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National Marine Fisheries Service.*

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50 CFR Part 679

[Docket No. 961107312-6312-01; I.D.
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RIN 0648-XX69

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands; Proposed 1997 Harvest Specifications for Groundfish

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

ACTION: Proposed 1997 initial specifications for groundfish and associated management measures; request for comments.

SUMMARY: NMFS proposes 1997 initial harvest specifications, prohibited species bycatch allowances, and associated management measures for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish during the 1997 fishing year. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI and to provide an opportunity for public participation in the annual groundfish specification process.

DATES: Comments must be received by December 23, 1996.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

The preliminary 1997 Stock Assessment and Fishery Evaluation (SAFE) report, dated September 1996, 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.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the

Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the total annual catch (TAC) for each target species and the "other species" category, the sum of which must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 679.20(a)(1)(i)). Regulations under § 679.20(c)(1) further require NMFS to publish annually and solicit public comment on proposed annual TACs, prohibited species catch (PSC) allowances, seasonal allowances of the pollock TAC, and amounts for the pollock and sablefish Community Development Quota (CDQ) reserve. The proposed specifications set forth in Tables 1-8 of this action satisfy these requirements. For 1997, the sum of proposed TAC amounts is 1,943,190 mt. Under § 679.20(c)(3), NMFS will publish the final annual specifications for 1997 after considering: (1) Comments received within the comment period (see **DATES**), and (2) consultations with the Council at its December 1996 meeting.

Regulations at § 679.20(c)(2)(ii) require that one-fourth of each proposed initial TAC (ITAC) amount and apportionment thereof, one-fourth of each PSC allowance established under § 679.21, and the first seasonal allowances of pollock become effective 0001 hours, Alaska local time (A.l.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.

NMFS is publishing, in the Rules and Regulations section of this issue of the Federal Register, interim TAC specifications and apportionments thereof for the 1997 fishing year, which will become available 0001 hours, A.l.t. January 1, 1997, and remain in effect until superseded by the final 1997 harvest specifications.

Proposed Acceptable Biological Catch (ABC) and TAC Specifications

The proposed ABC and TAC for each species are based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the

BSAI at their September 1996 meeting. This information was compiled by the Council's BSAI Groundfish Plan Team (Plan Team) and is presented in the preliminary 1997 SAFE report for the BSAI groundfish fisheries, dated September 1996. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species category. The preliminary 1997 SAFE report will be updated to include information collected during 1996 resource assessment surveys. Revised stock assessments will be made available by the Plan Team in November 1996 and included in the final 1997 SAFE report.

The proposed ABC amounts adopted by the Council for the 1997 fishing year are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The proposed ABCs also are based upon proposed new definitions for ABC and overfishing levels, which were adopted by the Council at its June 1996 meeting under Amendment 44 to the FMP. A notice of availability of Amendment 44 was published in the Federal Register October 17, 1996 (61 FR 54145), that describes the proposed new definitions. In general, these proposed definitions involve sophisticated statistical analyses of fish populations and are based on a successive series of six levels, or tiers, of reliable information available to fishery scientists. ABC and overfishing levels are determined according to the tier that best characterizes the available information. Although Amendment 44 has yet to be approved by NMFS, the Plan Team adopted preliminary ABCs based on the proposed definitions to: (1) Compensate for uncertainty in status of stocks by establishing fishing mortality rates more conservatively as biological parameters become more imprecise, (2) relate fishing mortality rates directly to biomass for stocks below target abundance levels, and (3) maintain a buffer between ABC and the overfishing level. The revised definitions result in lower exploitation rates and ABCs for most species, although biomass estimates generally are unchanged. Details of the Plan Team's

recommendations for preliminary 1997 overfishing and ABC amounts for each species are provided in the preliminary 1997 SAFE report. This report is available from the Council (see ADDRESSES). At its September 1996 meeting, the Council's SSC reviewed the Plan Team's preliminary recommendations for 1997 ABC amounts. The SSC concurred in the Plan Team's recommendations except for pollock, Greenland turbot, and Atka mackerel. The SSC's revisions to the ABC amounts for these three species are discussed below.

Bering Sea pollock. The Plan Team had recommended an ABC equal to 1.29 million mt. However, the SSC expressed concern regarding the projected recruitment used to derive this ABC and instead proposed an ABC based on a lower recruitment. The resulting ABC of 1.19 million mt is based on the Plan Team's estimated biomass of 7.36 million mt and an $F_{40\%}$ exploitation rate (16.2 percent).

