

amount of a species or species group apportioned to a fishery is the amount identified in the specifications as provided in paragraph (c)(1) of this section. These amounts are revised by inseason adjustments, for a given species or species group, as identified by regulatory area, district or statistical area, and as further identified according to any allocation of TALFF, the apportionment for JVP, the apportionment for DAP, the seasonal allowance of pollock or, with respect to Pacific cod, to an allocation to the inshore or offshore component and, if applicable, as further identified by gear type. In establishing a directed fishing allowance, the Regional Director should consider the amount of that species group, seasonal allowance of pollock, or allocation of Pacific cod to the inshore or offshore component that will be taken as incidental catch in directed fishing for other species in the same regulatory area, district or statistical area. If the Regional Director establishes a directed fishing allowance and that allowance is or will be reached before the end of the fishing year or, with respect to pollock, before the end of the season, NMFS will prohibit directed fishing for the species or species group in the specified regulatory area, district or statistical area. If directed fishing for a species or species group is prohibited, any amount of that species or species group greater than the maximum retainable bycatch amount, as calculated under paragraph (g) of this section, may not be retained and must be treated as a prohibited species under paragraph (e) of this section.

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3. In § 672.23, paragraph (e) is revised to read as follows:

§ 672.23 Seasons.

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(e) Subject to other provisions of this part, directed fishing for pollock in the Western and Central Regulatory Areas of the Gulf of Alaska is authorized only during the three seasons:

- (1) From 0001, A.l.t., January 1 through 12 noon, A.l.t., April 1;
- (2) From 1200, A.l.t., June 1 through 1200, A.l.t., July 1; and

(3) From 1200, A.l.t., September 1 through 2359 A.l.t., December 31.

Nomenclature Amendments

§ 672.20 [Amended]

4. In addition to the amendments set out above, in § 672.20, in paragraph (c)(1), remove all occurrences of the word "quarterly" and add in their place the word "seasonal".

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50 CFR Parts 672 and 675

[Docket No. 900833-1095; I.D. 052396A]

Groundfish of the Gulf of Alaska and the Bering Sea and Aleutian Islands Area; Bycatch Rate Standards for the Second Half of 1996

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

ACTION: Pacific halibut and red king crab bycatch rate standards; request for comments.

SUMMARY: NMFS announces Pacific halibut and red king crab bycatch rate standards for the second half of 1996. This action is necessary to implement the bycatch rate standards for vessel operators who participate in the Alaska groundfish trawl fisheries under the vessel incentive program. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources.

DATES: Effective 12:01 a.m., Alaska local time (A.l.t.), July 1, 1996, through 12 midnight, A.l.t., December 31, 1996. Comments on this action must be received at the following address no later than 4:30 p.m., A.l.t., June 30, 1996.

ADDRESSES: Comments should be mailed to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel; or be delivered to 709 West 9th Street, Federal Building, Room 401, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Susan J. Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) are managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act. The FMPs are implemented by regulations for the U.S. fisheries at 50 CFR parts 672, 675, and 676. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 620. Regulations that establish observer coverage requirements are set out at 50 CFR part 677. Bycatch rate standards and the vessel incentive program are described at § 675.26. Halibut and red king crab bycatch rate standards for the first half of 1996 were published in the Federal Register on November 29, 1995 (60 FR 61213). As required by §§ 672.26(c) and 675.26(c), the Director of the Alaska Region, NMFS (Regional Director), has established the bycatch rate standards for the second half of 1996 (July 1 through December 31). These standards were approved by the Council at its April 1996 meeting and are set out in Table 1. The bycatch rate standards are based on the following information:

1. Previous years' average observed bycatch rates.
2. Immediately preceding season's average observed bycatch rates.
3. The bycatch allowances and associated fishery closures specified under §§ 672.20(f) and 675.21.
4. Anticipated groundfish harvests.
5. Anticipated seasonal distribution of fishing effort for groundfish.
6. Other information and criteria deemed relevant by the Regional Director.

TABLE 1.—BYCATCH RATE STANDARDS BY FISHERY FOR THE SECOND HALF OF 1996 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA

| Fishery | Bycatch rate standard |
|--|-----------------------|
| Halibut bycatch rate standards (kilogram of halibut/metric ton of groundfish catch) | |
| BSAI Midwater pollock | 1.0 |
| BSAI Bottom pollock | 5.0 |

TABLE 1.—BYCATCH RATE STANDARDS BY FISHERY FOR THE SECOND HALF OF 1996 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA—Continued

| Fishery | Bycatch rate standard |
|---|-----------------------|
| BSAI Yellowfin sole | 5.0 |
| BSAI Other trawl | 30.0 |
| GOA Midwater pollock | 1.0 |
| GOA Other trawl | 40.0 |
| Zone 1 red king crab bycatch rates standards (number of crab/metric ton of groundfish catch) | |
| BSAI yellowfin sole | 2.5 |
| BSAI Other trawl | 2.5 |

