

to accomplish this could include changes in the allocation of days-at-sea, possession limits, gear restrictions, closed areas, permitting restrictions, minimum fish sizes, and other management measures currently included in the Multispecies FMP. Initial action may be taken on other framework adjustments to the plan. These would: Establish an exempted fishery for gillnet vessels targeting monkfish with 10-inch (25.40-cm) or larger mesh, institute management measures to minimize fishing mortality on the 1992 year class of winter flounder, exempt mussel dredges from groundfish restrictions in Southern New England, modify the bycatch allowance of whiting in the northern shrimp fishery, and prohibit the possession of monkfish in the northern shrimp fishery. The Council will consider final action on Framework Adjustment 18, which would allow herring and mackerel fishing with pelagic mid-water trawls in areas of Georges Bank now closed to all gear capable of catching groundfish.

December 12, 1996

The December 12 session will begin with reports from the Council Chairman, Vice Chairman, Acting Executive Director, NMFS Regional Administrator, representatives from the Northeast Fisheries Science Center, Atlantic States Marine Fisheries Commission, U.S. Coast Guard, and the Mid-Atlantic Fishery Management Council liaison. The Marine Mammal Committee Chairman will follow with a brief update on the activities of the Large Whale Take Reduction Team. The Scallop Committee will review its recent discussions on effort consolidation in the sea scallop fishery. It will also recommend final action on Framework Adjustment 9 to the Scallop FMP, a measure concerning general category scallop permit holders who fish in Maine waters.

In the afternoon, the Council is expected to approve the draft environmental impact statement for the monkfish amendment to the Multispecies FMP. The day will conclude with a report on the amendments to the Magnuson-Stevens Fishery Conservation and Management Act that will most affect Council operations. Any other outstanding business will be addressed at the end of the day.

Background Information for Abbreviated Rulemaking—Atlantic Sea Scallops

At the recommendation of its Scallop Committee, the Council will consider

final action on Framework Adjustment 9 to the Sea Scallop FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 648.55. The adjustment would extend the state waters exemption to include the 400-lb (181.44-kg) trip limit for general category scallop permit holders. Currently, scallopers holding this type of permit are prohibited from landing more than 400 lb (181.44 kg) of scallops per trip, even when fishing strictly within state waters.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Christopher B. Kellogg (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: November 27, 1996.

Gary C. Matlock,
Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.
[FR Doc. 96-30832 Filed 12-3-96; 8:45 am]
BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 961126334-6334-01; I.D. 111296A]

RIN 0648-xx74

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Proposed 1997 Harvest Specifications

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

ACTION: Proposed 1997 initial specifications for groundfish; apportionment of reserves; request for comments.

SUMMARY: NMFS proposes initial harvest specifications for groundfish and associated management measures in the Gulf of Alaska (GOA) for the 1997 fishing year. This action is necessary to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

DATES: Comments must be received by December 30, 1996.

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

The preliminary Stock Assessment and Fishery Evaluation (SAFE) Report,

dated September 1996, is available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic groundfish fisheries in the exclusive economic zone of the GOA are managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The FMP is implemented by regulations at 50 CFR part 679.

This action proposes for the 1997 fishing year: (1) Specifications of total allowable catch (TAC) for each groundfish target species category in the GOA, and reserves; (2) apportionments of reserves; (3) apportionments of the sablefish TAC to vessels using hook-and-line and trawl gear; (4) apportionments of pollock and Pacific cod TAC; (5) "other species" TAC; (6) halibut prohibited species catch (PSC) limits; and (7) fishery and seasonal allocations of the halibut PSC limits.

Comments on the proposed 1997 specifications and proposed apportionments of reserves are invited from the public through December 30, 1996. After again consulting with the Council, NMFS will publish final specifications for the 1997 fishing year in the Federal Register.

Regulations at § 679.20(c)(2) require that one-fourth of the preliminary or proposed specifications (not including the reserves and the first seasonal allowance of pollock), one-fourth of the inshore and offshore allocations of Pacific cod in each regulatory area, the proposed first seasonal allowance of pollock, and one-fourth of the halibut PSC amounts become effective at 0001 hours, Alaska local time (A.l.t.), January 1, on an interim basis, and remain in effect until superseded by the final harvest specifications.

