

TABLE 6.—PROPOSED ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1998—Continued

Fishery	As- sumed mortality (per- cent)
Rockfish	72
Pacific cod	68
Atka mackerel	73
Arrowtooth flounder	66
Greenland turbot	66
Sablefish	23
Other species	68
Pot gear fisheries Pacific cod	10

Classification

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

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1998 SAFE Report will be available for public review at the December 1997 Council meeting. After the December meeting, a final EA will be prepared on the final TAC amounts recommended by the Council.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce made the following certification to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that these proposed specifications, if adopted, would not have a significant impact on a substantial number of small entities as follows:

The Small Business Administration has defined all fish-harvesting or hatchery businesses that are independently owned and operated, not dominant in their field of operation, with annual receipts not in excess of \$3,000,000 as small businesses. Additionally, seafood processors with 500 employees or fewer, wholesale industry members with 100 employees or fewer, not-for-profit enterprises, and government jurisdictions with a populations of 50,000 or less are considered small entities. NMFS has determined that a "substantial number" of small entities would generally be 20 percent of the total universe of small entities affected by the regulation. A regulation would have a "significant economic impact" on these small entities if it reduced annual gross revenues by more than 5 percent, increased total costs of production by more than 5 percent, or resulted in compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities. NMFS typically assumes that all catcher vessels participating in the Alaska groundfish fisheries are "small entities" for purposes of the Regulatory Flexibility Act (RFA).

Based on the number of vessels that caught groundfish in 1996, the number of fixed gear

and trawl catcher vessels expected to be operating as small entities in the 1998 Bering Sea and Aleutian Islands groundfish fishery is 410. All participants in the BSAI groundfish fisheries, including small entities, could be affected by the harvest limits established in the 1998 specifications. Thus, a substantial number of small entities would likely be affected by these proposed specifications.

No changes in the 1998 TACs are proposed relative to the 1997 TACs. Further, no significant changes in the socioeconomic condition of the BSAI groundfish fishery have occurred or are anticipated that could affect the economic impact on small entities of the 1998 specifications. Any changes in final TAC amounts for specific species that may be recommended by the Council at its December 1997 meeting likely would not have a significant economic impact given that the Alaska groundfish fishing fleet is accustomed to shifting effort among alternative species and management areas in response to changes in TAC between years and inseason closures.

Based on 1996 data presented in the preliminary 1998 SAFE report dated September 1997 (See ADDRESSES), the total exvessel value of the BSAI groundfish fishery is estimated at \$413.1 million. These revenues are shared among small and large sector entities. Based on the proposed specifications, the value of the BSAI fishery is expected to remain at approximately this level with no significant allocation shifts between sectors. Thus, based on the SAFE report and the existence of no significant intervening changes, it is unlikely that the proposed specifications would have a significant economic impact on small entities. For the reasons presented above, these revenues are not expected to change significantly within either sector. This assessment will be reviewed again subsequent to the Council's final recommendations for 1998 TAC amounts. These final recommendations will be based on new information on the status of BSAI groundfish stocks that currently is not available. If the Council recommends significant changes to the proposed specifications, the potential economic impacts on small entities will be reevaluated.

Therefore, an initial regulatory flexibility analysis was not prepared.

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

Dated: December 9, 1997.

Gary C. Matlock,

Acting Assistant Administrator For Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-7297-01; I.D. 112097A]

Groundfish Fishery of the Gulf of Alaska; Fisheries of the Exclusive Economic Zone; Proposed 1998 Harvest Specifications for Groundfish

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

ACTION: Proposed 1998 harvest specifications for groundfish and associated management measures; request for comments.

SUMMARY: NMFS proposes 1998 harvest specifications for groundfish, reserves and apportionment thereof, Pacific halibut prohibited species catch (PSC) limits, and associated management measures for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits and associated management measures for groundfish the 1998 fishing year. The intended effect of this action is to conserve and manage the groundfish resources in the GOA and to provide an opportunity for public participation in the annual groundfish specification process.

DATES: Comments must be received by January 14, 1998.

ADDRESSES: Comments must be sent to the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668. Attn: Lori Gravel.

The preliminary 1998 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1997, is available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252 (907-271-2809).

