

In accordance with § 679.20(d)(1)(i) and (d)(1)(ii)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season allowance of the 2012 Pacific cod TAC allocated to AFA trawl catcher processors in the BSAI will be taken as incidental catch in the directed fishing for other species. Therefore, the Regional Administrator is establishing a directed fishing allowance for Pacific cod allocated to AFA trawl catcher processors in the BSAI of 0 mt. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by AFA trawl catcher processors in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by AFA trawl catcher/processors in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 16, 2012.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 17, 2012.

Carrie Selberg,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111213751-2102-02]

RIN 0648-XA758

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2012 and 2013 Harvest Specifications for Groundfish

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

ACTION: Final rule; closures.

SUMMARY: NMFS announces final 2012 and 2013 harvest specifications and prohibited species catch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits for groundfish during the 2012 and 2013 fishing years, and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the BSAI (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective from 1200 hrs, Alaska local time (A.l.t.), February 23, 2012, through 2400 hrs, A.l.t., December 31, 2013.

ADDRESSES: Electronic copies of the Final Alaska Groundfish Harvest Specifications Environmental Impact Statement (EIS), Record of Decision (ROD), Supplementary Information Report (SIR) to the EIS, and the Final Regulatory Flexibility Analysis (FRFA), prepared for this action are available from <http://alaskafisheries.noaa.gov>. The final 2011 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2011 and SAFE reports for previous years, are available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99510-2252, phone 907-271-2809, or from the Council's Web site at <http://alaskafisheries.noaa.gov/npfmc>.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7228.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR part 679 implement the FMP and govern the groundfish fisheries in the BSAI. The

Council prepared the FMP, and NMFS approved it under the Magnuson-Stevens Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify the total allowable catch (TAC) for each target species; the sum TAC for all groundfish species must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (see § 679.20(a)(1)(i)). This final rule specifies the TAC at 2.0 million mt for both 2012 and 2013. NMFS also must specify apportionments of TACs, prohibited species catch (PSC) allowances, and prohibited species quota (PSQ) reserves established by § 679.21; seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC; Amendment 80 allocations; and Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii). The final harvest specifications set forth in Tables 1 through 16 of this action satisfy these requirements.

Section 679.20(c)(3)(i) further requires NMFS to consider public comment on the proposed annual TACs (and apportionments thereof) and PSC allowances, and to publish final harvest specifications in the **Federal Register**. The proposed 2012 and 2013 harvest specifications and PSC allowances for the groundfish fishery of the BSAI were published in the **Federal Register** on December 27, 2011 (76 FR 80782). Comments were invited and accepted through January 26, 2012. NMFS received 1 letter with 1 comment on the proposed harvest specifications. This comment is summarized and responded to in the "Response to Comments" section of this rule. NMFS consulted with the Council on the final 2012 and 2013 harvest specifications during the December 2011 Council meeting in Anchorage, AK. After considering public comments, as well as biological and economic data that were available at the Council's December meeting, NMFS is implementing the final 2012 and 2013 harvest specifications as recommended by the Council.

Acceptable Biological Catch (ABC) and TAC Harvest Specifications

The final ABC levels for Alaska groundfish are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. In general, the development of ABCs and overfishing

levels (OFLs) involves sophisticated statistical analyses of fish populations. The FMP specifies a series of six tiers to define OFL and ABC amounts based on the level of reliable information available to fishery scientists. Tier 1 represents the highest level of information quality available while Tier 6 represents the lowest.

In December 2011, the Scientific and Statistical Committee (SSC), Advisory Panel (AP), and Council reviewed current biological information about the condition of the BSAI groundfish stocks. The Council's Plan Team compiled and presented this information in the 2011 SAFE report for the BSAI groundfish fisheries, dated November 2011. 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. NMFS notified the public and asked for review of the SAFE report in the notice of proposed harvest specifications; the report is still available (see ADDRESSES). From these data and analyses, the Plan Team estimated an OFL and ABC for each species or species category.

In December 2011, the SSC, AP, and Council reviewed the Plan Team's recommendations. The SSC concurred with the Plan Team's recommendations, and the Council adopted the OFL and ABC amounts recommended by the SSC (Table 1). The final TAC recommendations were based on the ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the sum of the TACs within the required OY range of 1.4 million to 2.0 million mt. As required by annual catch limit rules for all fisheries (74 FR 3178, January 16, 2009), none of the Council's recommended TACs for 2012 or 2013 exceeds the final 2012 or 2013 ABCs for any species category. The final 2012 and 2013 harvest specifications approved by the Secretary of Commerce are unchanged from those recommended by the Council and are consistent with the preferred harvest strategy alternative in the EIS (see ADDRESSES). NMFS finds

that the Council's recommended OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2011 SAFE report that was approved by the Council.

Other Actions Potentially Affecting the 2012 and 2013 Harvest Specifications

The Council is currently considering implementing management measures in the event that Pacific cod is split from a BSAI-wide fishery into separate OFLs, ABCs, and TACs for the Bering Sea subarea and the Aleutian Island subarea. This split depends on NMFS developing an age-structured model for the Aleutian Islands Pacific cod stock assessment that will be reviewed by the Plan Team and SSC in 2012 or 2013. This split could impact the OFLs, ABCs, and TACs for Pacific cod on Table 1 for 2013.

Changes From the Proposed 2012 and 2013 Harvest Specifications for the BSAI

In October 2011, the Council proposed its recommendations for the 2012 and 2013 harvest specifications (76 FR 80782, December 27, 2011), based largely on information contained in the 2010 SAFE report for the BSAI groundfish fisheries. Through the proposed harvest specifications, NMFS notified the public that these harvest specifications could change, as the Council would consider information contained in the 2011 SAFE report, recommendations from the SSC, Plan Team, and AP committees, and public testimony when making its recommendations for final harvest specification levels at the December Council meeting. NMFS further notified the public that, as required by the FMP and its implementing regulations, the sum of the TACs must be within the OY range of 1.4 million and 2.0 million mt.

Information contained in the 2011 SAFE reports indicates biomass changes for several groundfish species from the 2010 SAFE reports. At the December 2011 Council meeting, the SSC recommended the ABCs for many species in 2012 and 2013 based on the best and most recent information contained in the 2011 SAFE reports.

This recommendation resulted in an ABC sum total for all BSAI groundfish species that exceeds 2 million mt for both 2012 and 2013. Based on the SSC ABC recommendations and the 2011 SAFE reports, the AP recommended raising the TACs for more economically valuable species that have increasing biomasses, such as Pacific cod and Greenland turbot. Conversely, the SSC reduced the OFL and ABC of Bering Sea pollock from the proposed OFL and ABC, and these reductions led to the largest decrease in TAC in terms of tonnage. In terms of percentage change from the proposed TACs, octopuses and sharks had the largest increases in TAC. This is due to model changes for the calculation of octopuses OFL and ABC, and recommendations by the AP and the Council of TACs that are more realistic of incidental harvest of these species in other fisheries. The Bogoslof pollock TAC also had a large percentage increase, because the SSC discontinued the target biomass of 2 million mt and adopted a traditional OFL and ABC estimate under the Tier 5 approach of the FMP. The Council recommended a TAC to account for incidental catch in other fisheries. However, under § 679.22(a)(7)(i)(B), directed fishing for pollock in the Bogoslof area is prohibited, so changes in TAC will have little effect upon fisheries. The changes to TAC between the proposed and final harvest specifications are based on the most recent scientific and economic information and are consistent with the FMP and regulatory obligations and harvest strategy as described in the proposed harvest specifications. These changes are compared in the following table.

Table 1 lists the Council's recommended final 2012 and 2013 OFL, ABC, TAC, initial TAC (ITAC), and CDQ reserve amounts of the BSAI groundfish. NMFS concurs in these recommendations. The final 2012 and 2013 TAC recommendations for the BSAI are within the OY range established for the BSAI and do not exceed the ABC for any single species or complex. The apportionment of TAC amounts among fisheries and seasons is discussed below.

COMPARISON OF FINAL 2012 AND 2013 WITH PROPOSED 2012 AND 2013 TOTAL ALLOWABLE CATCH IN THE BSAI
[Amounts are in metric tons]

Species	Area ¹	2012 final TAC	2012 proposed TAC	2012 difference from proposed	2013 final TAC	2013 proposed TAC	2013 difference from proposed
Pollock	BS	1,200,000	1,253,658	-53,658	1,201,900	1,253,658	-51,758
	AI	19,000	19,000	0	19,000	19,000	0

COMPARISON OF FINAL 2012 AND 2013 WITH PROPOSED 2012 AND 2013 TOTAL ALLOWABLE CATCH IN THE BSAI—
Continued

[Amounts are in metric tons]

Species	Area ¹	2012 final TAC	2012 proposed TAC	2012 difference from proposed	2013 final TAC	2013 proposed TAC	2013 difference from proposed
Pacific cod	Bogoslof	500	150	350	500	150	350
	BSAI	261,000	229,608	31,392	262,900	229,608	33,292
Sablefish	BS	2,230	2,610	-380	2,200	2,610	-410
	AI	2,050	1,740	310	2,020	1,740	280
Atka mackerel	EAI/BS	38,500	36,800	1,700	31,700	36,800	-5,100
	CAI	10,763	10,293	470	8,883	10,293	-1,410
	WAI	1,500	1,500	0	1,500	1,500	0
Yellowfin sole	BSAI	202,000	197,660	4,340	203,900	197,660	6,240
Rock sole	BSAI	87,000	85,000	2,000	87,000	85,000	2,000
Greenland turbot	BS	6,230	3,500	2,730	6,010	3,500	2,510
	AI	2,430	1,450	980	2,020	1,450	570
	BSAI	25,000	25,900	-900	25,000	25,900	-900
Kamchatka flounder	BSAI	17,700	17,700	0	17,700	17,700	0
Flathead sole	BSAI	34,134	41,548	-7,414	34,134	41,548	-7,414
Other flatfish	BSAI	3,200	3,000	200	3,200	3,000	200
Alaska plaice	BSAI	24,000	16,000	8,000	24,000	16,000	8,000
Pacific ocean perch	BS	5,710	5,710	0	6,540	5,710	830
	EAI	5,620	5,660	-40	6,440	5,660	780
	CAI	4,990	4,960	30	5,710	4,960	750
	WAI	8,380	8,370	10	9,610	8,370	1,240
Northern rockfish	BSAI	4,700	4,000	700	4,700	4,000	700
Shortraker rockfish	BSAI	393	393	0	393	393	0
Rougheye rockfish	BS/EAI	231	240	-9	241	240	1
	CAI/WAI	244	225	19	258	225	33
Other rockfish	BS	500	500	0	500	500	0
	AI	570	500	70	570	500	70
Squids	BSAI	425	425	0	425	425	0
Skates	BSAI	24,700	16,500	8,200	24,746	16,500	8,246
Sharks	BSAI	200	50	150	200	50	150
Octopuses	BSAI	900	150	750	900	150	750
Sculpins	BSAI	5,200	5,200	0	5,200	5,200	0
Total	BSAI	2,000,000	2,000,000	0	2,000,000	2,000,000	0

¹ Bering Sea subarea (BS), Aleutian Islands subarea (AI), Bering Sea and Aleutian Islands management area (BSAI), Eastern Aleutian District (EAI), Central Aleutian District (CAI), and Western Aleutian District (WAI).