Bogoslof pollock. The 1996 Bogoslof pollock survey estimated a biomass of 680,000 mt compared to the 1995 biomass estimate of 1.1 million mt. The Plan Team had recommended an ABC of 150,000 mt based on an $F_{40\%}$ exploitation rate (22 percent). Given the apparent decline in biomass, however, the SSC recommended the Bogoslof ABC be reduced by the ratio of the current biomass to target biomass (assumed to be 2 million mt). The resulting ABC (150,000 mt) $(.68/2)$ is 51,000 mt.

Aleutian Islands pollock. The SSC revised the preliminary 1997 Aleutian Islands pollock biomass to 142,505 mt from the Plan Team's 87,200 mt. This increase was based on the SSC's recommendation that biomass estimated for the eastern Aleutian Islands (Unalaska-Unimak area) be included in the Aleutian Islands biomass estimate, as done in previous years. The SSC's 1997 preliminary ABC is calculated using the expanded biomass and the 28

percent exploitation rate recommended by the Plan Team. The resulting ABC of 39,900 mt is an increase from the 24,400 mt ABC recommended by the Plan Team.

Greenland turbot. The SSC endorsed the Plan Team's ABC for Greenland turbot (17,000 mt). Last year, however, the SSC recommended that this ABC amount be phased in over a 3-year period to allow the possibility of conducting joint industry/NMFS assessment surveys of the Bering Sea slope and Aleutian Islands. Results of these surveys would allow for a refinement of the stock abundance estimates prior to fully increasing the ABC to 17,000 mt. Given that 1997 is the second year in the 3-year phase-in period, the SSC recommended a 1997 ABC of 13,700 mt based on the estimated biomass of 67,000 mt and an exploitation rate of 0.204. The SSC concurred in the Plan Team's recommendation that the ABC be split so that two-thirds of the TAC is apportioned to the eastern Bering Sea and one-third is apportioned to the Aleutian Islands.

Atka mackerel. The SSC recommended that an ABC range of 66,700 mt–90,600 mt be proposed for Atka mackerel, with the Plan Team's recommended ABC being the lower end of the range. The upper end of the range is calculated as the 1996 ABC (116,000 mt) discounted by the estimated 78 percent relative decrease in exploitable biomass from 1996 to 1997. The upper end of the range is consistent with the use of spawning biomass calculated at the beginning of the year, rather than using the Plan Team's spawning biomass estimated during the month of peak spawning (August). Prior to accepting the Plan Team's approach, the SSC recommended that the Plan Team further assess the advantages and disadvantages of using estimated spawning biomass at these two times of the year in deriving $F_{40\%}$ rates, given the

apparent disparity between the resulting ABCs.

The Council adopted the proposed overfishing and ABC amounts recommended by the SSC (Table 1).

Specification and Apportionment of TAC Amounts

The Council adopted the AP's proposals for the 1997 BSAI TAC amounts. For each species, this amount equals the lesser of either the 1996 TAC or the SSC's recommended 1997 ABC. NMFS finds that the recommended proposed TAC amounts are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 1.4–2.0 million mt.

Except for the hook-and-line and pot gear allocation of sablefish, each species' TAC initially is reduced by 15 percent to establish the ITAC for each species (§ 679.20(b)(1)(i)). The sum of the 15-percent amounts is the reserve. One half of the pollock TACs placed in reserve is designated as a CDQ reserve for use by CDQ participants (§ 679.31(a)(1)). The remainder of the reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing.

Table 1 lists the proposed 1997 ABC, TAC, and ITAC amounts, overfishing levels, and initial apportionments of groundfish in the BSAI. The apportionment of TAC amounts among fisheries and seasons is discussed below. These proposed specifications are subject to change as a result of public comment, analysis of the current biological condition of the groundfish stocks, and new information regarding the fishery, and consultation with the Council at its December meeting.

TABLE 1.—PROPOSED 1997 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND OVERFISHING LEVELS OF GROUND FISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA ¹

Species	ABC	TAC	ITAC ^{2,3}	Over-fishing level
Pollock:				
Bering Sea (BS)	1,190,000	1,190,000	1,011,500	1,460,000
Aleutian Islands (AI)	39,900	35,600	30,260	47,000
Bogoslof District	51,000	1,000	850	121,000
Pacific cod	255,000	255,000	216,750	347,000
Sablefish Total:				
BS	790	790	336	1,170
AI	890	890	189	1,320
Atka mackerel TOTAL	66,700–90,600	66,700	56,695	81,600–109,300
Western AI .....	.....	32,200	27,370	.....
Central AI .....	.....	19,500	16,575	.....
Eastern AI/BS .....	.....	15,000	12,750	.....