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the GOA are governed by Federal regulations at 50 CFR part 679 that implement 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 Magnuson-Stevens Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and the "other species" category, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (§ 679.20 (a)(1)(ii)). Section 679.20(c)(1) further requires NMFS to annually solicit public comment on proposed annual TACs and publish halibut PSC amounts, seasonal allowances of pollock, and inshore/offshore Pacific cod. The proposed specifications set forth in Tables 1–6 of this action satisfy these requirements. For 1998, the sum of the proposed TAC amounts is 309,715 mt. Under § 679.20(c)(3), NMFS will publish the final specifications for 1998 after considering (1) comments received within the comment period (see **DATES**), and (2) consultations with the Council at its December 1997 meeting.

Section 679.20(c)(2)(i) requires that interim specifications—one-fourth of each proposed TAC and apportionment thereof (not including the reserves and the first seasonal allowance of pollock), one-fourth of the proposed halibut PSC amounts, and the proposed first seasonal allowance of pollock—be established effective 0001 hours, Alaska local time (A.l.t.) January 1, that will remain in effect until the effective date of the final 1998 harvest specifications, which will be published in the **Federal Register**.

NMFS is publishing, in the Rules and Regulations section of this **Federal Register** volume, interim TAC specifications and apportionments thereof for the 1998 fishing year that will become effective 0001 hours, A.l.t. January 1, 1998, and remain in effect until superseded by the final 1998 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 GOA at their September 1997 meeting. This information was compiled by the Council's GOA Plan Team and is presented in the preliminary 1998 SAFE report for the GOA groundfish fisheries, dated September 1997. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass

and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species category. The preliminary 1998 SAFE report will be updated to include new information collected during 1997. Revised stock assessments will be made available by the Plan Team in November 1997 and be included in the final 1998 SAFE report.

The proposed ABC amounts adopted by the Council for the 1998 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 on new definitions of ABC and overfishing that were approved by NMFS under Amendment 44 to the FMP (62 FR 2652, January 17, 1997). In general, the new 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. The revised definitions result in lower exploitation rates and ABCs for most species, although biomass estimates are generally unchanged.

Details of the Plan Team's recommendations for preliminary 1998 overfishing and ABC amounts for each species are provided in the preliminary 1998 SAFE report. This report is available from the Council (see **ADDRESSES**). At its September 1997 meeting, the Council's SSC reviewed the Plan Team's preliminary recommendations for 1998 ABC amounts. The SSC concurred in the Plan Team's recommendations except for the ABCs for deep-water flatfish in the Western and Central areas of the GOA and for nearshore pelagic shelf rockfish in the Central area of the GOA. For these stocks the Plan Team had based its ABC recommendations on a tier six calculation of average catch of these species for the period 1991 through 1997, rather than for the period 1987 through 1995 as specified in Amendment 44 to the FMP. The SSC's corrected ABC recommendations were unchanged from 1997 and equaled 3,690 mt for deep-water flatfish in the Western area, 3,140 mt for deep-water flatfish in the Central area, and 260 mt for nearshore pelagic shelf rockfish in the Central area of the GOA. The Council adopted the proposed overfishing and ABC amounts recommended by the SSC (Table 1).

At its June 1997 meeting, the Council adopted Amendment 46 to the FMP.

This amendment would remove the nearshore component of pelagic shelf rockfish (consisting of black rockfish and blue rockfish) from the FMP. The intent of this action was to provide the State of Alaska with full management authority for these stocks. The Council believes that regional management of these stocks by the Alaska Department of Fish and Game will more fully address fishery and management concerns. A proposed rule to implement Amendment 46 was published in the **Federal Register** on December 2, 1997 (62 FR 63690). Pending the timely approval of Amendment 46 by NMFS, the final 1998 specifications would not include specifications for the nearshore component of pelagic shelf rockfish as proposed in Table 1.

Specification and Apportionment of TAC Amounts and Reserves

The Council adopted the AP's proposals for the 1998 GOA TAC amounts. For each species these amounts equal the 1997 TAC amounts except for pollock, which equals the 1998 ABC recommended by the Plan Team, SSC, and AP. NMFS finds that the recommended proposed TAC amounts are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 116,000–800,000 mt.