TABLE 1—FINAL 2012 AND 2013 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUND FISH IN THE BSAI¹

[Amounts are in metric tons]

Species	Area	2012					2013				
		OFL	ABC	TAC	ITAC ²	CDQ ³	OFL	ABC	TAC	ITAC ²	CDQ ³
Pollock ⁴	BS	2,474,000	1,220,000	1,200,000	1,080,000	120,000	2,840,000	1,360,000	1,201,900	1,081,710	120,190
	AI	39,600	32,500	19,000	17,100	1,900	42,900	35,200	19,000	17,100	1,900
Pacific cod ⁵	Bogoslof	22,000	16,500	500	500	0	22,000	16,500	500	500	0
	BSAI	369,000	314,000	261,000	233,073	27,927	374,000	319,000	262,900	234,770	28,130
Sablefish	BS	2,640	2,230	2,230	1,840	307	2,610	2,200	2,200	935	83
	AI	2,430	2,050	2,050	1,666	346	2,400	2,020	2,020	429	38
Atka mackerel	BSAI	96,500	81,400	50,763	45,331	5,432	78,300	67,100	42,083	37,580	4,503
	EAI/BS	n/a	38,500	38,500	34,381	4,120	n/a	31,700	31,700	28,308	3,392
	CAI	n/a	22,900	10,763	9,611	1,152	n/a	18,900	8,883	7,933	950
	WAI	n/a	20,000	1,500	1,340	161	n/a	16,500	1,500	1,340	161
Yellowfin sole	BSAI	222,000	203,000	202,000	180,386	21,614	226,000	207,000	203,900	182,083	21,817
Rock sole	BSAI	231,000	208,000	87,000	77,691	9,309	217,000	196,000	87,000	77,691	9,309
Greenland turbot	BSAI	11,700	9,660	8,660	7,361	n/a	9,700	8,030	8,030	6,826	n/a
	BS	n/a	7,230	6,230	5,296	667	n/a	6,010	6,010	5,109	643
Arrowtooth flounder	AI	n/a	2,430	2,430	2,066	0	n/a	2,020	2,020	1,717	0
	BSAI	181,000	150,000	25,000	21,250	2,675	186,000	152,000	25,000	21,250	2,675
Kamchatka flounder	BSAI	24,800	18,600	17,700	15,045	0	24,800	18,600	17,700	15,045	0
Flathead sole	BSAI	84,500	70,400	34,134	30,482	3,652	83,100	69,200	34,134	30,482	3,652
Other flatfish ⁶	BSAI	17,100	12,700	3,200	2,720	0	17,100	12,700	3,200	2,720	0
Alaska plaice	BSAI	64,600	53,400	24,000	20,400	0	65,000	54,000	24,000	20,400	0
Pacific ocean perch	BSAI	35,000	24,700	24,700	21,812	n/a	33,700	28,300	28,300	24,991	n/a

TABLE 1—FINAL 2012 AND 2013 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUND FISH IN THE BSAI ¹—Continued
[Amounts are in metric tons]

Species	Area	2012					2013				
		OFL	ABC	TAC	ITAC ²	CDQ ³	OFL	ABC	TAC	ITAC ²	CDQ ³
Northern rockfish.	BS	n/a	5,710	5,710	4,854	0	n/a	6,540	6,540	5,559	0
	EAI	n/a	5,620	5,620	5,019	601	n/a	6,440	6,440	5,751	689
	CAI	n/a	4,990	4,990	4,456	534	n/a	5,710	5,710	5,099	611
	WAI	n/a	8,380	8,380	7,483	897	n/a	9,610	9,610	8,582	1,028
	BSAI	10,500	8,610	4,700	3,995	0	10,400	8,490	4,700	3,995	0
Shortraker rockfish.	BSAI	524	393	393	334	0	524	393	393	334	0
Rougheye rockfish.	BSAI	576	475	475	404	0	605	499	499	424	0
Other rockfish ⁷ .	EBS/EAI	n/a	231	231	196	0	n/a	241	241	205	0
	CAI/WAI	n/a	244	244	207	0	n/a	258	258	219	0
	BSAI	1,700	1,280	1,070	910	0	1,700	1,280	1,070	910	0
Squids	BS	n/a	710	500	425	0	n/a	710	500	425	0
	AI	n/a	570	570	485	0	n/a	570	570	485	0
Skates	BSAI	2,620	1,970	425	361	0	2,620	1,970	425	361	0
Sharks	BSAI	39,100	32,600	24,700	20,995	0	38,300	32,000	24,746	21,034	0
Octopuses	BSAI	1,360	1,020	200	170	0	1,360	1,020	200	170	0
Sculpins	BSAI	3,450	2,590	900	765	0	3,450	2,590	900	765	0
Total	3,996,000	2,511,778	2,000,000	1,789,010	195,860	4,341,869	2,639,792	2,000,000	1,786,924	195,269

¹ These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

² Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species, 15 percent of each TAC is put into a reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 5).

³ For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and Aleutian Islands Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for Bering Sea Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). Aleutian Islands Greenland turbot, "other flatfish," Alaska plaice, Bering Sea Pacific ocean perch, northern rockfish, shortraker rockfish, rougheye rockfish, "other rockfish," squid, sculpins, sharks, skates, and octopuses are not allocated to the CDQ program.

⁴ Under § 679.20(a)(5)(i)(A)(1), the annual BS subarea pollock TAC after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4.0 percent), is further allocated by sector for a directed pollock fishery as follows: inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(2)(i) and (ii), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (1,600 mt) is allocated to the Aleut Corporation for a directed pollock fishery.

⁵ The Pacific cod TAC is reduced by 3 percent from the ABC to account for the State of Alaska's (State) guideline harvest level in State waters of the Aleutian Islands subarea.

⁶ "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder, Kamchatka flounder, and Alaska plaice.

⁷ "Other rockfish" includes all Sebastes and Sebastolobus species except for Pacific ocean perch, northern, dark, shortraker, and rougheye rockfish.

Note: Regulatory areas and districts are defined at § 679.2 (BS = Bering Sea subarea, AI = Aleutian Islands subarea, EAI = Eastern Aleutian Islands district, CAI = Central Aleutian Islands district, WAI = Western Aleutian Islands district).

Groundfish Reserves and the Incidental Catch Allowance (ICA) for Pollock, Atka Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and Aleutian Islands Pacific Ocean Perch

Section 679.20(b)(1)(i) requires NMFS to reserve 15 percent of the TAC for each target species, except for pollock, the hook-and-line and pot gear allocation of sablefish, and the Amendment 80 species, in a non-specified reserve. Section 679.20(b)(1)(ii)(B) requires that 20 percent of the hook-and-line and pot gear allocation of sablefish be set aside for the fixed gear sablefish CDQ reserve. Section 679.20(b)(1)(ii)(D) requires NMFS to allocate 7.5 percent of the trawl gear allocations of sablefish and 10.7 percent of the Bering Sea Greenland turbot and arrowtooth flounder TACs to the respective CDQ reserves. Under section 679.20(b)(1)(ii)(C), NMFS must allocate 10.7 percent of the TACs for Atka

mackerel, Aleutian Islands Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod to the CDQ reserves. Sections 679.20(a)(5)(i)(A) and 679.31(a) also require that 10 percent of the BSAI pollock TACs be allocated to the pollock CDQ directed fishing allowance (DFA). The entire Bogoslof District pollock TAC is allocated as an ICA (see § 679.20(a)(5)(ii)). With the exception of the hook-and-line and pot gear sablefish CDQ reserve, the regulations do not further apportion the CDQ allocations by gear.

Pursuant to § 679.20(a)(5)(i)(A)(1), NMFS allocates a pollock ICA of 3 percent of the BS subarea pollock TAC after subtracting the 10 percent CDQ reserve. This allowance is based on NMFS' examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 1999 through 2011. During this 13-year period, the pollock incidental catch ranged from a low of 2.4 percent in 2006

to a high of 5 percent in 1999, with a 13-year average of 3.2 percent. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), NMFS establishes a pollock ICA of 1,600 mt of the AI subarea TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS' examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2003 through 2011. During this 9-year period, the incidental catch of pollock ranged from a low of 5 percent in 2006 to a high of 10 percent in 2003, with a 9-year average of 7 percent.

Pursuant to § 679.20(a)(8) and (10), NMFS allocates ICAs of 5,000 mt of flathead sole, 10,000 mt of rock sole, 2,000 mt of yellowfin sole, 10 mt of Western Aleutian District Pacific (WAI) ocean perch, 75 mt of Central Aleutian District (CAI) Pacific ocean perch, 100 mt of Eastern Aleutian District (EAI) Pacific ocean perch, 40 mt of WAI Atka mackerel, 100 mt of CAI Atka mackerel,

and 1,000 mt of EAI and BS subarea Atka mackerel TAC after subtracting the 10.7 percent CDQ reserve. These ICA allowances are based on NMFS' examination of the incidental catch in other target fisheries from 2003 through 2011.

The regulations do not designate the remainder of the non-specified reserve by species or species group. Any amount of the reserve may be

apportioned to a target species category during the year, providing that such apportionments do not result in overfishing (see § 679.20(b)(1)(i)). The Regional Administrator has determined that the ITACs specified for the species listed in Table 2 need to be supplemented from the non-specified reserve because U.S. fishing vessels have demonstrated the capacity to catch the full TAC allocations. Therefore, in

accordance with § 679.20(b)(3), NMFS is apportioning the amounts shown in Table 2 from the non-specified reserve to increase the ITAC for northern rockfish, shortraker rockfish, rougheye rockfish, Bering Sea "other rockfish," skates, sharks, octopuses, and sculpins by 15 percent of the TAC in 2012 and 2013.

TABLE 2—FINAL 2012 AND 2013 APPORTIONMENT OF RESERVES TO ITAC CATEGORIES

[Amounts are in metric tons]

Species-area or subarea	2012 ITAC	2012 reserve amount	2012 final ITAC	2013 ITAC	2013 reserve amount	2013 final ITAC
Shortraker rockfish—BSAI	334	59	393	334	59	393
Rougheye rockfish—EBS/EAI	196	35	231	205	36	241
Rougheye rockfish—CAI/WAI	207	37	244	219	39	258
Northern rockfish—BSAI	3,995	705	4,700	3,995	705	4,700
Other rockfish—Bering Sea subarea	425	75	500	425	75	500
Skates—BSAI	20,995	3,705	24,700	21,034	3,712	24,746
Sharks—BSAI	170	30	200	170	30	200
Octopuses—BSAI	765	135	900	765	135	900
Sculpins—BSAI	4,420	780	5,200	4,420	780	5,200
Total	31,508	5,560	37,068	31,567	5,571	37,138

Allocation of Pollock TAC Under the American Fisheries Act (AFA)

Section 679.20(a)(5)(i)(A) requires that the BS subarea pollock TAC be apportioned, after subtracting the 10 percent for the CDQ program and the 3 percent for the ICA, as a DFA as follows: 50 percent to the inshore sector, 40 percent to the catcher/processor (C/P) sector, and 10 percent to the mothership sector. In the BS subarea, 40 percent of the DFA is allocated to the A season (January 20–June 10), and 60 percent of the DFA is allocated to the B season (June 10–November 1) (§ 679.20(a)(5)(i)(A)). The AI directed pollock fishery allocation to the Aleut Corporation is the amount of pollock remaining in the AI subarea after subtracting 1,900 mt for the CDQ DFA (10 percent) and 1,600 mt for the ICA (§ 679.20(a)(5)(iii)(B)(2)(ii)). In the AI subarea, 40 percent of the DFA is allocated to the A season and the remainder of the directed pollock

fishery is allocated to the B season. Table 3 lists these 2012 and 2013 amounts.

