

administrative, and would only add a framework procedure to the FMP, this rule would not result in any new compliance burdens or in any significant economic impact on small entities. As a result, a regulatory flexibility analysis was not prepared.

#### List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: July 15, 1998.

#### David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

#### PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. A new § 660.89 is added to Subpart F to read as follows:

#### § 660.89 Framework procedures.

(a) *Introduction.* Established management measures may be revised and new management measures may be established and/or revised through rulemaking if new information demonstrates that there are biological, social, or economic concerns in the precious coral permit area. The following framework process authorizes the establishment and revision of measures that may affect the operation of the fisheries, gear, quotas, season, or changes in catch and/or effort.

(b) *Annual report.* By June 30 of each year, the Council-appointed Precious Coral Team will prepare an annual report on the fisheries in the management area. The report shall contain, among other things, recommendations for Council action and an assessment of the urgency and effects of such action(s).

(c) *Procedure for established measures.* (1) Established measures are management measures that, at some time, have been included in regulations implementing the FMP, and for which the impacts have been evaluated in Council/NMFS documents in the context of current conditions.

(2) According to the framework procedures of Amendment 3 to the FMP, the Council may recommend to the Regional Administrator that

established measures be modified, removed, or re-instituted. Such recommendation shall include supporting rationale and analysis, and shall be made after advance public notice, public discussion, and consideration of public comment. NMFS may implement the Council's recommendation by rulemaking if approved by the Regional Administrator.

(d) *Procedure for new measures.* (1) New measures are management measures that have not been included in regulations implementing the FMP, or for which the impacts have not been evaluated in Council/NMFS documents in the context of current conditions.

(2) Following the framework procedures of Amendment 3 to the FMP, the Council will publicize, including by a **Federal Register** document, and solicit public comment on, any proposed new management measure. After a Council meeting at which the measure is discussed, the Council will consider recommendations and prepare a **Federal Register** document summarizing the Council's deliberations, rationale, and analysis for the preferred action, and the time and place for any subsequent Council meeting(s) to consider the new measure. At a subsequent public meeting, the Council will consider public comments and other information received before making a recommendation to the Regional Administrator about any new measure. If approved by the Regional Administrator, NMFS may implement the Council's recommendation by final rulemaking, in some instances, or if circumstances warrant, by proposed and final rulemaking.

[FR Doc. 98-19391 Filed 7-20-98; 8:45 am]

BILLING CODE 3510-22-F

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 980702167-8167-01; I.D. 051898A]

RIN 0648-AK73

#### Fisheries of the Exclusive Economic Zone Off Alaska; Stand Down Requirements for Trawl Catcher Vessels Transiting Between the Bering Sea and Gulf of Alaska

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes regulations to implement a stand down requirement for trawl catcher vessels transiting between the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA). This action is necessary to prevent unexpected shifts of fishing effort between BSAI and GOA fisheries that cause management problems and can lead to overharvests of total allowable catch (TAC) in the Western and Central (W/C) Regulatory Areas of the GOA. This action is intended to further the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs).

**DATES:** Comments on the proposed rule must be received no later than August 20, 1998.

**ADDRESSES:** Comments may be sent to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for this action are available from NMFS at the same address, or by calling the Alaska Region, NMFS, at 907-586-7228.

**FOR FURTHER INFORMATION CONTACT:** Kent Lind, 907-586-7228 or kent.lind@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The groundfish fisheries off Alaska are managed by NMFS under the FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Federal regulations governing the groundfish fisheries appear at 50 CFR parts 600 and 679.

#### Background and Need for Action

In recent years, management of the inshore pollock and Pacific cod fisheries of the W/C Regulatory Areas of the GOA has become increasingly difficult and the risk of harvest overruns has grown due to TAC amounts that are small relative to the potential fishing effort. The problem has been most acute in the Western Regulatory Area of the GOA due to the constant potential that numerous large catcher vessels based in the Bering Sea could cross into the GOA

to participate in pollock and Pacific cod openings that have relatively small TACs. NMFS currently lacks a preseason vessel registration program that could gauge potential effort in these fisheries prior to openings, and inseason catch information in these fisheries is neither timely nor accurate enough to allow adequate management.