The reserves for the GOA (under § 679.20(b)(2)) are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish target species categories, and "other species." The GOA groundfish TAC amounts have been fully utilized by the respective domestic target species categories since 1987, and NMFS expects the same to occur in 1998. NMFS proposes apportionment of all the reserves to the respective target species categories except for Pacific cod. The Pacific cod fishery in the GOA has become increasingly difficult to manage. The increased number of participants, unexpected increases in harvest rates, and unexpected shifts to other management areas and targets in the GOA have resulted in overharvests of Pacific cod in some areas. Therefore, NMFS proposes to initially reserve 20 percent of the Pacific cod TACs in the GOA as a management buffer to prevent exceeding the Pacific cod TAC.

Table 1 sets forth the proposed 1998 ABC, TAC, initial TAC amounts (for Pacific cod only), overfishing levels, and initial apportionments of groundfish in the GOA. The section following Table 1 discusses the apportionment of TAC amounts among fisheries. These

proposed specifications are subject to change as a result of public comment, analysis of the current biological condition of the groundfish stocks, new information regarding the fishery, and consultation with the Council at its December 1997 meeting.

TABLE 1.—PROPOSED 1998 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND-FISH 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

Species	Area ¹	ABC	TAC	Initial TAC	Overfishing
(mt)					
Pollock ²					
Shumagin	(610)	24,200	24,200	.....	.....
Chirikof	(620)	40,660	40,660	.....	.....
Kodiak	(630)	31,940	31,940	.....	.....
Subtotal	W/C	96,800	96,800	.....	137,900
Total	E	8,800	8,800	.....	12,600
		105,600	105,600	.....	150,500
Pacific cod ³					
W	W	28,500	24,225	19,380	.....
C	C	51,400	43,690	34,952	.....
E	E	1,600	1,200	960	.....
Total		81,500	69,115	55,292	180,000
Flatfish (deep-water) ⁴					
W	W	340	340	.....	.....
C	C	3,690	3,690	.....	.....
E	E	3,140	3,140	.....	.....
Total		7,170	7,170	.....	9,420
Rex sole ⁴					
W	W	1,190	1,190	.....	.....
C	C	5,490	5,490	.....	.....
E	E	2,470	2,470	.....	.....
Total		9,150	9,150	.....	11,920
Flathead sole					
W	W	8,440	2,000	.....	.....
C	C	15,630	5,000	.....	.....
E	E	2,040	2,040	.....	.....
Total		26,110	9,040	.....	34,010
Flatfish (shallow-water) ⁵					
W	W	22,570	4,500	.....	.....
C	C	19,260	12,950	.....	.....
E	E	1,320	1,180	.....	.....
Total		43,150	18,630	.....	59,540
Arrowtooth flounder					
W	W	33,010	5,000	.....	.....
C	C	149,640	25,000	.....	.....
E	E	25,690	5,000	.....	.....
Total		208,340	35,000	.....	295,970
Sablefish ⁶					
W	W	1,860	1,860	.....	.....
C	C	6,410	6,410	.....	.....
WYK	WYK	2,410	2,410	.....	.....
SEO	SEO	3,840	3,840	.....	.....
Total		14,520	14,520	.....	30,360
Pacific ocean perch ⁷					
W	W	2,230	1,472	.....	3,190
C	C	8,160	5,352	.....	11,630
E	E	5,450	2,366	.....	7,770
Total		15,840	9,190	.....	22,590
Short raker/rougheye ⁸					
W	W	160	160	.....	.....
C	C	970	970	.....	.....
E	E	460	460	.....	.....

TABLE 1.—PROPOSED 1998 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND-FISH 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—Continued

Species	Area ¹	ABC	TAC	Initial TAC	Overfishing
Total .....	.....	1,590	1,590	.....	2,740
Other rockfish ^{9 10 11}	W	20	20	.....	.....
	C	650	650	.....	.....
	E	4,590	1,500	.....	.....
Total .....	.....	5,260	2,170	.....	7,560
Northern Rockfish ¹²	W	840	840	.....	.....
	C	4,150	4,150	.....	.....
	E	10	10	.....	.....
Total .....	.....	5,000	5,000	.....	9,420
Pelagic shelf rockfish ¹³	W combined	570	570	.....	.....
	C nearshore	260	260	.....	350
	C offshore	3,320	3,320	.....	.....
	E combined ..	990	990	.....	.....
Total excl.	C nearshore	4,880	4,880	.....	.....
Total incl.	C nearshore	5,140	5,140	.....	8,190
Demersal shelf rockfish ¹¹	SEO	950	950	.....	1,450
Thornyhead rockfish	GW	1,700	1,700	.....	2,440
Atka mackerel	GW	1,000	1,000	.....	6,200
Other species ¹⁴	GW	N/A ¹⁵	14,750	.....	.....
Total ¹⁶ .....	.....	531,020	309,715	.....	832,540

¹ Regulatory areas and districts are defined at § 679.2.