TABLE 1.—PROPOSED 1997 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND OVERFISHING LEVELS OF GROUND FISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA ¹—Continued

Species	ABC	TAC	ITAC ^{2,3}	Over-fishing level
Yellowfin sole	235,000	200,000	170,000	342,000
Rock sole	296,000	70,000	59,500	433,000
Greenland turbot TOTAL	13,700	7,000	5,950	25,100
BS	9,180	4,690	3,987	.....
AI	4,520	2,310	1,963	.....
Arrowtooth flounder	105,000	9,000	7,650	162,000
Flathead sole	97,100	30,000	25,500	140,000
Other flatfish ⁴	84,000	35,000	29,750	120,000
Pacific ocean perch				
BS	1,550	1,550	1,318	2,380
AI Total	12,200	12,100	10,285	27,300
Western AI	6,100	6,050	5,143	.....
Central AI	3,050	3,025	2,571	.....
Eastern AI	3,050	3,025	2,571	.....
Other red rockfish: ⁵				
BS	1,050	1,050	893	1,400
Sharpchin/Northern:				
AI	4,360	4,360	3,706	5,810
Shortraker/Rougheye:				
AI	938	938	797	1,250
Other rockfish: ⁶				
BS	373	373	317	497
AI	714	714	607	952
Squid	1,970	1,000	850	2,620
Other Species ⁷	25,800	20,125	17,106	137,000
TOTALS	2,484,035–2,507,935	1,943,190	1,650,809	.....

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

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

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

⁴ "Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, and arrowtooth flounder.

⁵ "Other red rockfish" includes shortraker, rougheye, sharpchin, and northern.

⁶ "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker, and rougheye.

⁷ "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

Seasonal Allowances of Pollock TACs

Under § 679.20(a)(5)(i)(A), the pollock TAC for each subarea or district of the BSAI is divided, after subtraction of reserves (§ 679.20(b)(1)), into two seasonal allowances. The first allowance is available for directed fishing from January 1 to April 15 (roe season) and the second allowance is available from September 1 until November 1 (non-roe season).

The Council proposed that the seasonal allowances for the Bering Sea pollock roe and non-roe seasons be specified at 45 percent and 55 percent of the ITAC amounts, respectively

(Table 2). These percentages are unchanged since 1993. As in past years, the pollock TAC amounts specified for the Aleutian Islands subarea and the Bogoslof District would not be seasonally apportioned. When specifying seasonal allowances of the pollock TAC, the Council and NMFS considered the factors specified in section 14.4.10 of the FMP. A discussion of these factors relative to the roe and non-roe seasonal allowances was presented in the proposed 1995 specifications for BSAI groundfish (59 FR 64383, December 14, 1994). At this time, the Council's findings are unchanged from those set forth for 1995,

given that the relative seasonal allowances are the same.

Apportionment of the Pollock TAC to the Inshore and Offshore Components

Regulations at § 679.20(a)(6)(i) require that the proposed pollock ITAC amounts specified for the BSAI be allocated 35 percent to vessels catching pollock for processing by the inshore component and 65 percent to vessels catching pollock for processing by the offshore component. Definitions of these components are found at § 679.2. The proposed 1997 ITAC specifications are consistent with these requirements (Table 2).

TABLE 2.—PROPOSED SEASONAL ALLOWANCES OF THE INSHORE AND OFFSHORE COMPONENT ALLOCATIONS OF POLLOCK TAC AMOUNTS ^{1,2}

Subarea	TAC	ITAC ³	Roe season ⁴	Non-roe season ⁵
Bering Sea:				
Inshore	354,025	159,311	194,714

TABLE 2.—PROPOSED SEASONAL ALLOWANCES OF THE INSHORE AND OFFSHORE COMPONENT ALLOCATIONS OF POLLOCK TAC AMOUNTS^{1 2}—Continued

Subarea	TAC	ITAC ³	Roe sea- son ⁴	Non-roe season ⁵
Offshore	1,190,000	657,475 1,011,500	295,864 455,175	361,611 556,325
Aleutian Islands:				
Inshore		10,591	10,591	(⁶)
Offshore	35,600	19,669 30,260	19,669 30,260	(⁶) (⁶)
Bogoslof:				
Inshore		298	298	(⁶)
Offshore	1,000	552 850	552 850	(⁶) (⁶)

¹ TAC=total allowable catch.