The difficulty of managing the pollock fishery in the Western Regulatory Area was demonstrated in 1997 during the September 1 third season opening. On September 4, 1997, NMFS announced a closure of the fishery effective September 7, 1997, based on the observed level of effort in the Western Regulatory Area. Once the closure date was announced, a large number of Bering Sea-based vessels entered the GOA to participate in the final 2 days of the fishery. NMFS inseason managers did not anticipate this increase in effort because the Bering Sea pollock fishery was still open at that time and NMFS expected that Bering Sea-based vessels would continue to fish in the Bering Sea. Nevertheless, these Bering Sea-based vessels harvested approximately 7,000 mt of pollock from the Western Regulatory Area in the final 2 days of the fishery. As a consequence of this unanticipated effort, the 1997 annual TAC of 18,600 mt for this area was exceeded by 8,017 mt or 43 percent of the total.

In response to the difficulties associated with managing the pollock and Pacific cod fisheries of the W/C Regulatory Areas, the Council has developed two distinct management solutions. The first program, adopted by the Council at its February 1998 meeting and contained in this proposed rule, is a stand down requirement for inshore trawl catcher vessels transiting between the BSAI and GOA. The second management program, currently under development by NMFS and the Council, is a vessel registration program that would require vessels to register with NMFS in advance of entering certain critical fisheries. Both of these programs are described in detail in the EA/RIR prepared for this action.

#### Elements of the Proposed Rule

This proposed rule would impose a stand down requirement for all trawl catcher vessels transiting between the BSAI and GOA FMP management areas that would be in effect when the pollock or Pacific cod fisheries are open in the BSAI or GOA. Vessels leaving the BSAI would be required to offload all fish caught in the BSAI and would be prohibited from deploying trawl gear in the W/C Regulatory Areas of the GOA until 1200 hours A.l.t. on the third day

after the date that offloading was completed. Vessels transiting from the Western Regulatory Area to the BSAI would be subject to the same 3-day stand down requirement. However, vessels transiting between the Central Regulatory Area and the BSAI would face a 2-day stand down period. The Council believed that a shorter stand down period for vessels transiting between the Central Regulatory Area and the BSAI was warranted because the Central Regulatory Area is farther from the BSAI and less subject to rapid shifts of effort back and forth from BSAI fisheries.

The purpose of requiring vessels to offload all fish caught in one area before deploying gear in the new area is to aid enforcement officers in determining whether a violation of the stand down requirement has occurred. If vessels were allowed to retain fish on board the vessel while transiting to a new area, enforcement officers boarding a vessel would have no means of determining whether the fish on board the vessel were caught in the previous area, or caught in the new area in violation of the stand down requirement. Requiring vessels to empty their holds before beginning the stand down period would eliminate this enforcement difficulty.

#### Classification

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

NMFS has prepared an initial regulatory flexibility analysis that consists of the EA/RIR and the preamble to this proposed rule. A copy of the EA/RIR is available from NMFS (see ADDRESSES).

The proposed stand down requirement would affect an estimated 275 trawl catcher vessels fishing for groundfish in the GOA and BSAI, all of which are considered small entities, because it would restrict their ability to make rapid transits between the BSAI and GOA groundfish fisheries. Managing pollock and Pacific cod fisheries in the GOA has been increasingly difficult because of the potential for large catcher vessels based in the BSAI to participate in pollock and Pacific cod openings in the GOA that have relatively small TACs and risk harvest overruns. Ten to 15 catcher vessels, believed to be based in the BSAI, made rapid transits from one area to another in 1997. NMFS cannot calculate how many such vessels might transit in 1998 but it is possible that more than 10-15 catcher vessels could participate in GOA pollock and Pacific cod fisheries and risk harvest overruns. NMFS projects that the proposed

restriction could result in the foregone harvest of pollock to BSAI-based catcher vessels, which could exceed the estimated 7,663 mt of pollock harvested in 1997 by these vessels. NMFS cannot calculate this proposed rule's effect on the affected vessels, but it is possible that it could result in losses of 5 percent or more of these vessels' gross revenues and/or increase the costs of production by more than 5 percent. No entities are expected to be forced out of business as a result of this action. As such, based on NMFS threshold guidelines, this action could result in a significant economic impact on a substantial number of small entities.