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

1. Proposed Establishment of TAC Amounts and Apportionments Thereof

Under § 679.20(c)(1)(i)(A), NMFS, after consultation with the Council, publishes in the Federal Register proposed specifications of annual TAC amounts. These proposed specifications indicate apportionments of TAC amounts for each target species and the "other species" category. The sum of the TAC amounts for all species must fall within the combined optimum yield (OY) range, of 116,000–800,000 metric tons (mt), established for these species.

The reserves for the GOA (under § 679.20(b)(2)) are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish target species categories, and "other species." The GOA groundfish TAC amounts have been fully utilized by the respective domestic target species categories since 1987, and NMFS expects the same to occur in 1997. Therefore, NMFS proposes apportionment of all the reserves to the respective target species categories.

The Council met from September 18 through 22, 1996, to review scientific information concerning groundfish stocks. The preliminary SAFE Report, dated September 1996, prepared and presented to the Council by the GOA Plan Team (Plan Team), summarizes the best available scientific information on the status of stocks.

The September 1996 SAFE Report contains updated stock assessments that mainly include new catch information. The 1996 triennial trawl survey was conducted this year; however, the results were not available for the preliminary stock assessments. Survey information should be available for incorporation into assessments for the final 1996 SAFE Report issued in November. Details of the assessments can be found in the September 1996 SAFE Report.

The Council's proposed 1997 acceptable biological catch (ABC) amounts for Pacific cod, sablefish, rex sole, shortraker/rougeye and other slope rockfish are reduced from the 1996 ABC levels specified for these species; whereas the 1997 ABCs for pollock, deepwater flatfish, flathead sole, shallow water flatfish, arrowtooth, and POP increased from 1996. The proposed 1997 ABC amounts, as recommended by the Council, for all other species or species groups are unchanged from the 1996 amounts.

The September 1996 SAFE report contains a separate stock assessment for arrowtooth flounder, which was previously contained in the comprehensive flatfish assessment. For Pacific cod a new model configuration

was used that is identical to the Eastern Bering Sea Pacific cod assessment model and a new age-structured model was used for sablefish. Although Amendment 44 has yet to be approved by NMFS, the Plan Team adopted preliminary ABC's based on the new definitions to (1) compensate for uncertainty in status of stocks by establishing fishing mortality rates more conservatively as biological parameters become more imprecise, (2) relate fishing mortality rates directly to biomass for stocks below target abundance levels, and (3) maintain a buffer between ABC and the overfishing level. The revised definitions result in lower exploitation rates and ABC's for some species.

The ABC for Pacific cod, as recommended by the Plan Team, the SSC and the Council, is 52,000 mt compared to the 1996 ABC of 65,000 mt. The 1997 ABC is consistent with the ABC amounts anticipated to be generated under low recruitment levels. Last year the Plan Team selected an ABC value related to the uncertainty in the current stock level by choosing the lower 95 percent confidence limit. The data required to compute the same this year are not yet available. However, applying the proportional decrease in exploitable biomass between last year and this year to the 1996 ABC gives a 1997 ABC of 52,000 mt.

The preliminary sablefish stock assessment does not yet include data from this year's longline survey. This information will be included for the final assessment in December. However, a new assessment was done this year for sablefish that is based on an age-structured model, compared to previous assessments on the delay-difference equation model. Biomass projections based on the age-structured model are lower than the projections from the delay-difference model; however, this was only one factor that resulted in a lower 1997 ABC (11,620 mt) estimate for sablefish compared to 1996 (17,080 mt). New fishing mortality rates, as derived from the new ABC and overfishing limit (OFL) definitions, also contributed to the lower 1997 ABC for sablefish.

The POP stock assessment produced a 1997 ABC of 11,780 mt. The preliminary 1997 OFL for POP is 17,630 mt. These recommendations were accepted by the SSC and the Council.

No new information exists for Atka mackerel; therefore, the best available estimate of Atka mackerel abundance in the GOA is from the 1993 survey. From this information, the Plan Team proposed an ABC of 6,480 mt. However, the SSC remains concerned about the lack of recruitment for this species.

Because the species may be particularly sensitive to fishing pressure and is important as a prey species for Steller sea lions, the SSC recommended that a conservative exploitation rate of $M/2$ (one half of the natural mortality rate) be used to calculate the ABC, reducing the ABC to 3,240 mt. The Council adopted the SSC's ABC, which was also the 1996 ABC.