² Based on an offshore component allocation of 0.65(ITAC) and an inshore component allocation of 0.35(ITAC).

³ ITAC=initial TAC=0.85 of TAC.

⁴ January 1 through April 15—based on a 45/55 split (roe=45 percent).

⁵ September 1 until November 1—based on a 45/55 split (non-roe=55 percent).

⁶ Reminder.

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

Regulations at § 679.31(a)(1) require one-half of the pollock TAC placed in the reserve for each subarea or district, or 7.5 percent of each TAC, be assigned to a CDQ reserve for each subarea or district. The proposed 1997 CDQ reserve amounts for each subarea are as follows:

BSAI subarea	Pollock CDQ
Bering Sea	89,250 mt
Aleutian Islands	2,670 mt
Bogoslof	75 mt
Total	91,995 mt

Under regulations governing the CDQ program at subpart C of part 679, NMFS may allocate the 1997 pollock CDQ

reserves to eligible Western Alaska communities or groups of communities that have an approved community development plan (CDP). NMFS has approved six CDPs and associated percentages of the CDQ reserve for each CDP recipient for 1996–98 (60 FR 66516, December 22, 1995). Table 3 lists the approved CDP recipients and each recipient's allocation of the proposed 1997 pollock CDQ reserve for each subarea.

TABLE 3.—APPROVED SHARES (PERCENTAGES) AND RESULTING ALLOCATIONS AND SEASONAL ALLOWANCES (METRIC TONS) OF THE PROPOSED 1997 POLLOCK CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS) AND ALEUTIAN ISLANDS (AI) SUBAREAS, AND THE BOGOSLOF DISTRICT (BD) AMONG APPROVED CDP RECIPIENTS

CDP recipient	Percent	Area	Allocation	Roe-season allowance ¹
Aleutian Pribilof	16	BS	14,280	6,426
Island Community		AI	427	427
Development Assn		BD	12	12
Total			14,719	6,865
Bristol Bay Economic Development Corp	20	BS	17,850	8,033
.....		AI	534	534
Total		BD	15	15
.....			18,399	8,582
Central Bering Sea Fishermen's Assn	4	BS	3,570	1,607
.....		AI	107	107
Total		BD	3	3
.....			3,680	1,717
Coastal Villages Fishing Co-op	25	BS	22,312	10,040
.....		AI	668	668
Total		BD	19	19
.....			22,999	10,727
Norton Sound	22	BS	19,635	8,836
Fisheries Development Corp		AI	587	587
Total		BD	16	16
.....			20,238	9,439
Yukon Delta Fisheries Development Corp	13	BS	11,603	5,221
.....		AI	347	347
Total		BD	10	10
.....			11,960	5,578

TABLE 3.—APPROVED SHARES (PERCENTAGES) AND RESULTING ALLOCATIONS AND SEASONAL ALLOWANCES (METRIC TONS) OF THE PROPOSED 1997 POLLOCK CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS) AND ALEUTIAN ISLANDS (AI) SUBAREAS, AND THE BOGOSLOF DISTRICT (BD) AMONG APPROVED CDP RECIPIENTS—Continued

CDP recipient	Percent	Area	Allocation	Roe-season allowance ¹
Total	100		91,995	42,908

¹ No more than 45 percent of a CDP recipient's 1997 Bering Sea pollock allocation may be harvested during the pollock roe season, January 1 through April 15. Up to 100 percent of a recipient's 1997 Aleutian Islands or Bogoslof District pollock allocation may be harvested during this time period.

Allocation of the Pacific Cod TAC

Regulations at § 679.20(a)(7) provide for the allocation of the Pacific cod TAC among vessels using jig gear, hook-and-line or pot gear, and trawl gear. These regulations expire at the end of 1996. At its June 1996 meeting, the Council adopted Amendment 46 to the FMP that would authorize the continued allocation of Pacific cod TAC among vessels using different gear types. Amendment 46 also would authorize the further allocation of the portion of the Pacific cod TAC allocated to vessels using trawl gear between catcher vessels and catcher/processor vessels. A proposed rule to implement Amendment 46 was published in the Federal Register on August 22, 1996 (61

FR 43325). On November 7, 1996, NMFS determined that Amendment 46 is consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. The final rule implementing Amendment 46 was published in the Federal Register on November 20, 1996 (61 FR 59029). The final rule is effective January 1, 1997. Consequently, these proposed specifications provide for the allocation of the Pacific cod TAC among vessel gear types.