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

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

⁴ "Deep-water flatfish" means Dover sole and Greenland turbot.

⁵ "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

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

⁷ "Pacific ocean perch" means *Sebastes alutus*.

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

⁹ "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.

¹⁰ "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* (silverygrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), and *S. reedi* (yellowmouth).

¹¹ "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).

¹² "Northern rockfish" means *Sebastes polyspinis*.

¹³ "Pelagic shelf rockfish" means *Sebastes melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail). "Pelagic shelf rockfish nearshore" means *Sebastes melanops* (black) and *S. mystinus* (blue). "Pelagic shelf rockfish offshore" means *Sebastes ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

¹⁴ "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.

¹⁵ N/A means not applicable.

¹⁶ The total ABC is the sum of the ABCs for target species.

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

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

hook-and-line gear and 20 percent is allocated to vessels using trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is assigned to vessels using hook-and-line gear and 5 percent is assigned to vessels using trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used as bycatch to support directed fisheries for other trawl target species. Sablefish

caught in the GOA with gear other than hook-and-line or trawl must be treated as prohibited species and may not be retained. Table 2 sets forth the assignments of the proposed 1998 sablefish TAC amounts between vessels using hook-and-line and trawl gears.

TABLE 2.—PROPOSED 1998 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ASSIGNMENTS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR

Area/District	TAC	Hook-and-line share	Trawl share
	(mt)		
Western	1,860	1,488	372
Central	6,410	5,128	1,282
Eastern:			
West Yakutat	2,410	2,290	120
Southeast Outside	3,840	3,648	192
Total	14,520	12,554	1,966

Proposed Apportionments of Pollock and Pacific Cod TAC Amounts

In the GOA, pollock is apportioned by area and season. Section 679.20(a)(5)(ii)(A) requires that the TAC for pollock in the combined Western/Central (W/C) Regulatory Areas be apportioned among statistical areas Shumagin (610), Chirikof (620), and Kodiak (630) in proportion to known distribution of the pollock biomass. This measure was intended to provide spatial distribution of the pollock harvest as a sea lion protection measure. Under § 679.20(a)(5)(ii)(B), the pollock TAC for the W/C Regulatory Areas is apportioned into three seasonal allowances of 25, 25 and 50 percent, respectively. As established under § 679.23(d)(2), the first, second, and third seasonal allowances of the W/C Regulatory Area pollock TAC amounts are available on January 1, June 1, and September 1, respectively. Within any

fishing year, any unharvested amount of any seasonal allowance of pollock TAC is added in equal proportions to all subsequent seasonal allowances, resulting in a sum for each allowance not to exceed 150 percent of the initial seasonal allowance. Similarly, harvests in excess of a seasonal allowance of TAC are deducted in equal proportions from the remaining seasonal allowances of that fishing year. The Eastern Regulatory Area proposed TAC of 8,800 mt is not allocated among smaller areas, or seasonally.

Section 679.20(a)(6)(ii) requires the allocation of the pollock apportionment in all regulatory areas and for all seasonal allowances to the inshore and offshore components as defined at § 679.2. Similarly, § 679.20(a)(6)(iii) requires allocation of the Pacific cod apportionment in all regulatory areas to the inshore and offshore components. The inshore component would be

allocated as 100 percent of the pollock TAC in each regulatory area after subtraction of amounts that are determined by the Administrator, Alaska Region, NMFS (Regional Administrator), 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. The proposed distribution of pollock within the combined W/C Regulatory Areas is shown in Table 3, except that the allocation to the inshore and offshore components are not shown.

The inshore component for Pacific cod would be allocated as 90 percent of the TAC in each regulatory area. Inshore and offshore component allocations of the proposed 55,292 mt initial TAC for each regulatory area are set forth in Table 4.