The Plan Team continues to recommend a reorganization of the pelagic shelf rockfish complex. The proposed 1997 ABC is derived almost entirely from dusky rockfish catches in the trawl surveys because black rockfish and other assemblage species are not adequately sampled by trawls. The Council remains concerned about localized overexploitation of black rockfish and other nearshore species. As a result, the Council requested an analysis of options for reorganizing the pelagic shelf rockfish complex and managing the resultant groups (Amendment 46 to the FMP). This analysis received initial review by the Council at its September meeting. Final Council review is scheduled for its December 1996 meeting. Appropriate changes to the 1997 GOA groundfish specifications would be made pending Council adoption and NMFS approval of this action.

The total 1997 ABC amount for all species recommended by the SSC and accepted by the Council is 546,720 mt.

The Advisory Panel (AP) recommended a 1997 TAC amount of 269,945 mt. The AP recommended 1997 TAC amounts equal the 1997 ABC amounts, as recommended by the SSC, for all species except deep-water flatfish, shallow-water flatfish, flathead sole, arrowtooth flounder, and POP. For the flatfish groups, the AP recommended a 1997 TAC that equals the 1996 TAC amount.

In addition, the Council recommended TAC amounts for other slope rockfish 'that equal the 1996 TAC levels, which would support bycatch needs in other fisheries. However, the 1996 Central Regulatory Area TAC amount of 1,170 mt exceeds the ABC for that area. Therefore, NMFS proposes to establish a 1997 TAC for other slope rockfish in the Central Regulatory Area equal to the 1997 ABC of 960 mt. As a result of this change to the Council's recommendation, the overall TAC amount and the "other species" TAC amount are reduced to 265,692 mt and 12,652 mt, respectively.

The TAC for POP is established by an algorithm in the POP Rebuilding Plan and is calculated for 1997 at 8,130 mt. Amendment 38 to the GOA FMP, which allows flexibility for the Council to

establish the TAC for POP at the algorithm level in the Rebuilding Plan or below that level, was approved by the Secretary of Commerce (61 FR 51374; October 2, 1996). During its December 1996 meeting, the Council may adjust the POP TAC downward for biological or resource conservation concerns not

previously considered in the Rebuilding Plan.

The Council considered information in the SAFE Report, recommendations from its SSC and its AP, as well as public testimony. The Council then accepted the ABC amounts as recommended by the SSC. The Council accepted the TAC amounts as

recommended by the AP, except for the "other slope rockfish" for which the above-mentioned adjustments were made.

The proposed 1997 ABC amounts and TAC amounts, as well as the ABC and TAC apportionments, are shown in Table 1.

TABLE 1—PROPOSED 1997 ABC AMOUNTS AND PROPOSED TAC AMOUNTS OF GROUND FISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA^{1, 2}

Species	Area	ABC	TAC
		(mt)	
Pollock: ³			
	W (61)	36,300	36,300
	C (62)	18,300	18,300
	C (63)	19,500	19,500
Subtotal	W/C	*74,100	*74,100
	E	*4,010	*4,010
Total		78,110	78,110
Pacific cod: ⁴			
Inshore	W		13,570
Offshore	W		1,510
Inshore	C		30,890
Offshore	C		3,430
Inshore	E		2,340
Offshore	E		260
Subtotal	W	15,080	*15,080
	C	34,320	*34,320
	E	2,600	*2,600
Total		52,000	52,000
Flatfish, Deep-water: ⁵			
	W	1,020	460
	C	12,380	7,500
	E	8,760	3,120
Total		22,160	11,080
Rex sole:			
	W	1,080	1,080
	C	5,640	5,640
	E	2,250	2,250
Total		8,970	8,970
Flathead sole:			
	W	9,790	2,000
	C	18,940	5,000
	E	3,020	2,740
Total		31,750	9,740
Flatfish, Shallow-water ⁶			
	W	31,590	4,500
	C	25,980	12,950
	E	3,160	1,180
Total		60,730	18,630
Arrowtooth flounder:			
	W	35,390	5,000
	C	175,250	25,000
	E	35,150	5,000
Total		245,790	35,000
Sablefish: ⁷			
	W	1,500	1,500
	C	4,690	4,690
	WY	2,060	2,060
	SEO	3,370	3,370

TABLE 1—PROPOSED 1997 ABC AMOUNTS AND PROPOSED TAC AMOUNTS OF GROUND FISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA^{1, 2}—Continued