This proposed rule would not result in any new reporting requirements and does not duplicate, overlap with, or conflict with any other Federal rules.

Alternatives to the proposed stand down requirement include no action, variations on the length or applicability of the stand down requirement, or establishing a vessel registration program. The no action alternative would preserve the possibility of distributional impacts resulting from the BSAI-based fleet taking some of the TAC that would otherwise be harvested by the GOA-based fleet. This alternative's risks to the long-term health of the stock, due to the potential for continued overharvests, could lead to negative economic impacts in future years.

The Council considered a range of variations on the length and applicability of the stand down requirement. The options that would have applied the requirements either to all groundfish vessels, or all trawl vessels were rejected because the objective of preventing overharvests could be achieved through a less restrictive option that applied the stand down requirement only to trawl catcher vessels. The options that would have applied the stand down requirements to all target fisheries was selected over the option that would have applied only to the pollock and Pacific cod fisheries due to potential conflicts with the increased retention/improved utilization program and the difficulties of enforcing a more narrowly tailored rule. Reducing the length of the stand down period for the Western Regulatory Area from 72 to 48 hours may have marginally reduced some of the impacts on small entities and still reduced the number of rapid transits. However, this alternative would not have alleviated the impacts of the offloading requirement and could have resulted in enforcement difficulties. There were also several options concerning when the stand down period should begin: from the time of gear retrieval in one area, from

noon on the date of landing fish, or from the actual time and date of the delivery of fish. Beginning the period at the time of retrieval of gear could have reduced impacts associated with delay on small entities. This approach would have relied on log book data, and vessels under 60 feet LOA are not required to maintain logbooks. However, NMFS does not believe that many of these small catcher vessels make rapid transits. Beginning the period at the time of actual delivery would have imposed a new record keeping and reporting requirement, and would have entailed a Paperwork Reduction Act clearance process that would have precluded implementing this action prior to 1999.

A vessel registration system, which would require vessels to pre-register for the areas in which they would be fishing, would resolve NMFS's

management problems with the relatively minor impact of reduced flexibility for the fishing fleets. In some cases this option would impose costs on vessels that realize mid-course they would prefer to fish in another area, but it would improve the predictability of the fishing season and allow fishers to plan more effectively. The council has recommended developing this alternative and implementing it at a later date.

**List of Subjects in 50 CFR Part 679**

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: July 14, 1998.

**David L. Evans,**

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

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

**PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

1. The authority citation for part 679 continues to read as follows:

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

2. In § 679.23 a new paragraph (h) is added to read as follows:

**§ 679.23 Seasons.**

\* \* \* \* \*

(h) *Stand down requirements for catcher vessels transiting between the BSAI and GOA.*

If you own or operate a catcher vessel and fish for groundfish with trawl gear in the * * *	You are prohibited from subsequently deploying trawl gear in the * * *	Until * * *
(1) BSAI while pollock or Pacific cod is open to directed fishing in the BSAI.	Western and Central Regulatory Areas of the GOA.	1200 hours A.I.t. on the third day after the date of landing or transfer of all groundfish on board the vessel harvested in the BSAI, unless you are engaged in directed fishing for Pacific cod in the GOA for processing by the offshore component.
(2) Western Regulatory Area of the GOA while pollock or inshore Pacific cod is open to directed fishing in the Western Regulatory Area of the GOA.	BSAI .....	1200 hours A.I.t. on the third day after the date of landing or transfer of all groundfish on board the vessel harvested in the Western Regulatory Area of the GOA.
(3) Central Regulatory Area of the GOA while pollock or inshore Pacific cod is open to directed fishing in the Central Regulatory Area of the GOA.	BSAI .....	1200 hours A.I.t. on the second day after the date of landing or transfer of all groundfish on board the vessel harvested in the Central Regulatory Area of the GOA.

[FR Doc. 98-19334 Filed 7-20-98; 8:45 am]

BILLING CODE 3510-22-P