TABLE 3.—PROPOSED DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (W/C GOA); BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND SEASONAL

Statistical area	Biomass percent	1998 ABC = TAC	Seasonal Allowances		
			First	Second	Third
			(mt)		
Shumagin (610)	25	24,200	6,050	6,050	12,100
Chirikof (620)	42	40,660	10,165	10,165	20,330
Kodiak (630)	33	31,940	7,985	7,985	15,970
Total	100	96,800	24,200	24,200	48,400

NOTE: Allowances. ABC for the W/C GOA is proposed to be 96,800 metric tons (mt). Biomass distribution is based on 1996 survey data. TAC amounts are equal to ABC. Inshore and offshore allocations of pollock are not shown.

TABLE 4.—PROPOSED 1998 ALLOCATION OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS.

Regulatory area	Initial TAC	Component Allocation	
		Inshore (90%)	Offshore (10%)
		(mt)	
Western	19,380	17,442	1,938
Central	34,952	31,457	3,495

TABLE 4.—PROPOSED 1998 ALLOCATION OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS.—Continued

Regulatory area	Initial TAC	Component Allocation	
		Inshore (90%)	Offshore (10%)
Eastern	960	864	96
Total:	55,292	49,763	5,529

“Other Species” TAC

The FMP specifies that amounts for the “other species” category are calculated as 5 percent of the combined TAC amounts for target species. The GOA-wide “other species” TAC is calculated as 14,750 mt, which is 5 percent of the sum of combined TAC amounts for the target species.

Proposed 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. At its September meeting, the Council recommended that NMFS reestablish the PSC limits of 2,000 mt for the trawl fisheries and 300 mt for the hook-and-line fisheries, with 10 mt of the hook-

and-line limit allocated to the demersal shelf rockfish (DSR) fishery in the SEO District and the remainder to the remaining hook-and-line fisheries. The Council did not propose seasonal apportionments of these PSC limits but may recommend such apportionments at its December 1997 meeting. Section 679.21(d)(4) authorizes the exemption of specified nontrawl fisheries from the halibut PSC limit. As in 1996 and 1997, the Council proposes to exempt pot gear and the hook-and-line sablefish fishery from the nontrawl halibut limit for 1998. The Council proposed these exemptions because the halibut bycatch mortality experienced in the pot gear fisheries was low (17 mt in 1996, and 13 mt in 1997) and because the sablefish and halibut Individual Fishing Quota

(IFQ) program, implemented in 1995, allows retention of legal-sized halibut in the sablefish fishery by persons holding IFQ permits for halibut.

NMFS preliminarily concurs in the Council’s 1998 recommendations for halibut bycatch limits.

Section 679.21(d)(3)(iii) authorizes the apportionment of the trawl halibut PSC limit to a deep-water species fishery (consisting of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder) and a shallow-water species fishery (consisting of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and “other species”). The proposed apportionment for these two fishery complexes is presented in Table 5 and is unchanged from 1997.

TABLE 5.—PROPOSED 1998 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX

Season	Shallow-water	Deep-water	Total
	(mt)		
Jan. 20–Sep. 30	800	800	1,600
Oct. 1–Dec. 31			400
Total			2,000

There is no apportionment between shallow-water and deep-water fishery categories between October 1 and December 31.

Some changes may be made by the Council or NMFS in the seasonal, gear type and fishing-complex apportionments of halibut PSC limits for the final 1998 harvest specifications. NMFS considers the following types of information in setting halibut PSC limits as presented by, and summarized from, the preliminary 1998 SAFE Report, or from public comment and testimony.

Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is available from data collected during 1997 by observers. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through October 18, 1997, is 1,748 mt, 210 mt, and 13 mt,

respectively, for a total halibut mortality of 1,971 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries during the first, second, and third quarters of the 1997 fishing year and are anticipated to constrain trawl gear fisheries during the fourth quarter. Trawling for the deep-water fishery complex was closed during the first quarter on March 15 (62 FR 13352, March 20, 1997), for the second quarter on April 14 (62 FR 18725, April 17, 1997), and for the third quarter on July 20 (62 FR 39782, July 24, 1997). The shallow-water fishery complex was closed in the second quarter on May 6 (62 FR 25138, May 8, 1996) and in the third quarter on August 8 (62 FR 43485, August 14, 1996). The amount of groundfish that might have been

harvested if halibut had not been seasonally limiting in 1997 is unknown. However, lacking market incentives, some amounts of groundfish will not be harvested, regardless of halibut PSC bycatch availability.