Species	Area	ABC	TAC
Total		11,620	11,620
Pacific ocean perch: ⁸			
	W	2,130	1,470
	C	5,640	3,900
	E	4,010	2,760
Total		11,780	8,130
Shortraker/rougheye: ⁹			
	W	160	160
	C	1,100	1,100
	E	480	480
Total		1,740	1,740
Rockfish, other slope ^{10, 11}			
	W	150	100
	C	960	960
	E	4,750	750
Total		5,860	1,810
Rockfish, northern ¹²			
	W	640	640
	C	4,610	4,610
	E	20	20
Total		5,270	5,270
Rockfish, pelagic shelf ¹³			
	W	910	910
	C	3,200	3,200
	E	1,080	1,080
Total		5,190	5,190
Demersal shelf rockfish ¹⁴	SEO	950	950
Thornyhead rockfish	GW	1,560	1,560
Atka mackerel:			
	W	2,310	2,310
	C	925	925
	E	5	5
Total		3,240	3,240
Other species ¹⁵		NA ¹⁶	12,652
GOA Total		546,720 ¹⁷	265,692

* Amounts are subtotals and are not cumulative.

¹ See § 679.2 for definitions of regulatory area and statistical area. See Figure 3b to part 679 for a description of regulatory district.

² Reserves are proposed to be apportioned to target species and are reflected in the proposed TAC amounts.

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

⁴ Pacific cod is allocated 90 percent to the inshore, and 10 percent to the offshore component. Component allowances are shown in Table 4.

⁵ "Deep-water flatfish" means Dover sole and Greenland turbot.

⁶ "Shallow water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

⁷ Sablefish is allocated to trawl and hook-and-line gears (Table 2).

⁸ "Pacific ocean perch" means *Sebastes alutus*.

⁹ "Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

¹⁰ "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District means slope rockfish.

¹¹ "Slope rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. babcocki* (redbanded), and *S. reedi* (yellowmouth).

¹² "Northern rockfish" means *Sebastes polyspinis*.

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

¹⁴ "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

¹⁵ "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC for "other species" equals 5 percent of the TAC amounts of target species.

¹⁶ NA=not applicable.

¹⁷ The total ABC reflects the sum of the ABC amounts for target species.

2. Proposed Apportionment of Reserves

Regulations implementing the FMP establish initial reserves of 20 percent of each TAC for pollock, Pacific cod, flatfish species, and the "other species" category (§ 679.20(b)(2)). Consistent with § 679.20(b)(2), NMFS is proposing to apportion the 1997 reserves to each of the four species categories. Specifications of TAC shown in Table 1 reflect apportioned reserves.

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

Under § 679.20(a)(4) (i) and (ii), sablefish TAC amounts for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Central and Western Regulatory Areas, 80 percent of the TAC amounts is allocated to vessels using hook-and-line gear and 20 percent is allocated to vessels using trawl gear. In the Eastern Regulatory Area, 95 percent

of the TAC is assigned to vessels using hook-and-line gear and 5 percent is assigned to vessels using trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used as bycatch to support directed fisheries for other trawl target species. Sablefish caught in the GOA with gear other than hook-and-line or trawl must be treated as prohibited species and may not be retained. Table 2 shows the assignments of the proposed 1997 sablefish TAC amounts between vessels using hook-and-line and trawl gears.

TABLE 2.—PROPOSED 1997 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ASSIGNMENTS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR

Area/District	TAC	Hook-and-line share	Trawl share
	(mt)		
Western	1,500	1,200	300
Central	4,690	3,750	940
Eastern			
West Yakutat	2,060	1,960	100
Southeast Outside	3,370	3,200	170
Total	11,620	10,110	1,510

4. Proposed Apportionments of Pollock and Pacific Cod TAC Amounts

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

September 1, respectively. Within any fishing year, any unharvested amount of any seasonal allowance of pollock TAC is added in equal proportions to all subsequent seasonal allowances, resulting in a sum for each allowance not to exceed 150 percent of the initial seasonal allowance. Similarly, harvests in excess of a seasonal allowance of TAC are deducted in equal proportions from the remaining seasonal allowances of that fishing year. The Eastern Regulatory Area proposed TAC of 4,010 mt is not allocated among smaller areas, or seasonally.