Section 679.20(a)(5)(i)(A)(4) also includes several specific requirements regarding BS subarea pollock allocations. First, it requires that 8.5 percent of the pollock allocated to the C/P sector be available for harvest by AFA catcher vessels (CVs) with C/P sector endorsements, unless the Regional Administrator receives a cooperative contract that allows the distribution of harvest among AFA C/Ps and AFA CVs in a manner agreed to by all members. Second, AFA C/Ps not listed in the AFA are limited to harvesting not more than 0.5 percent of the pollock allocated to the C/P sector. Table 3 lists the 2012 and 2013 allocations of pollock TAC. Tables 11 through 16 list the AFA C/P and CV harvesting sideboard limits. The tables for the pollock allocations to the BS subarea inshore pollock cooperatives and open access sector will be posted on

the Alaska Region Web site at <http://alaskafisheries.noaa.gov>.

Table 3 also lists seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest within the SCA, as defined at § 679.22(a)(7)(vii), is limited to 28 percent of the annual DFA until 12 noon, April 1 as provided in § 679.20(a)(5)(i)(C). The remaining 12 percent of the 40 percent annual DFA allocated to the A season may be taken outside the SCA before 12 noon, April 1 or inside the SCA after 12 noon, April 1. If less than 28 percent of the annual DFA is taken inside the SCA before 12 noon, April 1, the remainder will be available to be taken inside the SCA after 12 noon, April 1. The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector's allocated percentage of the DFA. Table 3 lists these 2012 and 2013 amounts by sector.

TABLE 3—FINAL 2012 AND 2013 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)¹

[Amounts are in metric tons]

Area and sector	2012 Allocations	2012 A season ¹		2012 B season ¹	2013 Allocations	2013 A season ¹		2013 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea	1,200,000	n/a	n/a	n/a	1,201,900	n/a	n/a	n/a
CDQ DFA	120,000	48,000	33,600	72,000	120,190	48,076	33,653	72,114
ICA ¹	32,400	n/a	n/a	n/a	32,451	n/a	n/a	n/a
AFA Inshore	523,800	209,520	146,664	314,280	524,629	209,852	146,896	314,778

TABLE 3—FINAL 2012 AND 2013 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) ¹—Continued

[Amounts are in metric tons]

Area and sector	2012 Allocations	2012 A season ¹		2012 B season ¹		2013 Allocations	2013 A season ¹		2013 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA	B season DFA		A season DFA	SCA harvest limit ²	B season DFA
AFA Catcher/Processors ³	419,040	167,616	117,331	251,424	419,703	167,881	117,517	251,822	
Catch by C/Ps	383,422	153,369	n/a	230,053	384,029	153,611	n/a	230,417	
Catch by CVs ³	35,618	14,247	n/a	21,371	35,675	14,270	n/a	21,405	
Unlisted C/P Limit ⁴	2,095	838	n/a	1,257	2,099	839	n/a	1,259	
AFA Motherships	104,760	41,904	29,333	62,856	104,926	41,970	29,379	62,956	
Excessive Harvesting Limit ⁵	183,330	n/a	n/a	n/a	183,620	n/a	n/a	n/a	
Excessive Processing Limit ⁶	314,280	n/a	n/a	n/a	314,778	n/a	n/a	n/a	
Total Bering Sea DFA	1,047,600	419,040	293,328	628,560	1,049,259	419,703	293,792	629,555	
Aleutian Islands subarea ¹	19,000	n/a	n/a	n/a	19,000	n/a	n/a	n/a	
CDQ DFA	1,900	760	n/a	1,140	1,900	760	n/a	1,140	
ICA	1,600	800	n/a	800	1,600	800	n/a	800	
Aleut Corporation	15,500	15,500	n/a	0	15,500	15,500	n/a	0	
Bogoslof District ICA ⁷	150	n/a	n/a	n/a	150	n/a	n/a	n/a	

¹ Pursuant to § 679.20(a)(5)(i)(A), the BS subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3 percent), is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the BS subarea, 40 percent of the DFA is allocated to the A season (January 20–June 10) and 60 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (1,600 mt), is allocated to the Aleut Corporation for a directed pollock fishery. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the directed pollock fishery.

² In the BS subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1. The remaining 12 percent of the annual DFA allocated to the A season may be taken outside of SCA before April 1 or inside the SCA after April 1. If less than 28 percent of the annual DFA is taken inside the SCA before April 1, the remainder will be available to be taken inside the SCA after April 1.

³ Pursuant to § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

⁴ Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

⁵ Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

⁶ Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

⁷ The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Allocation of the Atka Mackerel TACs

Section 679.20(a)(8) allocates the Atka mackerel TACs to the Amendment 80 and BSAI trawl limited access sectors, after subtracting the CDQ reserves, jig gear allocation, and ICAs for the BSAI trawl limited access sector and non-trawl gear sector (Table 4). The process for allocating the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is listed in Table 33 to part 679 and § 679.91. Pursuant to § 679.20(a)(8)(i), up to 2 percent of the EAI and the BS subarea Atka mackerel ITAC may be allocated to the jig gear sector. This allocation is determined annually by the Council based on several criteria, including the anticipated harvest capacity of the jig gear fleet. The Council recommended, and NMFS approves, a 0.5 percent allocation of the Atka mackerel ITAC in the EAI and BS subarea to the jig gear sector in 2012 and

2013. This percentage is applied to the Atka mackerel TAC after subtracting the CDQ reserve and the ICA.

Section 679.20(a)(8)(ii)(C)(3) limits the annual Atka mackerel TAC for Area 542 (the CAI) to no more than 47 percent of the Area 542 ABC. Section 679.7(a)(19) prohibits retention of Atka mackerel in Area 543 (the WAI), and the amount set here accounts for discards in other fisheries.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel ITAC into two equal seasonal allowances. Section 679.23(e)(3) sets the first seasonal allowance for directed fishing with trawl gear from January 20 through June 10 (A season), and the second seasonal allowance from June 10 through November 1 (B season). Section 679.23(e)(4)(iii) applies Atka mackerel seasons to CDQ Atka mackerel fishing. The jig gear allocation is not apportioned by season.

Section 679.20(a)(8)(ii)(C) requires the Amendment 80 cooperatives and CDQ groups to limit harvest to 10 percent of their Central Aleutian District Atka mackerel allocation equally divided between the A and B seasons, within waters 10 nm to 20 nm of Gramp Rock and Tag Island, as described on Table 12 to part 679. Vessels not fishing under the authority of an Amendment 80 cooperative quota or CDQ allocation are prohibited from conducting directed fishing for Atka mackerel inside Steller sea lion critical habitat in the Central Aleutian District.

Table 4 lists these 2012 and 2013 Atka mackerel season and area allowances, as well as the sector allocations. The 2013 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2012.

TABLE 4—FINAL 2012 AND 2013 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector ¹	Season ^{2,3,4}	2012 allocation by area			2013 allocation by area		
		Eastern Aleu- tian District/ Bering Sea	Central ⁵ Aleu- tian District	Western Aleu- tian District	Eastern Aleu- tian District/ Bering Sea	Central ⁵ Aleu- tian District	Western Aleu- tian District
TAC	n/a	38,500	10,763	1,500	31,700	8,883	1,500
CDQ reserve	Total	4,120	1,152	161	3,392	950	161
	A	2,060	576	80	1,696	475	80
	Critical Habi- tat ⁵	n/a	58	n/a	n/a	48	n/a
	B	2,060	576	80	1,696	475	80
	Critical Habi- tat ⁵	n/a	58	n/a	n/a	48	n/a
ICA	Total	1,000	100	40	1,000	100	40
Jig ⁶	Total	167	0	0	137	0	0
BSAI trawl limited ac- cess.	Total	3,321	951	0	2,717	783	0
	A	1,661	476	0	1,359	392	0
	B	1,661	476	0	1,359	392	0
Amendment 80 sectors	Total	29,892	8,560	1,300	24,454	7,049	1,300
	A	14,946	4,280	650	12,227	3,525	650
	B	14,946	4,280	650	12,227	3,525	650
Alaska Groundfish Co- operative.	Total	17,432	5,020	759	n/a	n/a	n/a
	A	8,716	2,510	380	n/a	n/a	n/a
	Critical Habi- tat ⁵	n/a	251	n/a	n/a	n/a	n/a
	B	8,716	2,510	380	n/a	n/a	n/a
	Critical Habi- tat ⁵	n/a	251	n/a	n/a	n/a	n/a
Alaska Seafood Cooper- ative.	Total	12,461	3,540	541	n/a	n/a	n/a
	A	6,231	1,770	271	n/a	n/a	n/a
	Critical Habi- tat ⁵	n/a	177	n/a	n/a	n/a	n/a
	B	6,231	1,770	271	n/a	n/a	n/a
	Critical Habi- tat ⁵	n/a	177	n/a	n/a	n/a	n/a

¹ Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, jig gear allocation, and ICAs to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

² Regulations at §§ 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

³ The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

⁴ Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to November 1.

⁵ Section 679.20(a)(8)(ii)(C) requires the TAC in area 542 shall be no more than 47% of ABC, and Atka mackerel harvests for Amendment 80 cooperatives and CDQ groups within waters 10 nm to 20 nm of Gramp Rock and Tag Island, as described Table 12 to part 679, in Area 542 are limited to no more than 10 percent of the Amendment 80 cooperative Atka mackerel allocation or 10 percent of the CDQ Atka mackerel allocation.

⁶ Section 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea TAC be allocated to jig gear after subtracting the CDQ reserve and ICA. The amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Allocation of the Pacific Cod ITAC

Section 679.20(a)(7)(i) and (ii) requires NMFS to allocate the Pacific cod TAC in the BSAI, after subtracting 10.7 percent for the CDQ reserve, as follows: 1.4 percent to vessels using jig gear; 2.0 percent to hook-and-line and pot CVs less than 60 ft (18.3 m) length overall (LOA); 0.2 percent to hook-and-line CVs greater than or equal to 60 ft (18.3 m) LOA; 48.7 percent to hook-and-line C/P; 8.4 percent to pot CVs greater than or equal to 60 ft (18.3 m) LOA; 1.5 percent to pot C/Ps; 2.3 percent to AFA

trawl C/Ps; 13.4 percent to non-AFA trawl C/Ps; and 22.1 percent to trawl CVs. The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. For 2012 and 2013, the Regional Administrator establishes an ICA of 500 mt based on anticipated incidental catch by these sectors in other fisheries. The ITAC allocation of Pacific cod to the Amendment 80 sector is established in Table 33 to part 679 and § 679.91. The 2013 allocations for Pacific cod between

Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until November 1, 2012, the date by which the applicants eligible to apply for participation in the Amendment 80 program must file their application. Amendment 80 applications for 2013 have not yet been submitted to NMFS, thereby preventing NMFS from calculating 2013 allocations. NMFS will post 2013 Amendment 80 allocations when they become available in December 2012.

The Pacific cod ITAC is apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7) and 679.23(e)(5)). In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a seasonal Pacific cod allowance will become available at the

beginning of the next seasonal allowance.

The CDQ and non-CDQ season allowances by gear based on the 2012 and 2013 Pacific cod TACs are listed in Tables 5a and 5b, and are based on the sector allocation percentages of Pacific cod set forth at §§ 679.20(a)(7)(i)(B) and 679.20(a)(7)(iv)(A); and the seasonal

allowances of Pacific cod set forth at § 679.23(e)(5).

Section 679.7(a)(19) prohibits retaining Pacific cod in Area 543, and § 679.7(a)(23) prohibits directed fishing for Pacific cod with hook-and-line, pot, or jig gear in the Aleutian Islands subarea November 1 through December 31.

