Classification

This action is taken under § 679.62 and is exempt from review under E.O. 12866.

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

Dated: November 27, 1996.

Gary Matlock,

Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

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50 CFR Part 679

[Docket No. 961126333-6333-01; I.D. 110496A]

RIN 0648-xx73

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 1997 Harvest Specifications

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

ACTION: Interim 1997 harvest specifications for groundfish; associated management measures; and closures.

SUMMARY: NMFS issues interim 1997 total allowable catch (TAC) amounts for each category of groundfish and specifications for prohibited species bycatch allowances for the groundfish fishery of the Gulf of Alaska (GOA). NMFS is closing certain fisheries as specified in the interim 1997 groundfish specifications. The intended effect is to conserve and manage the groundfish resources in the GOA.

EFFECTIVE DATE: 0001 hrs, Alaska local time (A.I.t.), January 1, 1997, until the effective date of the Final 1997 Harvest Specifications for Groundfish, which will be published in the Federal Register.

ADDRESSES: The preliminary Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1996, is available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501-2252.

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

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone of the GOA are managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The FMP is implemented by regulations at 50 CFR part 679. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 600.

The Council met September 18-22, 1996, to review scientific information concerning groundfish stocks. The preliminary specifications are based on the current stock assessments contained in the preliminary GOA Groundfish SAFE Report, dated September 1996, as well as recommendations by the GOA Groundfish Plan Team, Advisory Panel, and Scientific and Statistical Committee. The preliminary SAFE Report was prepared and presented to the Council by the GOA Groundfish Plan Team and summarizes the best available scientific information. Copies of the SAFE Report are available from the Council (see **ADDRESSES**). The Council recommended a preliminary total TAC amount of 267,940 metric tons (mt) and a preliminary total acceptable biological catch (ABC) amount of 546,720 mt for the 1997 fishing year. NMFS adjusted the total TAC amount to 265,692 mt to accommodate a revision to the Central Gulf Regulatory Area (CG) "other rockfish" TAC amount. NMFS reduced the CG "other rockfish" TAC amount to 960 mt, which is equal to the 1997 ABC, because the Council's recommended TAC of 1,170 mt for this area exceeded the CG 1997 ABC. This reduced the "other species" category TAC to 12,652 mt, as well as the overall TAC amount.

Under § 679.20(c)(1)(ii), NMFS is publishing in the Proposed Rules section of this issue of the Federal Register for review and comment proposed initial harvest specifications for groundfish and associated management measures in the GOA for the 1997 fishing year. Those proposed specifications contain detailed information on the 1997 specification process and provide a discussion of the preliminary ABCs, proposed establishment of the 1997 annual TAC amounts and apportionments thereof

and reserves for each target species and the "other species" category, apportionments of pollock and Pacific cod TAC, apportionments of the sablefish TAC to vessels using hook-and-line and trawl gear, halibut prohibited species catch (PSC) limits, and seasonal allocations of the halibut PSC limits.

Regulations at § 679.20(c)(2) require that one-fourth of the proposed specifications, not including the reserves and the first seasonal allowance of pollock, one-fourth of the inshore and offshore allocations of Pacific cod in each regulatory area, the proposed first seasonal allowance of pollock, and one-fourth of the halibut PSC amounts become effective at 0001 hours, A.I.t., January 1, on an interim basis and remain in effect until superseded by the final harvest specifications, which will be published in the Federal Register. This action provides interim TAC specifications and apportionments thereof for the 1997 fishing year, which will become available on January 1, 1997, on an interim or preliminary basis. Background information concerning the 1997 groundfish harvest specification process upon which this interim action is based is provided in the proposed initial harvest specifications appearing in the Proposed Rules section of this Federal Register issue.

The reserves for the GOA are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish species, and the "other species" category. Given that the GOA groundfish TAC amounts have been utilized fully since 1987, and NMFS expects the same to occur in 1997, NMFS proposes reapportioning all the reserves to TAC. The interim TAC amounts contained in Table 1 reflect the reapportionment of reserves back to the TAC.

1. Interim TAC Amounts and Apportionments Thereof

Table 1 provides interim TAC amounts, interim TAC allocations of Pacific cod to the inshore and offshore components, the first seasonal allowance of pollock in the combined Western and Central regulatory areas, and interim sablefish TAC apportionments to hook-and-line and trawl gear. These interim TAC amounts and apportionments thereof become effective at 0001 hours, A.I.t., January 1, 1997.