Regulations at § 679.20(a)(6)(ii) require the allocation of the pollock apportionment in all regulatory areas and for all seasonal allowances to the inshore and offshore components as defined at § 679.2. Similarly regulations at § 679.20(a)(6)(iii) require allocation of the Pacific cod apportionment in all regulatory areas to the inshore and

offshore components. The inshore component would be allocated 100 percent of the pollock TAC in each regulatory area after subtraction of amounts that are determined by the Administrator, Alaska Region, NMFS (Regional Administrator) as necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species. At this time, these bycatch amounts are unknown and will be determined during the fishing year. The proposed distribution of pollock within the combined W/C Regulatory Areas is shown in Table 3, except that the allocation to the inshore and offshore components are not shown.

The inshore component for Pacific cod would be allocated 90 percent of the TAC in each regulatory area. Inshore and offshore component allocations of the proposed 52,000 mt TAC for each regulatory area are shown in Table 4.

TABLE 3.—PROPOSED DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (W/C GOA); BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND SEASONAL ALLOWANCES. ABC FOR THE W/C GOA IS PROPOSED TO BE 74,100 METRIC TONS (MT). BIOMASS DISTRIBUTION IS BASED ON 1993 SURVEY DATA. TAC AMOUNTS ARE EQUAL TO ABC. INSHORE AND OFFSHORE ALLOCATIONS OF POLLOCK ARE NOT SHOWN.

Statistical area	Biomass per- cent	1997 ABC=TAC	Seasonal allowances		
			First	Second	Third
			(mt)		
Shumagin (61)	49	36,300	9,075	9,075	18,150
Chirikof (62)	24.7	18,300	4,575	4,575	9,150
Kodiak (63)	26.3	19,500	4,875	4,875	9,750
Total	100	74,100	18,525	18,525	37,050

TABLE 4.—PROPOSED 1997 ALLOCATION OF PACIFIC COD IN THE GULF OF ALASKA; ALLOCATIONS TO INSHORE AND OFFSHORE COMPONENTS.

Regulatory area	TAC	Component Allocation	
		Inshore (90%)	Offshore (10%)
		(mt)	
Western	15,080	13,570	1,510
Central	34,320	30,890	3,430
Eastern	2,600	2,340	260
Total	52,000	46,800	5,200

5. "Other Species" TAC

The FMP specifies that amounts for the "other species" category are calculated as 5 percent of the combined TAC amounts for target species. The GOA-wide "other species" TAC is calculated as 12,652 mt, which is 5 percent of the sum of combined TAC amounts for the target species.

6. Proposed Halibut PSC Mortality Limits

Under § 679.21(d), annual Pacific halibut PSC mortality limits are established for trawl and hook-and-line

gear and may be established for pot gear. At its September meeting, the Council recommended that NMFS reestablish the PSC limits of 2,000 mt for the trawl fisheries and 300 mt for the hook-and-line fisheries, with 10 mt of the hook-and-line limit allocated to the demersal shelf rockfish (DSR) fishery in the Southeast Outside District and the remainder to the other hook-and-line fisheries.

Regulations at § 679.21(d)(4) authorize exemption of specified nontrawl fisheries from the halibut PSC limit. As in 1996, the Council proposes to exempt

pot gear and the hook-and-line sablefish fishery from the nontrawl halibut limit for 1997. The Council proposed these exemptions because the halibut bycatch mortality experienced in the pot gear fisheries was low (17 mt in 1996) and because the sablefish and halibut Individual Fishing Quota (IFQ) program, implemented in 1995, allows retention of legal-sized halibut in the sablefish fishery.

NMFS preliminarily concurs in the Council's 1997 recommendations for halibut bycatch limits and seasonal apportionments (Table 5).

TABLE 5.—PROPOSED 1997 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS. THE PACIFIC HALIBUT PSC LIMIT FOR HOOK-AND-LINE GEAR IS ALLOCATED TO THE DEMERSAL SHELF ROCKFISH (DSR) FISHERY AND FISHERIES OTHER THAN DSR

Trawl Gear		Hook-and-line Gear			
Dates	Amount (mt) (%)	Other than DSR		DSR	
		Dates	Amount (mt) (%)	Dates	Amount (mt) (%)
Jan 1–Mar 31	600 (30%)	Jan 1–May 14	242 (83%)	Jan 1–Dec 31	10 (100%)
Apr 1–Jun 30	400 (20%)	May 15–Aug 31	29 (10%)		
Jul 1–Sep 30	600 (30%)	Sep 1–Dec 31	19 (6.5%)		
Oct 1–Dec 31	400 (20%)				
Total	2,000 (100%)		290 (100%)		10 (100%)

Regulations at § 679.21(d)(3)(iii) authorize the apportionment of the trawl halibut PSC limit to a deep-water

species fishery (comprised of sablefish, rockfish, deep-water flatfish, rex sole and arrowtooth flounder) and a shallow-

water species fishery (comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel,

and "other species"). The proposed apportionment for these two fishery

complexes is presented in Table 6 and is unchanged from 1996.