TABLE 5A—FINAL 2012 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC

Gear sector	Percent	Share of gear sector total	Share of sector total	Seasonal apportionment	
				Dates	Amount
Total TAC	100	261,000	n/a	n/a	n/a
CDQ	10.7	27,927	n/a	See § 679.20(a)(7)(i)(B)	n/a
Total hook-and-line/pot gear	60.8	141,708	n/a	n/a	n/a
Hook-and-line/pot ICA ¹	n/a	500	n/a	See 679.20(a)(7)(ii)(B)	n/a
Hook-and-line/pot sub-total	n/a	141,208	n/a	n/a	n/a
Hook-and-line catcher/processor	48.7	n/a	113,106	Jan 1–Jun 10	57,684
				Jun 10–Dec 31	55,422
Hook-and-line catcher vessel ≥60 ft LOA	0.2	n/a	465	Jan 1–Jun 10	237
				Jun 10–Dec 31	228
Pot catcher/processor	1.5	n/a	3,484	Jan 1–Jun 10	1,777
				Sept 1–Dec 31	1,707
Pot catcher vessel ≥60 ft LOA	8.4	n/a	19,509	Jan 1–Jun 10	9,950
				Sept 1–Dec 31	9,559
Catcher vessel <60 ft LOA using hook-and-line or pot gear	2	n/a	4,645	n/a	n/a
Trawl catcher vessel	22.1	51,509	n/a	Jan 20–Apr 1	38,117
				Apr 1–Jun 10	5,666
				Jun 10–Nov 1	7,726
AFA trawl catcher/processor	2.3	5,361	n/a	Jan 20–Apr 1	4,021
				Apr 1–Jun 10	1,340
				Jun 10–Nov 1	0
Amendment 80	13.4	31,232	n/a	Jan 20–Apr 1	23,424
				Apr 1–Jun 10	7,808
				Jun 10–Nov 1	0
Alaska Groundfish Cooperative	n/a	n/a	5,816	Jan 20–Apr 1	4,362
				Apr 1–Jun 10	1,454
				Jun 10–Nov 1	0
Alaska Seafood Cooperative	n/a	n/a	25,416	Jan 20–Apr 1	19,062
				Apr 1–Jun 10	6,354
				Jun 10–Nov 1	0
Jig	1.4	3,263	n/a	Jan 1–Apr 30	1,958
				Apr 30–Aug 31	653
				Aug 31–Dec 31	653

¹ The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 500 mt based on anticipated incidental catch in these fisheries.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 5B—FINAL 2013 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC

[Amounts are in metric tons]

Gear sector	Percent	Share of gear sector total	Share of sector total	Seasonal apportionment ²	
				Dates	Amount
Total TAC	100	262,900	n/a	n/a	n/a
CDQ	10.7	28,130	n/a	See § 679.20(a)(7)(i)(B)	n/a
Total hook-and-line/pot gear	60.8	142,740	n/a	n/a	n/a
Hook-and-line/pot ICA ¹	n/a	500	n/a	See § 679.20(a)(7)(ii)(B)	n/a
Hook-and-line/pot sub-total	n/a	142,240	n/a	n/a	n/a
Hook-and-line catcher/processor	48.7	n/a	113,932	Jan 1–Jun 10	58,105
				Jun 10–Dec 31	55,827
Hook-and-line catcher vessel ≥60 ft LOA	0.2	n/a	468	Jan 1–Jun 10	239
				Jun 10–Dec 31	229
Pot catcher/processor	1.5	n/a	3,509	Jan 1–Jun 10	1,790
				Sept 1–Dec 31	1,720
Pot catcher vessel ≥60 ft LOA	8.4	n/a	19,652	Jan 1–Jun 10	10,022
				Sept 1–Dec 31	9,629
Catcher vessel <60 ft LOA using hook-and-line or pot gear	2	n/a	4,679	n/a	n/a

TABLE 5B—FINAL 2013 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC—Continued
[Amounts are in metric tons]

Gear sector	Percent	Share of gear sector total	Share of sector total	Seasonal apportionment ²	
				Dates	Amount
Trawl catcher vessel	22.1	51,884	n/a	Jan 20–Apr 1	38,394
				Apr 1–Jun 10	5,707
				Jun 10–Nov 1	7,783
AFA trawl catcher/processor	2.3	5,400	n/a	Jan 20–Apr 1	4,050
				Apr 1–Jun 10	1,350
				Jun 10–Nov 1	0
Amendment 80	13.4	31,459	n/a	Jan 20–Apr 1	23,594
				Apr 1–Jun 10	7,865
				Jun 10–Nov 1	0
Amendment 80 limited access ²	n/a	n/a	See footnote 2	Jan 20–Apr 1	75%
				Apr 1–Jun 10	25%
				Jun 10–Nov 1	0
Amendment 80 cooperatives ²	n/a	n/a	See footnote 2	Jan 20–Apr 1	75%
				Apr 1–Jun 10	25%
				Jun 10–Nov 1	0
Jig	1.4	3,287	n/a	Jan 1–Apr 30	1,972
				Apr 30–Aug 31	657
				Aug 31–Dec 31	657

¹ The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 500 mt based on anticipated incidental catch in these fisheries.

² The 2013 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known November 1, 2012, the date by which the applicants eligible to apply for participation in the Amendment 80 program must file their application.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Sablefish Gear Allocation

Sections 679.20(a)(4)(iii) and (iv) require that sablefish TACs for the BS and AI subareas be allocated between trawl and hook-and-line or pot gear sectors. Of the TAC for the BS subarea, 50 percent is allocated to vessels using trawl gear, and 50 percent to hook-and-line or pot gear vessels. TACs for the AI subarea are divided 25 percent to the trawl gear vessels, and 75 percent to hook-and-line or pot gear sector. Section 679.20(b)(1)(ii)(B) requires NMFS to

allot 20 percent of the hook-and-line and pot gear allocation of sablefish to the CDQ reserve. Additionally, § 679.20(b)(1)(ii)(D) requires that 7.5 percent of the trawl gear allocation of sablefish from the nonspecified reserves, established under § 679.20(b)(1)(i), be assigned to the CDQ reserve. The Council recommended that only trawl sablefish TAC be established biennially, because the harvest specifications for the hook-and-line gear and pot gear sablefish Individual Fishing Quota (IFQ) fisheries will be

limited to the 2012 fishing year to ensure those fisheries are conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries will remain closed at the beginning of each fishing year until the final specifications for the sablefish IFQ fisheries are in effect. Table 6 lists the 2012 and 2013 gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 6—FINAL 2012 AND 2013 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS
[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2012 Share of TAC	2012 ITAC	2012 CDQ reserve	2013 Share of TAC	2013 ITAC	2013 CDQ reserve
Bering Sea							
Trawl ¹	50	1,115	948	84	1,100	935	83
Hook-and-line/pot gear ²	50	1,115	892	223	n/a	n/a	n/a
Total	100	2,230	1,840	307	1,100	935	83
Aleutian Islands							
Trawl ¹	25	513	436	38	505	429	38
Hook-and-line/pot gear ²	75	1,537	1,230	307	n/a	n/a	n/a
Total	100	2,050	1,666	346	505	429	38

¹ Except for the sablefish hook-and-line or pot gear allocation, 15 percent of TAC is apportioned to the reserve. The ITAC is the remainder of the TAC after the subtracting 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. The Council recommended that specifications for the hook-and-line gear sablefish IFQ fisheries be limited to one year.

Note: Sector apportionments may not total precisely due to rounding.

Allocation of the AI Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs

Sections 679.20(a)(10)(i) and (ii) require that NMFS allocate AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs between the Amendment 80 sector and BSAI trawl limited access sector, after subtracting 10.7 percent for the CDQ reserve and an ICA for the BSAI trawl limited access sector and vessels using

non-trawl gear. The allocation of the ITAC for AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole to the Amendment 80 sector is established in accordance with Tables 33 and 34 to part 679 and § 679.91. The 2013 allocations for Amendment 80 species between Amendment 80 cooperatives and limited access sector will not be known until November 1, 2012, the date by which the applicants eligible to apply

for participation in the Amendment 80 program must file their application. Amendment 80 applications for 2013 have not yet been submitted to NMFS, thereby preventing NMFS from calculating 2013 allocations. NMFS will publish 2013 Amendment 80 allocations when they become available in December 2012. Table 7a and 7b lists the 2012 and 2013 allocations of the AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs.

TABLE 7A—FINAL 2012 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC	5,620	4,990	8,380	34,134	87,000	202,000
CDQ	601	534	897	3,652	9,309	21,614
ICA	100	75	10	5,000	10,000	2,000
BSAI trawl limited access	492	438	149	0	0	36,297
Amendment 80	4,427	3,943	7,324	25,482	67,691	142,089
Alaska Groundfish Cooperative ...	2,347	2,091	3,883	4,976	19,000	60,313
Alaska Seafood Cooperative	2,080	1,852	3,440	20,506	48,691	81,776

Note: Sector apportionments may not total precisely due to rounding.

TABLE 7B—FINAL 2013 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC	6,440	5,710	9,610	34,134	87,000	203,900
CDQ	689	611	1,028	3,652	9,309	21,817
ICA	100	75	10	5,000	10,000	2,000
BSAI trawl limited access	565	502	171	0	0	36,975
Amendment 80 ¹	5,086	4,522	8,400	25,482	67,691	143,107

¹ The 2013 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until November 1, 2012, the date by which the applicants eligible to apply for participation in the Amendment 80 program must file their application.

Note: Sector apportionments may not total precisely due to rounding.

Allocation of PSC Limits for Halibut, Salmon, Crab, and Herring

Section 679.21(e) sets forth the BSAI PSC limits. Pursuant to § 679.21(e)(1)(iv) and (e)(2), the 2012 and 2013 BSAI halibut mortality limits are 3,675 mt for trawl fisheries and 900 mt for the non-trawl fisheries. Under sections 679.21(e)(3)(i)(A)(2) and (e)(4)(i)(A), NMFS allocates 326 mt of the trawl halibut mortality limit and 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the PSQ reserve for use by the groundfish CDQ program.

Section 679.21(e)(4)(i) authorizes NMFS to apportion the non-trawl halibut PSC limit into PSC bycatch

allowances among six fishery categories. Table 8c lists the fishery bycatch allowances for the trawl and non-trawl fisheries.

Pursuant to section 3.6 of the BSAI FMP, the Council recommends, and NMFS agrees, that certain specified non-trawl fisheries be exempt from the halibut PSC limit. As in past years, after consulting with the Council, NMFS exempts pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions for the following reasons: (1) The pot gear fisheries have low halibut bycatch mortality; (2) NMFS estimates halibut mortality for the jig gear fleet to

be negligible because of the small size of the fishery and the selectivity of the gear; and (3) the sablefish and halibut IFQ fisheries have low halibut bycatch mortality because the IFQ program requires legal-size halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ (subpart D of 50 CFR part 679). In 2011, total groundfish catch for the pot gear fishery in the BSAI was approximately 29,508 mt, with an associated halibut bycatch mortality of about 6 mt.

The 2011 jig gear fishery harvested about 505 mt of groundfish. Most

vessels in the jig gear fleet are less than 60 ft (18.3 m) LOA and thus are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. However, as mentioned above, NMFS estimates the jig gear sector will have a negligible amount of halibut bycatch mortality because of the selective nature of jig gear and the low mortality rate of halibut caught with jig gear and released.