The Council also proposed to roll over the 1996 seasonal allowances of the portion of the Pacific cod TAC allocated to the hook-and-line and pot gear fisheries. The seasonal allowances are intended to provide for the harvest of Pacific cod when flesh quality and

market conditions are optimum and Pacific halibut bycatch rates are low. The Council's recommendations for seasonal apportionments are based on: (1) Seasonal distribution of Pacific cod relative to prohibited species distributions, (2) variations in prohibited species bycatch rates in the Pacific cod fisheries throughout the year, and (3) economic effects of seasonal allowances of Pacific cod on the hook-and-line and pot gear fisheries. The Council also proposed that any portion of the first seasonal allowance that is not harvested by the end of the first season would become available on September 1, the beginning of the third season. Table 4 lists the proposed 1997 allocations and seasonal apportionments of the Pacific cod ITAC.

TABLE 4.—1997 GEAR SHARES OF THE BSAI PACIFIC COD INITIAL TAC, PENDING APPROVAL OF AMENDMENT 46 TO THE FMP

Gear (mt)	Percent TAC	Share ITAC (mt)	Seasonal Apportionment		
			Date	%	Amount
Jig	2	4,335	Jan 1–Dec 31 ...	100	4,335
Hook-and-line/pot gear	51	110,541	Jan 1–Apr 30	80	88,433
			May 1–Aug 31	18	19,897
			Sep 1–Dec 31	2	2,211
			Jan 1–Dec 31 ...	100	101,873
Trawl gear: ¹					
Total	47	101,874			
Catcher vessel		(50,937)			
Catcher/processor		(50,937)			
TOTAL	100	216,750			

¹ The portion of the Pacific cod TAC allocated to trawl gear is apportioned 50 percent to catcher vessels and 50 percent to catcher/processors under § 679.20(a)(7)(i)(B).

Sablefish Gear Allocation and CDQ Allocations for Sablefish

Regulations at § 679.20(a)(4) require that sablefish TACs for the BSAI subareas be divided between trawl and hook-and-line/pot gear types. Gear

allocations of TACs are established in the following proportions: Bering Sea subarea: Trawl gear—50 percent; hook-and-line/pot gear—50 percent; and Aleutian Islands subarea: Trawl gear—25 percent; hook-and-line/pot gear—75 percent. In addition, regulations under

§ 679.31(c) require NMFS to withhold 20 percent of the hook-and-line and pot gear sablefish allocation as sablefish CDQ reserve. Gear allocations of the proposed sablefish TAC and CDQ reserve amounts are specified in Table 5.

TABLE 5.—1997 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

Subarea	Gear	Percent of TAC (mt)	Share of TAC (mt)	Initial TAC (mt) ¹	CDQ reserve
Bering Sea	Trawl	50	395	336	N/A
	Hook-and-line/pot gear ²	50	395	N/A	79

TABLE 5.—1997 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS—Continued

Subarea	Gear	Percent of TAC (mt)	Share of TAC (mt)	Initial TAC (mt) ¹	CDQ reserve
Total .....	.....	.....	790	336	79
Aleutian Islands	Trawl	25	222	189	N/A
	Hook-and-line/pot gear ²	75	668	N/A	134
Total .....	.....	.....	890	189	134

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

² For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. Regulations at § 679.20(b)(1) do not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear.

Under regulations governing the sablefish CDQ program at subpart C of part 679, NMFS may allocate the 1997 sablefish CDQ reserve to eligible Western Alaska communities or groups

of communities that have an approved CDP. NMFS has approved seven CDPs and associated percentages of the sablefish CDQ reserve for each CDP recipient for 1995–97 (59 FR 61877,

December 2, 1994). Table 6 lists the approved CDP recipients and each recipient's allocation of the 1997 sablefish CDQ reserve for each subarea.