TABLE 6.—PROPOSED 1997 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY

Season	Shallow-water	Deep-water	Total
	(mt)		
Jan. 20–Mar. 31	500	100	600
Apr. 1–Jun. 30	100	300	400
Jul. 1–Sep. 30	200	400	600
Oct. 1–Dec. 31	No apportionment between shallow and deep for the 4th quarter.		

Some changes may be made by the Council or NMFS in the seasonal, gear type and fishing-complex apportionments of halibut PSC limits for the final 1997 harvest specifications. NMFS considers the following types of information in setting halibut PSC limits as presented by, and summarized from, the preliminary 1996 SAFE Report, or from public comment and testimony.

(A) Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is available from data collected during 1996 by observers. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through September 21, 1996, is 1,611 mt, 164 mt, and 17 mt, respectively, for a total halibut mortality of 1,792 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries during the first, second, and third quarters of the 1996 fishing year and are anticipated to constrain trawl gear fisheries during the fourth quarter. Trawling for the deep-water fishery complex was closed during the first quarter on March 21 (61 FR 13462; March 27, 1996), for the second quarter on April 15 (61 FR 17256; April 19, 1996) and for the third quarter on August 7 (61 FR 41523, August 9, 1996). The shallow-water fishery complex was closed in the second quarter on May 13 (61 FR 24729, May 16, 1996) and in the third quarter on August 5 (61 FR 41363, August 8, 1996). The amount of groundfish that might have been harvested if halibut had not been seasonally limiting in 1996 is unknown. However, lacking market incentives, some amounts of groundfish will not be harvested, regardless of halibut PSC bycatch availability.

(B) Expected Changes in Groundfish Stocks

At its September 1996 meeting, the Council recommended 1997 ABC amounts lower than 1996 ABC amounts for Pacific cod, rex sole, sablefish, shortraker/rougeye and other slope rockfish. The Council proposed a 1997 ABC higher than the 1996 ABC for pollock, deepwater flatfish, flathead sole, shallow water flatfish, arrowtooth flounder, and POP.

The proposed 1997 ABC amounts for the remaining species or species groups are unchanged from 1996 amounts. More information on these proposed changes is included in the preliminary SAFE Report, dated September 1996, and in the AP, SSC, and Council minutes from the September 1996 meeting.

(C) Expected Changes in Groundfish Catch

The total of the proposed 1997 TAC amounts for the GOA is 265,692 mt, which represents 102 percent of the sum of TAC amounts for 1996 (260,227 mt). Significant changes in TAC amounts for pollock, Pacific cod, sablefish and POP are proposed. Increases in TAC are proposed for pollock and POP and decreases in TAC are proposed for Pacific cod and sablefish. The proposed increases in TAC should not directly affect halibut bycatch.

(D) Current Estimates of Halibut Biomass and Stock Condition

No new information exists on halibut biomass and stock condition. New information may be available by the December Council meeting. The most recent stock assessment was conducted in 1995 by the International Pacific Halibut Commission (IPHC). That assessment indicates that the total exploitable biomass of Pacific halibut in the GOA is approximately 166.9 million lb (75,705 mt). This amount represents a decline in biomass of approximately

16 percent from the previous year's stock assessment, a rate that is higher than the 5–15 percent annual decline observed in previous years. The low recruitment of recent years indicates that the stock may continue its decline at a rate of about 10–15 percent per year over the next several years.

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

The allowable commercial catch of halibut will be adjusted to account for the overall halibut PSC mortality limit established for groundfish fisheries. The 1997 groundfish fisheries are expected to use the entire proposed halibut PSC limit of 2,300 mt. The allowable directed commercial catch is determined by accounting for the recreational catch, waste, and bycatch mortality, and then providing the remainder to the directed fishery. Groundfish fishing is not expected to affect the halibut stocks.