Section 679.21(f)(2) requires NMFS to annually allocate portions of either 47,591 or 60,000 Chinook salmon PSC among the AFA sectors, depending upon past catch performance and upon whether or not Chinook salmon bycatch incentive plan agreements are formed. If an AFA sector participates in an approved Chinook salmon bycatch incentive plan agreement, then NMFS will allocate a portion of the 60,000 PSC limit to that sector as specified in § 679.21(f)(3)(iii)(A). If no Chinook salmon bycatch incentive plan agreement is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), NMFS will allocate a portion of the 47,591 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(B). In 2012, the Chinook salmon PSC limit is 60,000 and the AFA sector Chinook salmon allocations are seasonally allocated with 70 percent of the allocation for the A season pollock fishery, and 30 percent of the allocation for the B season pollock fishery as stated in § 679.21(f)(3)(iii)(A). The basis for these PSC limits is described in detail in the final rule implementing management measures for Amendment 91 (75 FR 53026, August 30, 2010). NMFS publishes the approved Chinook salmon bycatch incentive plan agreements, 2012 allocations and reports at: <http://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm>.

Section 679.21(e)(1)(viii) specifies 700 fish as the 2012 and 2013 Chinook salmon PSC limit for the AI subarea pollock fishery. Pursuant to section 679.21(e)(3)(i)(A)(3)(i), NMFS allocates 7.5 percent, or 53 Chinook salmon, to the AI subarea PSQ for the CDQ program, and allocates the remaining 647 Chinook salmon to the non-CDQ fisheries.

Section 679.21(e)(1)(vii) specifies 42,000 fish as the 2012 and 2013 non-Chinook salmon PSC limit. Section 679.21(e)(3)(i)(A)(3)(ii) requires NMFS to allocate 10.7 percent, or 4,494 non-Chinook salmon, as the PSQ for the CDQ program and allocates the remaining 37,506 non-Chinook salmon to the non-CDQ fisheries.

PSC limits for crab and herring are specified annually based on abundance and spawning biomass. Pursuant to § 679.21(e)(3)(i)(A)(1), 10.7 percent from each trawl gear PSC limit specified for crab is allocated as a PSQ reserve for use by the groundfish CDQ program.

Based on the 2011 survey data, the red king crab mature female abundance is estimated at 27.6 million red king crabs, and the effective spawning biomass is estimated at 43.1 million lb. Based on the criteria set out at § 679.21(e)(1)(i), the 2012 and 2013 PSC limit of red king crab in Zone 1 for trawl gear is 97,000 animals. This limit derives from the mature female abundance of more than 8.4 million king crab and the effective spawning biomass estimate of less than 55 million lb (24,948 mt).

Section 679.21(e)(3)(ii)(B)(2) establishes criteria under which NMFS must specify an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS). The regulations require NMFS to set the RKCSS red king crab bycatch limit to up to 25 percent of the red king crab PSC limit, based on the need to optimize the groundfish harvest relative to red king crab bycatch. In December 2011, the Council recommended that the red king crab bycatch limit be equal to 25 percent of the red king crab PSC limit within the RKCSS (Table 8b). NMFS concurs with the Council's recommendation.

Based on 2011 survey data, Tanner crab (*Chionoecetes bairdi*) abundance is estimated at 670 million animals. Pursuant to criteria set out at § 679.21(e)(1)(ii), NMFS calculates 2012 and 2013 *C. bairdi* crab PSC limit for trawl gear is 980,000 animals in Zone 1 and 2,970,000 animals in Zone 2. These limits are derived from the *C. bairdi* crab abundance estimate being in excess of the 400 million animals for both the Zone 1 and Zone 2 allocations.

Pursuant to § 679.21(e)(1)(iii), the PSC limit for snow crab (*C. opilio*) is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit is set at 0.1133 percent of the BS abundance index minus 150,000 crabs. Based on the 2011 survey estimate of 6.337 billion animals, the calculated *C. opilio* crab PSC limit is 7,029,520 animals.

Pursuant to § 679.21(e)(1)(v), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern BS herring biomass. The best estimate of 2012 and 2013 herring biomass is 209,419 mt. This amount was derived using 2011 survey data and an age-structured biomass projection model developed by the Alaska Department of

Fish and Game. Therefore, the herring PSC limit for 2012 and 2013 is 2,094 mt for all trawl gear, as presented in Tables 8a and b.

Section 679.21(e)(3)(A) requires PSQ reserves to be subtracted from the total trawl PSC limits. The amounts of 2011 PSC limits assigned to the Amendment 80 and BSAI trawl limited access sectors are specified in Table 35 to part 679. The resulting allocation of PSC limit to CDQ PSQ, the Amendment 80 sector, and the BSAI trawl limited access fisheries are listed in Table 8a. Pursuant to § 679.21(e)(1)(iv) and § 679.91(d) through (f), crab and halibut trawl PSC limits assigned to the Amendment 80 sector are then further allocated to Amendment 80 cooperatives as PSC cooperative quota, as listed in Table 8e. PSC cooperative quota assigned to Amendment 80 cooperatives is not allocated to specific fishery categories. In 2012, there are no vessels in the Amendment 80 limited access sector. NMFS will not know the 2013 PSC allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector until November 1, 2012, the date by which the applicants eligible to apply to participate in the Amendment 80 program must file their application. Section 679.21(e)(3)(i)(B) requires NMFS to apportion each trawl PSC limit not assigned to Amendment 80 cooperatives into PSC bycatch allowances for seven specified fishery categories.

Section 679.21(e)(5) authorizes NMFS, after consulting with the Council, to establish seasonal apportionments of PSC amounts for the BSAI trawl limited access and Amendment 80 limited access sectors in order to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors to be considered are (1) seasonal distribution of prohibited species; (2) seasonal distribution of target groundfish species; (3) PSC bycatch needs on a seasonal basis relevant to prohibited species biomass; (4) expected variations in bycatch rates throughout the year; (5) expected start of fishing effort; and (6) economic effects of seasonal PSC apportionments on industry sectors. The Council recommended and NMFS approves the seasonal PSC apportionments in Tables 8c and 8d to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC based on the above criteria.

TABLE 8A—FINAL 2012 AND 2013 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species	Total non-trawl PSC	Non-trawl PSC remaining after CDQ PSQ ¹	Total trawl PSC	Trawl PSC remaining after CDQ PSQ ¹	CDQ PSQ reserve ¹	Amendment 80 sector ²	BSAI trawl limited access fishery
Halibut mortality (mt) BSAI	900	832	3,675	3,349	393	2,325	875
Herring (mt) BSAI	n/a	n/a	2,094	n/a	n/a	n/a	n/a
Red king crab (animals) Zone 1 ¹	n/a	n/a	97,000	86,621	10,379	43,293	26,489
<i>C. opilio</i> (animals) COBLZ ²	n/a	n/a	7,029,520	6,277,361	752,159	3,085,323	2,017,544
<i>C. bairdi</i> crab (animals) Zone 1 ²	n/a	n/a	980,000	875,140	104,860	368,521	411,228
<i>C. bairdi</i> crab (animals) Zone 2	n/a	n/a	2,970,000	2,652,210	317,790	627,778	1,241,500

¹ Section 679.21(e)(3)(i)(A)(2) allocates 326 mt of the trawl halibut mortality limit and § 679.21(e)(4)(i)(A) allocates 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the PSQ reserve for use by the groundfish CDQ program. The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

² The Amendment 80 program reduced apportionment of the trawl PSC limits by 150 mt for halibut mortality and 20 percent for crab. These reductions are not apportioned to other gear types or sectors.

Note: Refer to § 679.2 for definitions of zones.

Note: Sector apportionments may not total precisely due to rounding.

TABLE 8B—FINAL 2012 AND 2013 HERRING AND RED KING CRAB SAVINGS SUBAREA PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

Fishery categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole	179	n/a
Rock sole/flathead sole/other flatfish ¹	31	n/a
Turbot/arrowtooth/sablefish ²	15	n/a
Rockfish	11	n/a
Pacific cod	31	n/a
Midwater trawl pollock	1,600	n/a
Pollock/Atka mackerel/other species ^{3,4}	227	n/a
Red king crab savings subarea non-pelagic trawl gear ⁵	n/a	24,250
Total trawl PSC	2,094	97,000

¹ “Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

² “Arrowtooth flounder” for PSC monitoring includes Kamchatka flounder.

³ Pollock other than pelagic trawl pollock, Atka mackerel, and “other species” fishery category.

⁴ “Other species” for PSC monitoring includes sculpins, sharks, skates, and octopuses.

⁵ In December 2011 the Council recommended that the red king crab bycatch limit for non-pelagic trawl fisheries within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(2)).

Note: Species apportionments may not total precisely due to rounding.

TABLE 8C—FINAL 2012 AND 2013 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access fisheries	Prohibited species and area ¹				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ	<i>C. bairdi</i> (animals)	
				Zone 1	Zone 2
Yellowfin sole	167	23,338	1,901,193	346,228	1,185,500
Rock sole/flathead sole/other flatfish ²	0	0	0	0	0
Turbot/arrowtooth/sablefish ³	0	0	0	0	0
Rockfish April 15–December 31	5	0	3,232	0	1,000
Pacific cod	453	2,954	80,799	60,000	50,000
Pollock/Atka mackerel/other species ⁴	250	197	32,320	5,000	5,000
Total BSAI trawl limited access PSC	875	26,489	2,017,544	411,228	1,241,500

¹ Refer to § 679.2 for definitions of areas.

² “Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

³ Arrowtooth flounder for PSC monitoring includes Kamchatka flounder.

⁴ “Other species” for PSC monitoring includes sculpins, sharks, skates, and octopuses.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 8D—FINAL 2012 AND 2013 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR NON-TRAWL FISHERIES

Non-trawl fisheries	Catcher/processor	Catcher vessel
Pacific cod—Total	760	15
January 1–June 10	455	10
June 10–August 15	190	3
August 15–December 31	115	2
Other non-trawl—Total		58
May 1–December 31		58
Groundfish pot and jig		Exempt
Sablefish hook-and-line		Exempt
Total non-trawl PSC		833

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 8E—FINAL 2012 PROHIBITED SPECIES BYCATCH ALLOWANCE FOR THE BSAI AMENDMENT 80 COOPERATIVES

Cooperative	Prohibited species and zones ¹				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ	<i>C. bairdi</i> (animals)	
				Zone 1	Zone 2
Alaska Seafood Cooperative	1,609	29,484	1,991,961	259,427	433,149
Alaska Groundfish Cooperative	716	13,809	1,093,362	109,094	194,629

¹ Refer to § 679.2 for definitions of zones.

Note: Sector apportionments may not total precisely due to rounding.

Halibut Discard Mortality Rates (DMR)

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut bycatch rates, DMRs, and estimates of groundfish catch to project when a fishery’s halibut bycatch mortality allowance or seasonal apportionment is reached. The DMRs are based on the best information

available, including information contained in the annual SAFE report. NMFS approves the halibut DMRs developed and recommended by the International Pacific Halibut Commission (IPHC) and the Council for the 2012 and 2013 BSAI groundfish fisheries for use in monitoring the 2012 and 2013 halibut bycatch allowances (see Tables 8a–8e). The IPHC developed these DMRs for the 2010 and 2011 BSAI

fisheries using the 10-year mean DMRs for those fisheries. The IPHC will analyze observer data annually and recommend changes to the DMRs when a fishery DMR shows large variation from the mean. The document justifying these DMRs is available in Appendix 2 in the final 2009 SAFE report dated November 2009 (see ADDRESSES). Table 9 lists the 2012 and 2013 DMRs.