Bycatch Rate Standards for Pacific Halibut

The halibut bycatch rate standards for the 1996 trawl fisheries are unchanged from those implemented in 1995. The Regional Director based standards for the second half of 1996 on anticipated seasonal fishing effort for groundfish species and 1993–96 halibut bycatch rates observed in the trawl fisheries included under the incentive program. In determining these bycatch rate standards, the Regional Director recognized that directed fishing for BSAI Pacific cod by vessels using trawl gear is closed until October 25, 1996 (61 FR 24730, May 16, 1996). Given the present status of halibut bycatch in the yellowfin sole fishery, the Regional Director anticipates that this fishery will close by early June due to halibut bycatch restrictions. The fishery will remain closed until August 15 when the remainder of its halibut bycatch allowance becomes available. The Regional Director also considered the fact that August 15 is opening date of the 1996 Bering Sea pollock 'B' season (§ 675.23(e)) and that the Council has requested that NMFS initiate rulemaking to delay this date until September 1. NMFS anticipates that a proposed rule to implement a pollock 'B' season delay will be published in the Federal Register for public review and comment by mid-June 1996.

The halibut bycatch rate standards for the BSAI yellowfin sole and "bottom pollock" trawl fisheries are each set at 5 kilogram (kg) halibut/metric ton (mt) of groundfish. These standards approximate the average annual rates observed on trawl vessels participating in these fisheries since 1992.

The halibut bycatch rate standard for the BSAI and GOA midwater pollock fisheries (1 kg halibut/mt of groundfish) is higher than the bycatch rates normally experienced by vessels participating in these fisheries. This

standard is intended to encourage vessel operators to maintain off-bottom trawl operations and limit further bycatch of halibut in the pollock fishery when halibut bycatch restrictions at §§ 672.20(f) and 675.21(c)(1) prohibit directed fishing for pollock by vessels using non-pelagic trawl gear.

A bycatch rate standard of 30 kg halibut/mt of groundfish is established for the BSAI "other trawl" fishery. This standard has remained unchanged since 1992. A bycatch rate standard of 40 kg halibut/mt of groundfish is established for the GOA "other trawl" fishery, which is unchanged since 1994. The considerations that support these bycatch rate standards for the "other trawl" fisheries are unchanged from previous years and are discussed in the Federal Register publications of 1995 bycatch rate standards (60 FR 2905, January 12, 1995, and 60 FR 27425, May 24, 1995).

Observer data collected from the 1995 GOA "other trawl" fishery show average third and fourth quarter halibut bycatch rates of 18 and 48 kg halibut/mt of groundfish, respectively. The first quarter rate from 1996 was lower, at 15 kg halibut/mt of groundfish. Observer data from the 1995 BSAI "other trawl" fishery show third and fourth quarter halibut bycatch rates of 10 and 21 kg halibut/mt of groundfish, respectively. The first quarter rate from the 1996 BSAI "other trawl" fishery was 10 kg halibut/mt of groundfish.

Bycatch Rate Standards for Red King Crab

The red king crab bycatch rate standard for the yellowfin sole and "other trawl" fisheries in Zone 1 of the Bering Sea subarea is 2.5 crab/mt of groundfish during the second half of 1996. This standard has remained unchanged since 1992.

The red king crab savings area (RKCSA) in Zone 1 has been closed to fishing with trawl gear since the

beginning of the 1996 trawl season (60 FR 63451, December 11, 1995; 61 FR 8889, March 6, 1996). This closure will remain effective through June 15, 1996. The closure of the RKCSA has significantly reduced red king crab bycatch rates in the BSAI trawl fisheries during the first half of 1996. Through early May, the rock sole/flathead sole/other flatfish fishery category had taken only 9 percent of its annual red king crab bycatch allowance. The Pacific cod and yellowfin sole fisheries had taken only 25 percent and less than 1 percent, respectively, of their bycatch allowances. As a result, NMFS does not anticipate that the red king bycatch allowances specified for the 1996 trawl fisheries (61 FR 4311, February 5, 1996) will be reached. Furthermore, bycatch rates should remain low given that intensive flatfish or Pacific cod trawl fisheries in Zone 1 are not anticipated for the remainder of the year.

Nonetheless, as in past years, the Regional Director is maintaining the 2.5 red king crab/mt of groundfish bycatch rate standard to support any exploratory fishing in Zone 1 by vessel operators attempting to avoid relatively high halibut and *C. bairdi* bycatch rates typically experienced in other areas of the BSAI.

The Regional Director has determined that the bycatch rate standards set out in Table 1 are appropriately based on the information and considerations necessary for such determinations under §§ 672.26(c) and 675.26(c). These bycatch rate standards may be revised and published in the Federal Register when deemed appropriate by the Regional Director, pending his consideration of the information set forth at §§ 672.26(c)(2)(v) and 675.26(c)(2)(v).

Classification

This action is taken under 50 CFR 672.26 and 675.26 and is exempt from review under E.O. 12866.

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

Dated: May 24, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries

Conservation and Management, National

Marine Fisheries Service.

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