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

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

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

Trawl vessels carrying observers for purposes of complying with the observer coverage requirements (50 CFR 679.50) are subject to the Vessel Incentive Program. The program encourages trawl fishermen to avoid

high halibut bycatch rates while conducting groundfish fisheries by specifying bycatch rate standards for various target fisheries.

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

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

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

Methods available for reducing halibut bycatch listed above will be reviewed by NMFS and the Council to determine their effectiveness. Changes will be initiated, as necessary, in response to this review or to public testimony and comment.

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

7. Proposed Seasonal Apportionments of the Halibut PSC Limits

Under § 679.21(d)(5), NMFS proposes to apportion seasonally the halibut PSC limits after consulting the Council. The regulations require that NMFS base any seasonal allocations of halibut PSC on the following types of information: (1) Seasonal distribution of halibut, (2) seasonal distribution of target groundfish species relative to halibut distribution, (3) expected halibut bycatch needs on a seasonal basis relevant to changes in halibut biomass and expected catches of target groundfish species, (4) expected variations in bycatch rates throughout the year, (5) expected changes in directed groundfish fishing seasons, (6) expected actual start of fishing effort, and, (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

The Council recommended the same seasonal allocation of PSC limits for the 1997 fishing year as those in effect during the 1996 fishing year. The final 1996 initial groundfish and PSC specifications (61 FR 4304, February 5, 1996) summarized the Council's findings with respect to each of the FMP considerations set forth above. At this time, the Council's findings are unchanged from those set forth for 1996.

Pacific halibut PSC limits, and seasonal apportionments thereof, are presented in Table 5. The regulations specify that any overages or shortfalls in PSC catches will be accounted for in the 1997 season. The Council did not recommend changes in the seasonal apportionments for the hook-and-line gear fisheries from those specified in 1996.

The Council proposed that the assumed halibut mortality rates developed by staff of the IPHC for the 1996 GOA groundfish fisheries be rolled over for purposes of monitoring halibut bycatch allowances established for the 1997 groundfish fisheries. The justification for these mortality rates is discussed in the February 5, 1996, publication of the 1996 final specifications (61 FR 4304, February 5, 1996). The proposed mortality rates listed in Table 7 are subject to change after the Council considers an updated analysis on halibut mortality rates in the groundfish fisheries that IPHC staff are scheduled to present to the Council at the Council's December 1996 meeting.

TABLE 7.—1997 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA. TABLE VALUES ARE PERCENT OF HALIBUT BYCATCH ASSUMED TO BE DEAD

Gear and Target	
Hook-and-Line:	
Sablefish	24
Pacific cod	13
Rockfish	19
Trawl:	
Midwater pollock	68
Rockfish	58
Shallow-water flatfish	64
Pacific cod	57
Deep-water flatfish	56
Bottom pollock	57
Pot:	
Pacific cod	18

Classification

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

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

The proposed specifications would establish total allowable catch (TAC) and acceptable biological catch amounts for the 1997 fishing year. In addition, the proposed specifications would establish overfishing levels, prohibited species catch allowances, and seasonal allowances of the pollock TAC.

The proposed 1997 TAC is 265,692 metric tons or 2.1 percent greater than the 1996 final TAC. The difference reflects increased abundance of several species based on NMFS biological surveys and industry catch reports. The number of fixed gear and trawl catcher vessels expected to be operating as small entities in the Gulf of Alaska groundfish fishery is 1,541, excluding catcher/processor vessels. All these small entities will be affected by the harvest limits established in the 1997 specifications but changes from 1996 are relatively minor and are expected to be shared proportionally among participants. For this reason, the expected effects would not likely cause a reduction in gross revenues of more than 5 percent, increase compliance costs by more than 10 percent, or force small entities out of business.

The Alaska commercial fishing industry is accustomed to shifting effort among alternative species and management areas in response to changes in TAC between years and inseason closures. Such mobility is necessary to survive in the open access fishery. Therefore, the annual specification process for Alaska groundfish for 1997 would not have significant economic impact on a significant number of small entities.

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1996 SAFE Report will be available for public review from NMFS, Alaska Region (see **ADDRESSES**), and at the December 1996 Council meeting. After the December meeting, a final EA will be prepared on the final 1996 TAC amounts after consultation with the Council.

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

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

Dated: November 27, 1996.

Gary Matlock,

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

[FR Doc. 96-30888 Filed 11-29-96; 2:52 pm]

BILLING CODE 3510-22-P