TABLE 9—FINAL 2012 AND 2013 PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI

Gear	Fishery	Halibut discard mortality rate (percent)
Non-CDQ hook-and-line	Greenland turbot	11
	Other species ¹	10
	Pacific cod	10
	Rockfish	9
Non-CDQ trawl	Arrowtooth flounder ²	76
	Atka mackerel	76
	Flathead sole	74
	Greenland turbot	67
	Non-pelagic pollock	73
	Pelagic pollock	89
	Other flatfish ³	72
	Other species ¹	71
	Pacific cod	71
	Rockfish	81
	Rock sole	82
	Sablefish	75
	Yellowfin sole	81
Non-CDQ Pot	Other species ¹	8
	Pacific cod	8
CDQ trawl	Atka mackerel	85
	Greenland turbot	88
	Flathead sole	84
	Non-pelagic pollock	85
	Pacific cod	90
	Pelagic pollock	90

TABLE 9—FINAL 2012 AND 2013 PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI—Continued

Gear	Fishery	Halibut discard mortality rate (percent)
CDQ hook-and-line	Rockfish	84
	Rock sole	87
	Yellowfin sole	85
	Greenland turbot	4
CDQ pot	Pacific cod	10
	Pacific cod	8
	Sablefish	32

¹ “Other species” includes sculpins, sharks, skates, and octopuses.

² Arrowtooth flounder includes Kamchatka flounder.

³ “Other flatfish” includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

Directed Fishing Closures

In accordance with § 679.20(d)(1)(i), the Regional Administrator may establish a DFA for a species or species group if the Regional Administrator determines that any allocation or apportionment of a target species has been or will be reached. If the Regional Administrator establishes a DFA, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified subarea or district (see § 697.20(d)(1)(iii)). Similarly, pursuant to § 679.21(e), if the Regional Administrator determines that a fishery category’s bycatch allowance of halibut,

red king crab, *C. bairdi* crab, or *C. opilio* crab for a specified area has been reached, the Regional Administrator will prohibit directed fishing for each species in that category in the specified area.

Based upon historic catch patterns and anticipated fishing activity, the Regional Administrator has determined that the groundfish allocation amounts in Table 10 will be necessary as incidental catch to support other anticipated groundfish fisheries for the 2012 and 2013 fishing years. Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species and species groups in Table

10 as zero. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for these sectors and species in the specified areas effective at 1200 hrs, A.l.t., February 23, 2012, through 2400 hrs, A.l.t., December 31, 2013. Also, for the BSAI trawl limited access sector, bycatch allowances of halibut, red king crab, *C. bairdi* crab, and *C. opilio* crab listed in Table 10 are insufficient to support directed fisheries. Therefore, in accordance with § 679.21(e)(7), NMFS is prohibiting directed fishing for these sectors and fishery categories in the specified areas effective at 1200 hrs, A.l.t., February 23, 2012, through 2400 hrs, A.l.t., December 31, 2013.

TABLE 10—2012 AND 2013 DIRECTED FISHING CLOSURES ¹
[Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals]

Area	Sector	Species	2012 incidental catch allowance	2013 incidental catch allowance	
Bogoslof District	All	Pollock	500	500	
Aleutian Islands subarea	All	ICA pollock	1,600	1,600	
		“Other rockfish” ²	570	570	
		ICA Atka mackerel	1,000	1,000	
Eastern Aleutian District/Bering Sea	Non-amendment 80 and BSAI trawl limited access.				
Eastern Aleutian District/Bering Sea	All	Rougheye rockfish	231	241	
		ICA Pacific ocean perch	100	100	
Eastern Aleutian District	Non-amendment 80 and BSAI trawl limited access.				
Central Aleutian District	Non-amendment 80 and BSAI trawl limited access.	ICA Atka mackerel	100	100	
		ICA Pacific ocean perch	75	75	
Western Aleutian District	Non-amendment 80 and BSAI trawl limited access.	ICA Atka mackerel	40	40	
		ICA Pacific ocean perch	10	10	
Central and Western Aleutian Districts.	All	Rougheye rockfish	244	258	
Bering Sea subarea	All	Pacific ocean perch	4,854	5,559	
		“Other rockfish” ²	500	500	
		ICA pollock	32,400	32,451	
Bering Sea and Aleutian Islands	All	Northern rockfish	4,700	4,700	
		Shortraker rockfish	393	393	
		Squids	361	361	
		Skates	24,700	24,746	
		Sharks	200	200	
		Octopuses	900	900	
		Sculpins	5,200	5,200	
		Hook-and-line and pot gear	ICA Pacific cod	500	500
		Non-amendment 80	ICA flathead sole	5,000	5,000

TABLE 10—2012 AND 2013 DIRECTED FISHING CLOSURES¹—Continued
 [Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals]

Area	Sector	Species	2012 incidental catch allowance	2013 incidental catch allowance
	Non-amendment 80 and BSAI trawl limited access.	ICA rock sole	10,000	10,000
	BSAI trawl limited access	ICA yellowfin sole	2,000	2,000
		Rock sole/flathead sole/other flatfish—halibut mortality, red king crab Zone 1, <i>C. opilio</i> COBLZ, <i>C. bairdi</i> Zone 1 and 2.	0	0
		Turbot/arrowtooth/sablefish—halibut mortality, red king crab Zone 1, <i>C. opilio</i> COBLZ, <i>C. bairdi</i> Zone 1 and 2.	0	0
		Rockfish—red king crab Zone 1	0	0

¹ Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.

² “Other rockfish” includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, dark rockfish, shorttraker rockfish, and rougheye rockfish.

Closures implemented under the 2011 and 2012 BSAI harvest specifications for groundfish (76 FR 11139, March 1, 2011) remain effective under authority of these final 2012 and 2013 harvest specifications, and are posted at the following Web sites: <http://alaskafisheries.noaa.gov/index/infobulletins/infobulletins.asp?Yr=2012> and <http://alaskafisheries.noaa.gov/2012/status.htm>. While these closures are in effect, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 679.

Listed AFA Catcher/Processor Sideboard Limits

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of listed AFA C/Ps to engage in directed fishing for groundfish species other than pollock to

protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the directed pollock fishery. These restrictions are set out as “sideboard” limits on catch. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). Table 11 lists the 2012 and 2013 C/P sideboard limits.

All harvest of groundfish sideboard species by listed AFA C/Ps, whether as targeted catch or incidental catch, will be deducted from the sideboard limits in Table 11. However, groundfish sideboard species that are delivered to listed AFA C/Ps by CVs will not be deducted from the 2012 and 2013 sideboard limits for the listed AFA C/Ps.

Section 679.64(a)(2) and Tables 40 and 41 of part 679 establish a formula for calculating PSC sideboard limits for

listed AFA C/Ps. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007).

PSC species listed in Table 12 that are caught by listed AFA C/Ps participating in any groundfish fishery other than pollock will accrue against the 2012 and 2013 PSC sideboard limits for the listed AFA C/Ps. Section 679.21(e)(3)(v) authorizes NMFS to close directed fishing for groundfish other than pollock for listed AFA C/Ps once a 2012 or 2013 PSC sideboard limit listed in Table 12 is reached.

Crab or halibut PSC caught by listed AFA C/Ps while fishing for pollock will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/“other species” fishery categories under regulations at § 679.21(e)(3)(iv).

TABLE 11—FINAL 2012 AND 2013 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Target species	Area/season	1995–1997			2012 ITAC available to trawl C/Ps ¹	2012 AFA C/P sideboard limit	2013 ITAC available to trawl C/Ps ¹	2013 AFA C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Sablefish trawl	BS	8	497	0.016	948	15	935	15
	AI	0	145	0	436	0	429	0
Atka mackerel	Central AI A season ² .	n/a	n/a	0.115	4,806	553	3,966	456
	Central AI B season ² .	n/a	n/a	0.115	4,806	553	3,966	456
	Western AI A season ² .	n/a	n/a	0.2	670	134	670	134
	Western AI B season ² .	n/a	n/a	0.2	670	134	670	134
	BSAI	6,317	169,362	0.037	77,691	2,875	77,691	2,875

TABLE 11—FINAL 2012 AND 2013 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS—Continued

[Amounts are in metric tons]

Target species	Area/season	1995–1997			2012 ITAC available to trawl C/Ps ¹	2012 AFA C/P sideboard limit	2013 ITAC available to trawl C/Ps ¹	2013 AFA C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Greenland turbot ...	BS	121	17,305	0.007	5,296	37	5,109	36
	AI	23	4,987	0.005	2,066	10	1,717	9
Arrowtooth flounder	BSAI	76	33,987	0.002	21,250	43	21,250	43
Kamchatka flounder.	BSAI	76	33,987	0.002	15,045	30	15,045	30
Flathead sole	BSAI	1,925	52,755	0.036	30,482	1,097	30,482	1,097
Alaska plaice	BSAI	14	9,438	0.001	20,400	20	20,400	20
Other flatfish	BSAI	3,058	52,298	0.058	2,720	158	2,720	158
Pacific ocean perch.	BS	12	4,879	0.002	4,854	10	5,559	11
	Eastern AI	125	6,179	0.02	5,019	100	5,751	115
	Central AI	3	5,698	0.001	4,456	4	5,099	5
	Western AI	54	13,598	0.004	7,483	30	8,582	34
Northern rockfish ..	BSAI	91	13,040	0.007	4,700	33	4,700	33
Shortraker rockfish	BSAI	50	2,811	0.018	393	7	393	7
Rougheye rockfish	EBS/EAI	50	2,811	0.018	231	4	241	4
	CAI/WAI	50	2,811	0.018	244	4	258	5
Other rockfish	BS	18	621	0.029	500	15	500	15
	AI	22	806	0.027	570	15	570	15
Squids	BSAI	73	3,328	0.022	361	8	361	8
Skates	BSAI	553	68,672	0.008	24,700	198	24,746	198
Sharks	BSAI	553	68,672	0.008	200	2	200	2
Octopuses	BSAI	553	68,672	0.008	900	7	900	7
Sculpins	BSAI	553	68,672	0.008	5,200	42	5,200	42

¹ Aleutian Islands Pacific ocean perch, and BSAI Atka mackerel, flathead sole, rock sole, yellowfin sole are multiplied by the remainder of the TAC after the subtraction of the CDQ reserve under § 679.20(b)(1)(ii)(C).

² The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual ITAC specified for the Western Aleutian District, and 11.5 percent of the annual ITAC specified for the Central Aleutian District.

TABLE 12—FINAL 2012 AND 2013 BSAI AFA LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS

PSC species and area ¹	Ratio of PSC catch to total PSC	2012 and 2013 PSC available to trawl vessels after subtraction of PSQ ²	2012 and 2013 catcher/processor sideboard limit ²
Halibut mortality BSAI	n/a	n/a	286
Red king crab zone 1	0.007	86,621	606
<i>C. opilio</i> (COBLZ)	0.153	6,277,361	960,436
<i>C. bairdi</i> Zone 1	0.14	875,140	122,520
<i>C. bairdi</i> Zone 2	0.05	2,652,210	132,611

¹ Refer to § 679.2 for definitions of areas.

² Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

AFA Catcher Vessel Sideboard Limits

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of AFA CVs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery

cooperatives in the directed pollock fishery. Section 679.64(b) establishes a formula for setting AFA CV groundfish and PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668,

September 14, 2007). Tables 13 and 14 list the 2012 and 2013 AFA CV sideboard limits.