TABLE 6.—APPROVED SHARES (PERCENTAGES) AND RESULTING ALLOCATIONS (MT) OF THE 1997 SABLEFISH CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS) AND ALEUTIAN ISLANDS (AI) SUBAREAS AMONG APPROVED CDP RECIPIENTS

Sablefish CDP recipient	Area	Percent	Allocation (mt)
Atka Fishermen's Association	BS	0	0
	AI	0	0
Bristol Bay Economic Development Corp	BS	0	0
	AI	25	34
Coastal Villages	BS	0	0
	AI	25	34
Fishing Cooperative	BS	25	20
	AI	30	40
Norton Sound Economic Development Corporation	BS	0	0
	AI	0	0
Pribilof Island Fishermen	BS	75	59
	AI	10	13
Yukon Delta Fisheries Development Association	BS	0	0
	AI	10	13
Aleutian Pribilof Islands Community Development Association	BS	0	0
	AI	10	13
Total	BS	100	79
	AI	100	134

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

PSC limits of red king crab and *C. bairdi* Tanner crab in Bycatch Limitation Zones (50 CFR 679.2) of the Bering Sea subarea and for Pacific halibut throughout the BSAI are established under § 679.21(e). The PSC limits are:

- Zone 1 trawl fisheries, 200,000 red king crabs.
- Zone 1 trawl fisheries, 1 million *C. bairdi* Tanner crabs.
- Zone 2 trawl fisheries, 3 million *C. bairdi* Tanner crabs.
- BSAI trawl fisheries, 3,775 mt mortality of Pacific halibut.
- BSAI nontrawl fisheries, 900 mt mortality of Pacific halibut.
- BSAI trawl fisheries, 1,697 mt Pacific herring.

The PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. At this time, the best estimate of 1997 herring biomass is 169,700 mt. This amount was derived using 1995 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game (ADF&G). Therefore, the proposed herring PSC limit for 1997 is 1,697 mt. This value is subject to change, pending an updated forecast analysis of 1996 herring survey data that will be presented to the Council by the ADF&G during the Council's December 1996 meeting.

The red king crab and *C. bairdi* PSC limits currently established in regulations are subject to change pending the approval of two FMP

amendments adopted by the Council. Amendment 37 was adopted by the Council at its June 1996 meeting and would authorize the annual specification of the red king crab bycatch limit based on the abundance of Bristol Bay red king crab. A proposed rule to implement Amendment 37 was published in the Federal Register on September 12, 1996 (61 FR 48113). Based on the proposed rule and pending approval of Amendment 37 by NMFS, the 1997 red king crab in Zone 1 would be adjusted downward from 200,000 crab to 100,000 crab. NMFS' review and approval/disapproval/partial approval of Amendment 37 is scheduled to occur prior to the Council's December 1996 meeting. Therefore, pending approval of the amendment, the final 1997 groundfish specifications would include the adjusted red king crab PSC limit. If

Amendment 37 is not approved, the red king PSC limit will remain unchanged.

The Council adopted Amendment 41 to the FMP at its September 1996 meeting, which, if approved by NMFS, would authorize the annual specification of *C. bairdi* PSC limits in Zones 1 and 2 based on abundance of crab estimated from data collected during the annual NMFS trawl survey. Based on 1996 abundance, (185 million crab), the PSC limit for *C. bairdi* in 1997 would be 750,000 crab in Zone 1 and 2,100,000 crab in Zone 2. A proposed rule to implement Amendment 41 likely will be published in the Federal Register for public review and comment by late 1996 and will include proposed specifications of the adjusted 1997 *C. bairdi* PSC limits and associated bycatch allowances. If approved by NMFS, Amendment 41 likely would be implemented by April 1997. If Amendment 41 is not approved, the *C. bairdi* PSC limits will remain as established in 1989 (54 FR 32642; August 9, 1989).

Regulations under § 679.21(e)(3) authorize the apportionment of each PSC limit into PSC allowances for specified fishery categories. Regulations at § 679.21(e)(3)(iv) specify seven trawl fishery categories (midwater pollock, Greenland turbot/arrowtooth flounder/sablefish, rock sole/flathead sole/other

flatfish, yellowfin sole, rockfish, Pacific cod, and bottom pollock/Atka mackerel/"other species"). Regulations at § 679.21(e)(4)(ii) authorize the apportionment of the nontrawl halibut PSC limit among five fishery categories (Pacific cod hook-and-line, sablefish hook-and-line, groundfish pot gear, groundfish jig gear, and other non-trawl fishery categories). The fishery bycatch allowances for the trawl and nontrawl fisheries are listed in Table 7.