TABLE 1.—INTERIM 1997 TAC AMOUNTS OF GROUND FISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)^{1,2}. The First Seasonal Allowances of Pollock in the Combined W/C Regulatory Areas. Interim Sablefish TAC Apportionments to Hook-and-line (H/L) and Trawl (TRW) Gear

Species	Area	Interim TAC (mt)
Pollock ^{3 4}	W (61)	9,075
	C (62)	4,575
	C (63)	4,875
Subtotal	W/C	18,525
	E	1,002
Total		19,527
Pacific cod ⁵		
Inshore	W	3,393
Offshore	W	377
Inshore	C	7,722
Offshore	C	858
Inshore	E	585
Offshore	E	65
Total		13,000
Flatfish, Deep-water ⁶		
	W	115
	C	1,875
	E	780
Total		2,770
Rex sole		
	W	270
	C	1,410
	E	562
Total		2,242
Flathead sole		
	W	500
	C	1,250
	E	685
Total		2,435
Flatfish, Shallow-water ⁷		
	W	1,125
	C	3,238
	E	295
Total		4,658
Arrowtooth flounder		
	W	1,250
	C	6,250
	E	1,250
Total		8,750
Sablefish ^{8 9 10}		
H/L	W	N/A (300)
TRW	W	75
H/L	C	N/A (938)
TRW	C	235
H/L	WYak	N/A (489)
TRW	WYak	25
H/L	SEO	N/A (800)
TRW	SEO	43

TABLE 1.—INTERIM 1997 TAC AMOUNTS OF GROUND FISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)^{1,2}. The First Seasonal Allowances of Pollock in the Combined W/C Regulatory Areas. Interim Sablefish TAC Apportionments to Hook-and-line (H/L) and Trawl (TRW) Gear—Continued

Species	Area	Interim TAC (mt)
Total		2,905
Pacific ocean perch ¹¹		
	W	367
	C	975
	E	690
Total		2,032
Shorthead/rougheye ¹²		
	W	40
	C	275
	E	120
Total		435
Rockfish, northern ¹³		
	W	160
	C	1,153
	E	5
Total		1,318
Rockfish, other ^{14 15}		
	W	25
	C	240
	E	188
Total		453
Rockfish, pelagic shelf ¹⁶		
	W	228
	C	800
	E	270
Total		1,298
Rockfish, demersal shelf SEO ¹⁷	SEO	238
Thornyhead rockfish	GW	390
Atka mackerel		
	W	578
	C	231
	E	1
Total		810
Other species ¹⁸		3,163
GOA Total Interim TAC		66,424

(Interim TAC amounts have been rounded.)

¹ Reserves have been reapportioned back to each species TAC and are reflected in the interim TAC amounts. (See § 679.20(a)(2))

² See § 679.2 for definitions of regulatory area and statistical area. See Figure 3b to part 679 for a description of regulatory district.

³ Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area, and is further divided into three allowances of 25 percent, 25 percent, and 50 percent. The first allowances are in effect on an interim basis as of January 1, 1997. In the Eastern Regulatory Area, pollock is not divided into less than annual allowances, and one-fourth of the TAC is available on an interim basis.

⁴ The TAC apportionment for pollock in all regulatory areas and all seasonal allowances is divided into inshore and offshore components. The inshore component is apportioned 100 percent of the pollock TAC in each regulatory area after subtraction of amounts that are determined by the Regional Administrator, NMFS, to be necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species. At this time, these bycatch amounts are unknown and will be determined during the fishing year. (See § 679.20(a)(6)(ii))

⁵ The TAC apportionment of Pacific cod in all regulatory areas is divided into inshore and offshore components. The inshore and offshore component allocations are 90 percent and 10 percent, respectively, of the Pacific cod TAC in each regulatory area. (See § 679.20(a)(6)(iii))

⁶ "Deep-water flatfish" means Dover sole and Greenland turbot.

⁷ "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

⁸ 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 is allocated 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. Five percent is allocated to trawl gear and may only be used as bycatch to support directed fisheries for other target species. (See § 679.20(a)(4))

⁹The sablefish hook-and-line (H/L) gear fishery is managed under the Individual Fishing Quota (IFQ) program and is subject to regulations contained in subpart D of 50 CFR part 679. Annual IFQ amounts are based on the final TAC amount specified for the sablefish H/L gear fishery as contained in the final specifications for groundfish. Under § 679.7(f)(3), retention of sablefish caught with H/L gear is prohibited unless the harvest is authorized under a valid IFQ permit and IFQ card. In 1997, IFQ permits and IFQ cards will not be valid prior to the effective date of the 1997 final specifications. Thus, fishing for sablefish with H/L gear will not be authorized under these interim specifications. Nonetheless, interim amounts are shown in parentheses to reflect assignments of one-fourth of the proposed TAC amounts among gear categories and regulatory areas in accordance with § 679.20(c)(2)(i). See § 679.40 for guidance on the annual allocation of IFQ.

¹⁰Sablefish 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.

¹¹"Pacific ocean perch" means *Sebastes alutus*.

¹²"Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

¹³"Northern rockfish" means *Sebastes polyspinis*.

¹⁴"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.

¹⁵"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. prariger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. babcocki* (redbanded), and *S. reedi* (yellowmouth).

¹⁶"Pelagic shelf rockfish" includes *Sebastes melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

¹⁷"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).

¹⁸"Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC for "other species" equals 5 percent of the TAC amounts of target species.