All catch of groundfish sideboard species made by non-exempt AFA CVs, whether as targeted catch or incidental catch, will be deducted from the 2012 and 2013 sideboard limits listed in Table 13.

TABLE 13—FINAL 2012 AND 2013 AMERICAN FISHERIES ACT CATCHER VESSEL BSAI GROUND FISH SIDEBOARD LIMITS
[Amounts are in metric tons]

Species/gear	Fishery by area/season	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2012 initial TAC ¹	2012 AFA catcher vessel sideboard limits	2013 initial TAC ¹	2013 AFA catcher vessel sideboard limits
Pacific cod/Jig gear	BSAI	0	n/a	0	n/a	0
Pacific cod/Hook-and-line CV.	BSAI Jan 1–Jun 10	0.0006	237	0	239	0
	BSAI Jun 10–Dec 31	0.0006	228	0	229	0
Pacific cod pot gear CV	BSAI Jan 1–Jun 10	0.0006	9,950	6	10,022	6
	BSAI Sept 1–Dec 31	0.0006	9,959	6	9,629	6
Pacific cod CV < 60 feet LOA using hook-and-line or pot gear.	BSAI	0.0006	4,645	3	4,679	3
Pacific cod trawl gear CV.	BSAI Jan 20–Apr 1	0.8609	38,117	32,815	38,394	33,053
	BSAI Apr 1–Jun 10	0.8609	5,666	4,878	5,707	4,913
	BSAI Jun 10–Nov 1	0.8609	7,726	6,651	7,783	6,700
Sablefish trawl gear	BS	0.0906	948	86	935	85
	AI	0.0645	436	28	429	28
Atka mackerel	Eastern AI/BS Jan 1–Jun 10.	0.0032	17,190	55	14,154	45
	Eastern AI/BS Jun 10–Nov 1.	0.0032	17,190	55	14,154	45
	Central AI Jan 1–Jun 10	0.0001	4,806	0	3,966	0
	Central AI Jun 10–Nov 1	0.0001	4,806	0	3,966	0
	Western AI Jan 1–Jun 10.	0	n/a	0	n/a	0
	Western AI Jun 10–Nov 1.	0	n/a	0	n/a	0
Rock sole	BSAI	0.0341	77,691	2,649	77,691	2,649
Greenland turbot	BS	0.0645	5,296	342	5,109	330
	AI	0.0205	2,066	42	1,717	35
Arrowtooth flounder	BSAI	0.069	21,250	1,466	21,250	1,466
Kamchatka flounder	BSAI	0.069	15,045	1,038	15,045	1,038
Alaska plaice	BSAI	0.0441	20,400	900	20,400	900
Other flatfish	BSAI	0.0441	2,720	120	2,720	120
Flathead sole	BS	0.0505	30,482	1,539	30,482	1,539
Pacific ocean perch	BS	0.1	4,854	485	5,559	556
	Eastern AI	0.0077	5,019	39	5,751	44
	Central AI	0.0025	4,456	11	5,099	13
	Western AI	0	n/a	0	n/a	0
Northern rockfish	BSAI	0.0084	4,700	39	4,700	39
Shortraker rockfish	BSAI	0.0037	393	1	393	1
Rougheye rockfish	EBS/EAI	0.0037	231	1	241	1
	CAI/WAI	0.0037	244	1	258	1
Other rockfish	BS	0.0048	500	2	500	2
	AI	0.0095	570	5	570	5
Squids	BSAI	0.3827	361	138	361	138
Skates	BSAI	0.0541	24,700	1,336	24,746	1,339
Sharks	BSAI	0.0541	200	11	200	11
Octopuses	BSAI	0.0541	900	49	900	49
Sculpins	BSAI	0.0541	5,200	281	5,200	281

¹ Aleutians Islands Pacific ocean perch, and BSAI Atka mackerel, flathead sole, and rock sole are multiplied by the remainder of the TAC of that species after the subtraction of the CDQ reserve under § 679.20(b)(1)(ii)(C).

Halibut and crab PSC limits listed in Table 14 that are caught by AFA CVs participating in any groundfish fishery for groundfish other than pollock will accrue against the 2012 and 2013 PSC sideboard limits for the AFA CVs. Sections 679.21(d)(8) and 679.21(e)(3)(v)

authorize NMFS to close directed fishing for groundfish other than pollock for AFA CVs once a 2012 or 2013 PSC sideboard limit listed in Table 14 is reached. The PSC that is caught by AFA CVs while fishing for pollock in the BSAI will accrue against the bycatch

allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/“other species” fishery categories under regulations at § 679.21(e)(3)(iv).

TABLE 14—FINAL 2012 AND 2013 AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI¹

PSC species	Target fishery category ²	AFA catcher vessel PSC sideboard limit ratio	2012 and 2013 PSC limit after subtraction of PSQ reserves	2012 and 2013 AFA catcher vessel PSC sideboard limit
Halibut	Pacific cod trawl	n/a	n/a	887
	Pacific cod hook-and-line or pot	n/a	n/a	2
	Yellowfin sole total	n/a	n/a	101
	Rock sole/flathead sole/other flatfish ³	n/a	n/a	228
	Greenland turbot/arrowtooth/sablefish ⁴	n/a	n/a	0
	Rockfish	n/a	n/a	2
	Pollock/Atka mackerel/other species ⁵	n/a	n/a	5
Red king crab Zone 1 ^{4,6} ..	n/a	0.299	86,621	25,900
<i>C. opilio</i> COBLZ ^{4,6}	n/a	0.168	6,277,361	1,054,597
<i>C. bairdi</i> Zone 1 ^{4,6}	n/a	0.33	875,140	288,796
<i>C. bairdi</i> Zone 2 ⁶	n/a	0.186	2,652,210	493,311

¹ Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

² Target fishery categories are defined in regulation at § 679.21(e)(3)(iv).

³ "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

⁴ Arrowtooth for PSC monitoring includes Kamchatka flounder.

⁵ "Other species" for PSC monitoring includes sculpins, sharks, skates, and octopuses.

⁶ Refer to § 679.2 for definitions of areas.

AFA Catcher/Processor and Catcher Vessel Sideboard Directed Fishing Closures

Based upon historical catch patterns, the Regional Administrator has determined that many of the AFA C/P and CV sideboard limits listed in Tables 15 and 16 are necessary as incidental

catch to support other anticipated groundfish fisheries for the 2012 fishing year. In accordance with § 679.20(d)(1)(iv), the Regional Administrator establishes the sideboard limits listed in Tables 15 and 16 as DFAs. Because many of these DFAs will be reached before the end of the year, the Regional Administrator has

determined, in accordance with § 679.20(d)(1)(iii), that NMFS is prohibiting directed fishing by listed AFA C/Ps for the species in the specified areas set out in Table 15 and directed fishing by non-exempt AFA CVs for the species in the specified areas set out in Table 16.

TABLE 15—FINAL 2012 AND 2013 AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR SIDEBOARD DIRECTED FISHING CLOSURES¹

[Amounts are in metric tons]

Species	Area	Gear types	2012 sideboard limit	2013 sideboard limit
Sablefish trawl	BS	trawl	15	15
	AI	trawl	0	0
Rock sole	BSAI	all	2,875	2,875
Greenland turbot	BS	all	37	36
	AI	all	10	9
Arrowtooth flounder	BSAI	all	43	43
Kamchatka flounder	BSAI	all	30	30
Alaska plaice	BSAI	all	20	20
Other flatfish ²	BSAI	all	158	158
Flathead sole	BSAI	all	1,097	1,097
Pacific ocean perch	BS	all	10	11
	Eastern AI	all	100	115
	Central AI	all	4	5
	Western AI	all	30	34
Northern rockfish	BSAI	all	33	33
Shortraker rockfish	BSAI	all	7	7
Rougeye rockfish	EBS/EAI	all	4	4
	CAI/WAI	all	4	5
	BS	all	15	15
Other rockfish ³	AI	all	15	15
	BSAI	all	8	8
Squids	BSAI	all	198	198
Skates	BSAI	all	2	2
Sharks	BSAI	all	7	7
Octopuses	BSAI	all	42	42
Sculpins	BSAI	all		

¹ Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.

² "Other flatfish" includes all flatfish species, except for halibut, flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

³“Other rockfish” includes all Sebastes and Sebastolobus species except for Pacific ocean perch, northern, dark, shortraker, and rougheye rockfish.

TABLE 16—FINAL 2012 AND 2013 AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD DIRECTED FISHING CLOSURES ¹

[Amounts are in metric tons]

Species	Area	Gear types	2012 sideboard limit	2013 sideboard limit
Pacific cod	BSAI	hook-and-line	0	0
		pot	12	12
		CV < 60 feet LOA	3	3
Sablefish	BSAI	jig	0	0
		BS	86	85
Atka mackerel	AI	trawl	28	28
		all	110	90
		Eastern AI/BS	0	0
Greenland turbot	Central AI	all	0	0
		Western AI	0	0
		BS	342	330
Arrowtooth flounder	AI	all	42	35
		BSAI	1,466	1,466
Kamchatka flounder	BSAI	all	1,038	1,038
Alaska plaice	BSAI	all	900	900
Other flatfish ²	BSAI	all	120	120
Flathead sole	BSAI	all	1,539	1,539
Rock sole	BSAI	all	2,649	2,649
Pacific ocean perch	BS	all	485	556
		Eastern AI	39	44
		Central AI	11	13
		Western AI	0	0
Northern rockfish	BSAI	all	39	39
Shortraker rockfish	BSAI	all	1	1
Rougheye rockfish	BS/EAI	all	1	1
		CAI/WAI	1	1
		BS	2	2
Other rockfish ³	AI	all	5	5
		BSAI	138	138
Squids	BSAI	all	1336	1339
Skates	BSAI	all	11	11
Sharks	BSAI	all	49	49
Octopuses	BSAI	all	281	281
Sculpins	BSAI	all		

¹ Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.

² “Other flatfish” includes all flatfish species, except for halibut, flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

³ “Other rockfish” includes all Sebastes and Sebastolobus species except for Pacific ocean perch, northern, dark, shortraker, and rougheye rockfish.

Response to Comments

NMFS received one comment from the Western Alaska Community Development Association, which represents the six CDQ groups.

Comment: This comment states that the CDQ portion of a Kamchatka flounder fishery would be too small to support a viable fishery, and that it could also constrain other CDQ fisheries. Therefore, the CDQ groups request that NMFS does not allocate Kamchatka flounder to the CDQ groups for 2012 or 2013.

Response: In the proposed 2012 and 2013 harvest specifications NMFS requested comments about whether Kamchatka flounder was a directed fishery under section 305(i)(1)(B)(ii)(II) of the MSA. If it were, NMFS would allocate 10.7 percent of the Kamchatka flounder TAC to the CDQ program. NMFS specifically requested comments

from the CDQ groups about the economic value of Kamchatka flounder and whether the CDQ groups intended to conduct directed fishing for Kamchatka flounder in the future. Based on the comment received, NMFS has determined that Kamchatka flounder is not a directed fishery of the BSAI under section 305(i)(1)(B)(ii)(II). Therefore, NMFS will not allocate Kamchatka flounder to the CDQ Program in the final 2012 and 2013 harvest specifications. However, NMFS will consider allocating Kamchatka flounder to the CDQ program if information is presented in future harvest specifications that the status of Kamchatka flounder as a directed fishery of the BSAI has changed.

Classification

NMFS has determined that these final harvest specifications are consistent

with the FMP and with the Magnuson-Stevens Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Orders 12866 and 13563.