The fishery bycatch allowances listed in Table 7 reflect the recommendations made to the Council by its AP. These recommendations are unchanged from those specified for 1996. The justification for these allowances is discussed in the February 5, 1996, publication of the final 1996 specifications (61 FR 4311). As mentioned above, if NMFS approves Amendment 37 to the FMP, the proposed red king crab bycatch allowances listed in Table 7 would be reduced by 50 percent.

Regulations at § 679.21(e)(4)(ii) authorize exemption of specified nontrawl fisheries from the halibut PSC limit. As in 1995 and 1996, the Council proposes to exempt the 1997 pot gear, jig gear, and sablefish hook-and-line gear fishery categories from halibut bycatch restrictions.

The Council proposed that the pot and jig gear fisheries be exempt from

halibut-bycatch restrictions because these fisheries use selective gear types that experience low halibut bycatch mortality. In 1996 through September, total groundfish catch for the pot gear fishery in the BSAI was approximately 30,585 mt with an associated halibut bycatch mortality of about 18 mt. The 1996 groundfish jig gear fishery harvested about 200 mt of groundfish. The jig gear fleet is made up of vessels less than 60 ft (18.3 m) length overall that are exempt from observer coverage requirements. As a result, no observer data are available on halibut bycatch in the BSAI jig gear fishery. Nonetheless, the selective nature of this gear type and the relatively small amount of groundfish harvested with jig gear will likely result in a negligible amount of halibut bycatch mortality.

As in 1995 and 1996, the Council recommended that the sablefish Individual Fishing Quota (IFQ) fishery be exempt from halibut bycatch restrictions because of the sablefish and halibut IFQ program (subpart D of part 679). The IFQ program requires legal-sized halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder is aboard. In 1995, about 36 mt of halibut discard mortality was estimated for the sablefish IFQ fishery. A similar estimate for the 1996 fishery has yet to be calculated.

TABLE 7.—PROPOSED 1997 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

Trawl fisheries	Zone 1	Zone 2	BSAI-wide
Red king crab, number of animals:			
Yellowfin sole	50,000		
Rcksol/flatsol/othflat ¹	110,000		
Turb/arrow/sab ²	0		
Rockfish	0		
Pacific cod	10,000		
Pick/Atka/othr ³	30,000		
Total	200,000		
<i>C. bairdi</i> tanner crab, number of animals:			
Yellowfin sole	250,000	1,530,000	
Rcksol/flatsol/othflat	425,000	510,000	
Turb/arrow/sab	0	0	
Rockfish	0	10,000	
Pacific cod	250,000	260,000	
Pick/Atka/othr	75,000	690,000	
Total	1,000,000	3,000,000	
Pacific halibut, mortality (mt):			
Yellowfin sole			820
Rcksol/flatsol/othflat			730
Turb/arrow/sab			0
Rockfish			110
Pacific cod			1,685
Pick/Atka/othr			430
Total			3,775
Pacific herring (mt):			
Midwater pollock			1,227
Yellowfin sole			287

TABLE 7.—PROPOSED 1997 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES—Continued

Trawl fisheries	Zone 1	Zone 2	BSAI-wide
Rcksol/flatsol/othflat			0
Turb/arrow/sab			0
Rockfish			7
Pacific cod			22
Pick/Atka/othr ⁴			154
Total			1,697
Pacific halibut, mortality (mt):			
Pacific cod hook-and-line			800
Sablefish hook-and-line			(⁵)
Groundfish pot gear			(⁵)
Groundfish jig gear			(⁵)
Other non-trawl			100
Total			900

¹ Rock sole, flathead sole, and other flatfish fishery category.
² Greenland turbot, arrowtooth flounder, and sablefish fishery category.
³ Pollock, Atka mackerel, and "other species" fishery category.
⁴ Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.
⁵ Exempt.

Seasonal Apportionments of PSC limits

Regulations at § 679.21(e)(5) authorize NMFS, after consultation with the Council, to establish seasonal apportionments of prohibited species bycatch allowances. At its September 1996 meeting, the Council adopted the AP's recommendation not to propose seasonal apportionments of the trawl bycatch allowances at this time. Nonetheless, NMFS anticipates the Council will consider seasonal apportionments during its December 1996 meeting.