Expected Changes in Groundfish Stocks

At its September 1997 meeting, the Council recommended 1998 ABC amounts higher than 1997 ABC amounts for pollock, arrowtooth, and Pacific ocean perch (POP). The proposed 1998 ABC amounts for the remaining species or species groups are unchanged from 1997 amounts. More information on these proposed changes is included in the preliminary SAFE Report, dated September 1997, and in the AP, SSC, and Council minutes from the September 1997 meeting.

Expected Changes in Groundfish Catch

The total of the proposed 1998 TAC amounts for the GOA is 309,715 mt, which represents 110 percent of the sum of TAC amounts for 1997 (282,815 mt). Increases in TAC are proposed for pollock, arrowtooth, and POP. The proposed increases in TAC should not directly affect halibut bycatch.

Current Estimates of Halibut Biomass and Stock Condition

The most recent information on halibut biomass and stock condition may be found in the 1997 final SAFE report, dated December 1997. New information will be incorporated in the final 1998 SAFE report.

The International Pacific Halibut Commission (IPHC) has been developing substantially different methods of estimating halibut biomass and stock conditions. These methods have resulted in new estimates of biomass and recruitment. The IPHC estimates of biomass and recruitment of halibut are higher than previously indicated. The increase in estimated biomass under the new method can be attributed to three factors.

1. Halibut size at age information is better represented in the population model. Growth has declined and the new method more appropriately accounts for the availability of young halibut to capture by hook and line gear; the estimated abundance of young halibut has increased accordingly.

2. Bycatch mortality of legal-sized halibut (32 inches or greater) is now included in the assessment along with other removals such as commercial and sport; this inclusion of bycatch mortality causes the estimated biomass to increase to account for the increase in removals.

3. Catch rates from IPHC hook and line surveys are included in the analysis; these data support trends observed in the commercial fishery that the halibut population has increased.

The 1987 year class of halibut is large, although individual fish are small. The strength of this year class has increased current estimates of abundance and suggests that halibut biomass is likely to stay high for the next several years.

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

The allowable commercial catch of halibut will be adjusted to account for the overall halibut PSC mortality limit established for groundfish fisheries. The 1998 groundfish fisheries are expected to use the entire proposed halibut PSC limit of 2,300 mt. The allowable

directed commercial catch is determined by accounting for the recreational catch, waste, and bycatch mortality, and then providing the remainder to the directed fishery. Groundfish fishing is not expected to affect the halibut stocks.

Methods Available for, and Costs of, Reducing Halibut Bycatches in Groundfish Fisheries

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

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

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

Current regulations (§ 679.24(b)(1)(ii)) require groundfish pots to have halibut exclusion devices to reduce halibut bycatch. Resulting low bycatch and mortality rates of halibut in pot fisheries have justified exempting pot gear from PSC limits.

The regulations also define pelagic trawl gear in a manner intended to reduce bycatch of halibut by displacing fishing effort off the bottom of the sea floor when certain halibut bycatch levels are reached during the fishing year. The definition provides standards for physical conformation (§ 679.2, see Authorized gear) and performance of the trawl gear in terms of crab bycatch (§ 679.7(b)(3)). Furthermore, all hook-and-line vessel operators are required to employ careful release measures when handling halibut bycatch (§ 679.7(b)(2)). These measures are intended to reduce handling mortality, increase the amount of groundfish harvested under the available halibut mortality bycatch limits, and possibly lower overall halibut bycatch mortality in groundfish fisheries.

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

Methods available for reducing halibut bycatch listed above will be

reviewed by NMFS and the Council to determine their effectiveness. Changes will be initiated, as necessary, in response to this review or to public testimony and comment.

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

Halibut Discard Mortality Rates

The Council recommended that revised assumed halibut mortality rates developed by staff of the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1998 GOA groundfish fisheries. NMFS concurs in the Council's recommendation. Most of the IPHC's assumed mortality rates were based on an average of mortality rates determined from NMFS-observer data collected during 1995 and 1996. For fisheries where a steady trend from 1993 to 1996 towards increasing or decreasing mortality rates was observed, the IPHC recommended using the most recent year's rate. Rates for 1995 and 1996 were lacking for some fisheries, so rates from the most recent years were used. Most of the assumed mortality rates recommended for 1998 differ slightly from those used in 1997. The recommended rates are the same as 1997 for all longline targeted fisheries, except rockfish, for which the rate is higher. The recommended rates for longline targeted fisheries range from 9 to 24 percent. The recommended rates are higher for all trawl targeted fisheries and range from 57 to 73 percent. The recommended rates are lower for all pot-targeted fisheries at 14 percent. The halibut mortality rates are listed in Table 6.