NMFS prepared an EIS for this action (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the EIS. In January 2012, NMFS prepared a Supplemental Information Report (SIR) for this action. Copies of the EIS, ROD, and SIR for this action are available from NMFS (see **ADDRESSES**). The EIS analyzes the environmental consequences of the groundfish harvest specifications and alternative harvest strategies on resources in the action area. The EIS found no significant environmental consequences of this action and its alternatives. The SIR

evaluates the need to prepare a Supplemental EIS (SEIS) for the 2012 and 2013 groundfish harvest specifications.

A SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (2) significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)). After reviewing the information contained in the SIR and SAFE reports, the Regional Administrator has determined that (1) approval of the 2012 and 2013 harvest specifications, which were set according to the preferred harvest strategy in the EIS, do not constitute a change in the action; and (2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the action or its impacts. Additionally, the 2012 and 2013 harvest specifications will result in environmental impacts within the scope of those analyzed and disclosed in the EIS. Therefore, supplemental National Environmental Protection Act documentation is not necessary to implement the 2012 and 2013 harvest specifications.

Pursuant to section 604 of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, a FRFA was prepared for this action. The FRFA incorporates the IRFA, and includes a summary of the significant issues raised by public comments in response to the IRFA, and NMFS' responses to those comments, and a summary of the analyses completed to support the action.

A copy of the FRFA prepared for this final rule is available from NMFS (see ADDRESSES). A description of this action, its purpose, and its legal basis are contained at the beginning of the preamble to this final rule and are not repeated here.

NMFS published the proposed rule on December 27, 2011 (76 FR 80782). The rule was accompanied by an Initial Regulatory Flexibility Analysis (IRFA), which was summarized in the proposed rule. The comment period closed on January 26, 2012. No comments were received on the IRFA.

The entities directly regulated by this action are those that receive allocations of groundfish in the EEZ of the BSAI, and in parallel fisheries within State of Alaska waters, during the annual harvest specifications process. These directly regulated entities include the groundfish CVs and C/Ps active in these areas. Direct allocations of groundfish are also made to certain organizations, including the CDQ groups, American

Fisheries Act (AFA) C/P and inshore CV sectors, Aleut Corporation, and Amendment 80 cooperatives. These entities are, therefore, also considered directly regulated.

In 2009, there were 191 individual catcher vessels with total gross revenues less than or equal to \$4 million. Many of these vessels are members in AFA inshore pollock cooperatives. Vessels that participate in these cooperatives are considered to be large entities within the meaning of the RFA. After accounting for membership in these cooperatives, there are an estimated 103 small CVs remaining in the BSAI.

In 2009, 18 C/Ps grossed less than \$4 million. Some of these vessels were affiliated through ownership by the same business firm. NMFS estimates that these vessels were owned by 11 separate firms. By 2011, the vessels in this group were also affiliated through membership in two cooperatives (the Amendment 80 "Best Use" cooperative, or the Freezer Longline Conservation Cooperative). Applying the 2011 firm and cooperative affiliations to these vessels, NMFS estimates that these 18 vessels currently represent two small entities.

Through the CDQ program, the Council and NMFS allocate a portion of the BSAI groundfish TACs, and prohibited species halibut and crab PSC limits, to 65 eligible Western Alaska communities. These communities work through six non-profit CDQ groups, and are required to use the proceeds from the CDQ allocations to start or support activities that will result in ongoing, regionally based, commercial fishery or related businesses. The CDQ groups receive allocations through the harvest specifications process, and are directly regulated by this action, but the 65 communities are not directly regulated. Because they are nonprofit entities, the CDQ groups are considered small entities for RFA purposes.

The AFA and Amendment 80 fisheries cooperatives are directly regulated because they receive allocations of TAC through the harvest specifications process. However, the Freezer Longline Conservation Cooperative (FLCC), a voluntary private cooperative which became fully effective in 2010, is not considered to be directly regulated. The FLCC runs a catch share program among its members, but it does not, itself, receive an allocation under the harvest specifications. NMFS allocates TAC to the freezer longline sector, and the cooperative members voluntarily allocate this TAC among themselves via the FLCC. The AFA and Amendment 80 cooperatives are large entities, since

they are affiliated with firms with joint revenues over \$4 million.

The Aleut Corporation is an Alaska Native Corporation that receives an allocation of pollock in the Aleutian Islands. The Aleut Corporation is a holding company and evaluated according to the SBA criteria at 13 CFR 121.201, using a \$6 million gross annual receipts threshold for "Offices of Other Holding Companies." Aleut Corporation revenues are believed to exceed this threshold, and the Aleut Corporation is considered to be a large entity. This determination follows the analysis in the RFA certification for BSAI FMP Amendment 82. (NMFS-AKR 2005: 413).

This action does not modify recordkeeping or reporting requirements.

The significant alternatives were those considered as alternative harvest strategies when the Council selected its preferred harvest strategy in December 2006. These included the following:

- Alternative 1: Set TACs to produce fishing mortality rates, F , that are equal to $maxFABC$, unless the sum of the TACs is constrained by the OY established in the FMPs. This is equivalent to setting TACs to produce harvest levels equal to the maximum permissible ABCs, as constrained by OY. The term " $maxFABC$ " refers to the maximum permissible value of $FABC$ under Amendment 56 to the groundfish FMPs. Historically, the TAC has been set at or below the ABC, therefore, this alternative represents a likely upper limit for setting the TAC within the OY and ABC limits.
- Alternative 3: For species in Tiers 1, 2, and 3, set TAC to produce F equal to the most recent 5-year average actual F . For species in Tiers 4, 5, and 6, set TAC equal to the most recent 5-year average actual catch. For stocks with a high level of scientific information, TACs would be set to produce harvest levels equal to the most recent five year average actual fishing mortality rates. For stocks with insufficient scientific information, TACs would be set equal to the most recent five year average actual catch. This alternative recognizes that for some stocks, catches may fall well below ABCs, and recent average F may provide a better indicator of actual F than $FABC$ does.

- Alternative 4: (1) Set TACs for rockfish species in Tier 3 at $F75\%$. Set TACs for rockfish species in Tier 5 at $F=0.5M$. Set spatially explicit TACs for shortraker and rougheye rockfish in the BSAI. (2) Taking the rockfish TACs as calculated above, reduce all other TACs by a proportion that does not vary across species, so that the sum of all

TACs, including rockfish TACs, is equal to the lower bound of the area OY (1,400,000 mt in the BSAI). This alternative sets conservative and spatially explicit TACs for rockfish species that are long-lived and late to mature and sets conservative TACs for the other groundfish species.

- Alternative 5: Set TACs at zero.

Alternative 2 is the preferred alternative chosen by the Council: Set TACs that fall within the range of ABCs recommended through the Council harvest specifications process and TACs recommended by the Council. Under this scenario, *F* is set equal to a constant fraction of *maxFABC*. The recommended fractions of *maxFABC* may vary among species or stocks, based on other considerations unique to each. This is the method for determining TACs that has been used in the past.

Alternatives 1, 3, 4, and 5 do not both meet the objectives of this action although they have a smaller adverse economic impact on small entities than the preferred alternative. The Council rejected these alternatives as harvest strategies in 2006, and the Secretary did so in 2007. Alternative 1 would lead to TACs whose sum exceeds the fishery OY, which is set out in statute and the FMP. As shown in Table 1, the sum of ABCs in 2012 and 2013 would be 2,511,778 and 2,639,792 million mt. Both of these are substantially in excess of the fishery OY for the BSAI. This would be inconsistent with the objectives of this action, in that it would violate the Consolidated Appropriations Act of 2004, Pub. L. No. 108–199, Sec. 803(c), and the FMP for the BSAI groundfish fishery, which both set a 2,000,000 mt maximum harvest for BSAI groundfish.

Alternative 3 selects harvest rates based on the most recent five years' worth of harvest rates (for species in Tiers 1 through 3) or for the most recent five years' worth of harvests (for species in Tiers 4 through 6). This alternative is also inconsistent with the objectives of this action, because it does not take account of the most recent biological information for this fishery.

Alternative 4 would lead to significantly lower harvests of all species to reduce TACs from the upper end of the OY range in the BSAI, to its lower end. This would lead to significant reductions in harvests of species by small entities. While reductions of this size could be associated with offsetting price increases, the size of these increases is very uncertain, and there can be no confidence that they would be sufficient to offset the volume decreases and leave revenues unchanged. Thus, this action

would have an adverse economic impact on small entities, compared to the preferred alternative.

Alternative 5, which sets all harvests equal to zero, may also address conservation issues, but would have a significant adverse economic impact on small entities.

Impacts on marine mammals resulting from fishing activities conducted under this rule are discussed in the EIS (see **ADDRESSES**).

Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the 30-day delay in effectiveness for this rule, because delaying this rule is contrary to the public interest. Plan Team review occurred in November 2011, and Council consideration and recommendations occurred in December 2011. Accordingly, NMFS review could not begin until January 2012. If this rule's effectiveness is delayed, fisheries that might otherwise remain open under these rules may prematurely close based on the lower 2011 and 2012 harvest specifications (76 FR 11139, March 1, 2011). If implemented immediately, this rule would allow these fisheries to continue fishing without worrying about a potential closure, because the new TACs are higher than the ones under which they are currently fishing. Certain fisheries, such as those for pollock and Pacific cod are intensive, fast-paced fisheries. Other fisheries, such as those for flatfish, rockfish, octopuses, sculpins, sharks, skates, and squids, are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch the TAC allocations in these fisheries. Any delay in allocating the final TACs in these fisheries would cause confusion to the industry and potential economic harm through unnecessary discards. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries and causing them to close at an accelerated pace.

Additionally, in fisheries subject to declining sideboards, delaying this rule's effectiveness could allow some vessels inadvertently reach or exceed their new sideboard levels. Because sideboards are intended to protect traditional fisheries in other sectors, allowing one sector to exceed its new

sideboards by delaying this rule's effectiveness would effectively reduce the available catch for non-sideboarded sectors. Thus, the delay is contrary to the public interest in protecting traditional fisheries.

If the final harvest specifications are not effective by March 17, 2012, which is the start of the 2012 Pacific halibut season as specified by the IPHC, the hook-and-line sablefish fishery will not begin concurrently with the Pacific halibut IFQ season. Delayed effectiveness of this action would result in confusion for sablefish harvesters and economic harm from unnecessary discard of sablefish that are caught along with Pacific halibut, as both hook-and-line sablefish and Pacific halibut are managed under the same IFQ program. Immediate effectiveness of the final 2012 and 2013 harvest specifications will allow the sablefish IFQ fishery to begin concurrently with the Pacific halibut IFQ season. Also, the immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources based on the best available scientific information. This is particularly true of those species which have lower 2012 ABCs and TACs than those established in the 2011 and 2012 harvest specifications (76 FR 11139, March 1, 2011). Immediate effectiveness also would give the fishing industry the earliest possible opportunity to plan and conduct its fishing operations with respect to new information about TAC limits. Therefore, NMFS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3).

Small Entity Compliance Guide

This final rule is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary purpose is to announce the final 2012 and 2013 harvest specifications and prohibited species bycatch allowances for the groundfish fisheries of the BSAI. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2012 and 2013 fishing years and to accomplish the goals and objectives of the FMP. This action affects all fishermen who participate in the BSAI fisheries. The specific amounts of OFL, ABC, TAC, and PSC are provided in tables to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

Authority: 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105-277; Pub. L. 106-31; Pub. L. 106-554; Pub. L. 108-199; Pub. L. 108-447; Pub. L. 109-241; Pub. L. 109-479.

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