The Council proposed to roll over the 1996 seasonal apportionment scheme of the halibut bycatch allowance specified for the Pacific cod hook-and-line fishery. The intent of this proposal was to provide amounts of halibut necessary to support the harvest of the seasonal apportionments of Pacific cod TAC listed in Table 4, as well as limit a hook-and-line fishery for Pacific cod during summer months when halibut bycatch rates are high. As authorized under § 679.21(e)(5)(iv), the Council further recommended that any unused portion of the first seasonal halibut bycatch allowance specified for the Pacific cod hook-and-line fishery be reapportioned to the third seasonal allowance to avoid opportunity for additional fishing for Pacific cod during summer months. Any overage of a halibut bycatch allowance would be deducted from the remaining seasonal bycatch allowances specified for 1997 in amounts proportional to those remaining seasonal bycatch allowances.

TABLE 8.—PROPOSED SEASONAL AP-PORTIONMENTS OF THE 1997 PRO- HIBITED SPECIES BYCATCH ALLOW- ANCES FOR THE BSAI NON-TRAWL FISHERIES

Fishery	Sea-sonal bycatch allow-ance
Pacific cod hook-and-line: ¹	
Jan. 01–Apr. 30	475
May 01–Aug. 31	40
Sep. 01–Dec. 31	285
Total	800
Other non-trawl:	
Jan. 01–Dec. 31	100

¹ Any unused portion of the first seasonal halibut bycatch allowance specified for the Pacific cod hook-and-line fishery will be reapportioned to the third seasonal allowance. Any overage of a seasonal halibut bycatch allowance would be deducted from the remaining seasonal bycatch allowances specified for 1997 in amounts proportional to those remaining seasonal bycatch allowances.

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

The Council proposed that the assumed halibut mortality rates developed by staff of the International Pacific Halibut Commission (IPHC) for the 1996 BSAI groundfish fisheries be rolled over for purposes of monitoring halibut bycatch allowances established for the 1997 groundfish fisheries. The justification for these mortality rates is discussed in the February 5, 1996, publication of the 1996 final specifications. The proposed mortality rates listed in Table 9 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 Council's December 1996 meeting.

TABLE 9.—PROPOSED ASSUMED PA- CIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1997

Fishery	Assumed mortality (percent)
Hook-and-line gear fisheries:	
Rockfish	24
Pacific cod	11.5
Greenland turbot	22
Sablefish	17
Trawl gear fisheries:	
Midwater pollock	88
Non-pelagic pollock	78
Yellowfin sole	73
Rock sole, flathead sole, other flatfish	73
Rockfish	75
Pacific cod	63
Atka mackerel	63
Arrowtooth flounder	49
Greenland turbot	49
Sablefish	49

TABLE 9.—PROPOSED ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1997—Continued

Fishery	Assumed mortality (percent)
Other species	82
Pot gear fisheries	
Pacific cod	7

Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed specification, if issued as proposed, would not have a significant economic impact on a substantial number of small entities as follows:

The proposed specifications would establish TAC and ABC amounts for the 1997 fishing year. In addition, the proposed specifications would establish overfishing levels, prohibited species catch allowances, seasonal allowances of the pollock TAC, and amounts for the pollock and sablefish Community Development Quota reserve.

The proposed 1997 TAC is 57,000 metric tons or 2.85 percent less than the 1996 final TAC. The difference reflects reduced abundance of several species based on NMFS biological surveys and industry catch reports. The number of fixed gear and trawl catcher vessels expected to be operating as small entities in the Bering Sea and Aleutian Islands groundfish fishery is 356, excluding catcher/processor vessels. All these small entities will be affected by the harvest limits established in the 1997 specifications but changes from 1996 are relatively minor and are expected to be shared proportionally among participants. For this reason, the expected effects will not likely cause a reduction in gross revenues of more than 5 percent, increase compliance costs by more than 10 percent, or force small entities out of business.

The Alaska commercial fishing industry is accustomed to shifting effort among alternative species and management areas in

response to changes in TAC between years and inseason closures. Such mobility is necessary to survive in the open access fishery. Therefore, the annual specification process for Alaska groundfish for 1997 would not have significant economic impact on a significant number of small entities.

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1997 SAFE Report will be available for public review at the December 1996 Council meeting. After the December meeting, a final EA will be prepared on the final TAC amounts recommended by the Council.

Consultation pursuant to section 7 of the Endangered Species Act has been initiated for the 1997 initial specifications.

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

Dated: November 19, 1996.

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

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