The proposed mortality rates listed in Table 6 are subject to change after the Council considers an updated analysis on halibut mortality rates in the groundfish fisheries that IPHC staff are

scheduled to present to the Council at the Council's December 1997 meeting.

TABLE 6.—PROPOSED 1998 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	Percent
Hook-and-line:	
Sablefish	24
Pacific cod	12
Rockfish	9
Other species	12
Trawl:	
Midwater pollock	66
Rockfish	68
Shallow-water flatfish	71
Pacific cod	67
Deep-water flatfish	64
Bottom pollock	73
Atka mackerel	57
Flathead sole	67
Rex sole	69
Sablefish	67
Other species	67
Pot:	
Pacific cod	14
Pollock	14
Other species	14

Classification

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

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1998 SAFE Report will be available for public review at the December 1997 Council meeting. After the December meeting, a final EA will be prepared on the final TAC amounts recommended by the Council.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce the following certification to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that these proposed specifications, if adopted,

would not have a significant impact on a substantial number of small entities as follows:

The Small Business Administration has defined all fish-harvesting or hatchery businesses that are independently owned and operated, not dominant in their field of operation, with annual receipts not in excess of \$3,000,000 as small businesses. Additionally, seafood processors with 500 employees or fewer, wholesale industry members with 100 employees or fewer, not-for-profit enterprises, and government jurisdictions with a populations of 50,000 or less are considered small entities. NMFS has determined that a "substantial number" of small entities would generally be greater than or equal to 20 percent of the total universe of small entities affected by the regulation. A regulation would have a "significant economic impact" on these small entities if it reduced annual gross revenues by more than 5 percent, increased total costs of production by more than 5 percent, or resulted in compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities. NMFS typically assumes that all catcher vessels participating in the Alaska groundfish fisheries generally are "small entities" for purposes of the Regulatory Flexibility Act (RFA). Based on the number of vessels that caught groundfish in 1996, the number of fixed gear and trawl catcher vessels expected to be operating as small entities in the 1998 GOA groundfish fishery is 1,492. Of these, about 200 vessels used trawl gear to harvest GOA groundfish. All participants in the GOA groundfish fisheries, including small entities, could be affected by the harvest limits established in the 1998 specifications. Thus a substantial number of small entities would likely be affected by the proposed specifications.

The only change in the proposed 1998 TAC amounts relative to 1997 is a 25,620 mt increase in the pollock TAC. No significant changes in the socioeconomic condition of the GOA groundfish fishery have occurred or are anticipated that could affect the economic impact on small entities of the 1998 specifications. Any changes in final TAC amounts for specific species that may be recommended by the Council at its December 1997 meeting likely would not have a significant economic impact on a substantial

number of small entities given that the Alaska groundfish fishing fleet is accustomed to shifting effort among alternative species and management areas in response to changes in TAC between years and inseason closures. The proposed TAC increase for GOA pollock would positively benefit trawl catcher vessels that harvest this species. Based on an exvessel price for GOA pollock of \$ 0.102 per lb as reported in the preliminary 1998 Stock Assessment Fishery Evaluation (SAFE) report dated September 1997 (See ADDRESSES), the potential increased revenue to trawl catcher vessels is \$5.8 million, assuming all of the fish is harvested and landed.

Based on 1996 data presented in the preliminary 1998 SAFE report, the total exvessel value of the GOA groundfish fishery is estimated at \$125.3 million. These revenues are shared among small and large sector entities. Based on the proposed specifications, the value of the GOA fishery is expected to remain at approximately this level with no significant allocation shifts between sectors, and for the reasons presented above, these revenues are not expected to be reduced significantly within either sector. Thus, based on the SAFE report, and the existence of no significant intervening changes, it is unlikely that the proposed specifications would have a significant economic impact on small entities. In fact, a positive impact on small entities would occur to the extent that TAC amounts for pollock are increased. This assessment will be reviewed again subsequent to the Council's final recommendations for 1998 TAC amounts. The final recommendations will be based on new information on the status of GOA groundfish stocks that currently is not available. If the Council recommends significant changes to the proposed specifications, the potential economic impacts on small entities will be re-evaluated.

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

Dated: December 9, 1997.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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