2. Interim Halibut PSC Mortality Limits

Under § 679.21(d), annual Pacific halibut PSC mortality limits are established for trawl and hook-and-line gear and may be established for pot gear. The Council proposed to reestablish the 1996 halibut mortality limits for 1997 because no new information was available. As in 1996, the Council proposes to exempt pot gear and the sablefish hook-and-line fishery from halibut PSC limits for 1997. The interim PSC limits are effective on January 1, 1997, and remain in effect until superseded by the Final 1997 Harvest Specifications, which will be published in the Federal Register. The interim halibut PSC limits are as follows: (1) 500 mt to trawl gear, (2) 75 mt to hook-and-line gear for fisheries other than demersal shelf rockfish, and (3) 2.5 mt to hook-and-line gear for demersal shelf rockfish fishery in the Southeast Outside District.

Regulations at § 679.21(d)(3)(iii) authorize apportionments of the trawl halibut PSC limit allowance as bycatch allowances to a deep-water species complex, comprised of rex sole, sablefish, rockfish, deep-water flatfish, and arrowtooth flounder, and a shallow-water species complex, comprised of

pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and other species. The interim 1997 apportionment for the shallow-water species complex is 417 mt and for the deep-water species complex is 83 mt.

3. Closures to Directed Fishing

Under § 679.20(d)(1)(iii)(A), if the Regional Administrator, NMFS, determines that the amount of a target species or "other species" category apportioned to a fishery or, with respect to Pacific cod, to an allocation to the inshore or offshore component, is likely to be reached, the Regional Administrator may establish a directed fishing allowance for that species or species group. In establishing a directed fishing allowance, the Regional Administrator shall consider the amount of that species group or allocation of Pacific cod to the inshore or offshore component that will be taken as incidental catch in directed fishing for other species in the same regulatory area or district. If the Regional Administrator establishes a directed fishing allowance and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or

species group in the specified regulatory area or district.

The Regional Administrator has determined that interim amounts of groundfish specified in Table 1 of these interim specifications for species or species groups identified in Table 2 will be necessary as incidental catch to support anticipated groundfish fisheries prior to the time that final specifications for groundfish are in effect for the 1997 fishing year. Therefore, NMFS is prohibiting directed fishing for those target species, gears, and components listed in Table 2 to prevent exceeding the interim amounts of groundfish TAC amounts specified. These closures will be in effect during the period that the 1997 interim specifications for groundfish TAC amounts are effective beginning at 0001 hours, A.l.t., January 1, 1997, until superseded by the Final 1997 Harvest Specifications for Groundfish, which will be published in the Federal Register. While the closures are in effect, the maximum retainable bycatch amounts at § 679.20(e) apply at any time during a fishing trip. Additional closures and restrictions may be found in existing regulations at 50 CFR part 679.

TABLE 2.—CLOSURES TO DIRECTED FISHING UNDER THE INTERIM 1997 TOTAL ALLOWABLE CATCH AMOUNTS IMPLEMENTED BY THIS ACTION¹ 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
Flatfish, Deep-water	All	WG
Northern rockfish	All	WG, EG
Other rockfish	All	GOA
Pacific cod	Offshore	All	EG
Pacific cod	All	WG, CG
Pacific ocean perch	All	GOA
Sablefish	All	GOA

TABLE 2.—CLOSURES TO DIRECTED FISHING UNDER THE INTERIM 1997 TOTAL ALLOWABLE CATCH AMOUNTS IMPLEMENTED BY THIS ACTION¹ 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—Continued

Fishery	Component	Gear	Closed areas
Shortraker/rougheye	All	GOA
Thornyhead rockfish	All	GOA

¹ These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 679.

After consideration of public comments on the proposed 1997 specifications and additional scientific information presented at its December 1996 meeting, the Council may recommend other closures to directed fishing. Additionally, NMFS may implement other closures at the time the Final 1997 Specifications for Groundfish are implemented, or during the 1997 fishing year as necessary for effective management.

Classification

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

The AA finds for good cause under 5 U.S.C. 553(b)(B) that the need to establish interim total allowable catch limitations and other restrictions on fisheries in the GOA, effective on January 1 1997, makes it impracticable

and contrary to the public interest to provide prior notice and opportunity for public comment on this rule. Regulations at § 679.20(c)(2) require NMFS to specify interim harvest specifications to be effective on January 1 and remain in effect until superseded by the final specifications in order for the GOA groundfish fishing season to begin on January 1 (see § 679.23). Without interim specifications in effect on January 1, the groundfish fisheries would not be able to open on January 1, which would result in unnecessary closures and disruption within the fishing industry. Because the stock assessment reports and other information concerning the fisheries in the GOA became available only recently, NMFS is not able to provide an opportunity for comment on the interim specifications. It is anticipated that the interim specifications will be in effect

for only a short period of time before they are superseded by the final specifications. The proposed specifications are published as a proposed rule in this issue of the Federal Register and provide the opportunity for public comment.

These interim specifications are exempt from the requirements of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because they are not required to be issued with prior notice and opportunity for public comment.

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

Dated: November 27, 1996.

Gary Matlock,
Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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