

U.S.C. 553(b)(B) that the need to establish interim harvest specifications for the fisheries in the GOA, effective on January 1, 1998, makes it impracticable and contrary to the public interest to provide prior notice and opportunity for public comment on this rule. Section 679.20(c)(2) requires NMFS to specify interim harvest specifications that are effective on January 1 and that will remain in effect until superseded by final specifications established by notice and comment rulemaking in order for the GOA groundfish fishing season to begin on January 1 (see § 679.23). Without interim specifications in effect on January 1, the groundfish fisheries would not be able to open on January 1, which would result in unnecessary closures and disruption within the fishing industry. Because the stock assessment reports and other information concerning the fisheries in the GOA became available only recently, NMFS is not able to provide an opportunity for comment on the interim specifications. It is anticipated that the interim specifications will be in effect for only a short period of time before they are superseded by the final specifications. Proposed specifications are published as a proposed rule in this issue of the **Federal Register** and provide the opportunity for public comment.

These interim specifications are exempt from the requirements of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because they are not required to be issued with prior notice and opportunity for public comment.

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

Dated: December 9, 1997.

Gary C. Matlock,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208296-7296-01; I.D. 111997A]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Interim 1998 Harvest Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Interim 1998 harvest specifications for groundfish; associated management measures.

SUMMARY: NMFS issues interim 1998 total allowable catch (TAC) amounts for each category of groundfish, pollock Community Development Quota (CDQ) amounts, and prohibited species bycatch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). The intended effect is to conserve and manage the groundfish resources in the BSAI.

DATES: 0001 hours, Alaska local time (A.l.t.), January 1, 1998, until the effective date of the final 1998 harvest specifications for BSAI groundfish, which will be published in the **Federal Register**.

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

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act. The FMP is implemented by regulations at 50 CFR part 679. General regulations that also pertain to the U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council met September 22-29, 1997, to review scientific information concerning groundfish stocks. The Council adopted for public review the preliminary SAFE Report for the 1998 BSAI groundfish fisheries. The preliminary SAFE Report, dated September 1997, provides an update on the status of stocks. Copies of the SAFE Report are available from the Council (see **ADDRESSEES**). The preliminary TAC amounts for each species are based on the best available biological and socioeconomic information. The Council recommended a preliminary total TAC of 2,000,000 metric tons (mt) and a preliminary total acceptable

biological catch (ABC) of 2,440,430 mt for the 1998 fishing year.

Under § 679.20(c)(1), NMFS is publishing in the Proposed Rules section of this issue of the **Federal Register** for review and comment proposed harvest specifications for groundfish and associated management measures in the BSAI for the 1998 fishing year. That document contains a detailed discussion of the proposed 1998 annual TACs, initial TACs (ITACs) and related apportionments, ABC amounts and overfishing levels, prohibited species bycatch allowances, and associated management measures for the BSAI groundfish fishery.

This action establishes interim harvest specifications and apportionments thereof for the 1998 fishing year effective January 1, 1998, that will remain in effect until superseded by the final 1998 harvest specifications. Background information concerning the 1998 groundfish harvest specification process upon which this interim action is based is provided in the above mentioned proposed initial specification document appearing in the above mentioned 1998 proposed harvest specifications document appearing in this **Federal Register** issue.

Establishment of Interim TACs

Except for the hook-and-line and pot gear allocation of sablefish, each species' TAC initially is reduced by 15 percent to establish the ITAC for each species (§ 679.20(b)(1)(i)). The sum of the 15-percent amounts is the reserve. One half of the pollock TACs placed in the reserve are designated as a CDQ reserve for use by CDQ participants (§ 679.31(a)(1)). The remainder of the reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing of a target species or the "other species" category. The ITAC amount for each species, except for the hook-and-line and pot gear allocation for sablefish, is the remainder of the TAC amount after subtraction of the reserve.

Section 679.20(c)(2)(ii) requires that one-fourth of each proposed ITAC amount and apportionment thereof (not including the first seasonal allowance of pollock), one-fourth of each prohibited species catch (PSC) allowance established under § 679.21, and the first seasonal allowance of pollock TAC be established effective 0001 hours, A.l.t., January 1, that will remain in effect until superseded by the final harvest specifications.

Interim 1998 BSAI Groundfish Harvest Specifications

Table 1 sets forth interim TAC amounts and apportionments thereof, interim TAC allocations of pollock to the inshore and offshore components,

first seasonal allowances of pollock TAC and pollock CDQ, an interim sablefish apportionment to trawl gear, and Pacific cod TAC apportionments to gear types.

Section 679.20(c)(2)(ii) do not provide for an interim specification either for sablefish CDQ reserve or for sablefish

managed under the Individual Fishing Quota management plan. As a result, fishing for CDQ sablefish and sablefish harvested with fixed gear is prohibited until the effective date of the final 1998 groundfish specifications.

TABLE 1. INTERIM 1998 TAC AMOUNTS¹ FOR GROUNDFISH AND APPORTIONMENTS THEREOF FOR THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA²

Species and component (if applicable)	Area and Gear (if applicable)	Interim TAC and CDQ
Pollock: ^{3 4 5}		
Inshore	BS	151,279
Offshore	BS	280,946
Inshore	AI	8,330
Offshore	AI	15,470
Inshore	BogDist	298
Offshore	BogDist	553
CDQ	BS	38,137
CDQ	AI	2,100
CDQ	BogDist	75
Total Pollock		497,187
Pacific Cod ⁶	Jig	1,148
	H/L & Pot	29,261
	TRW catcher	13,483
	TRW C/Ps	13,483
Total P cod		57,375
Sablefish ^{7 8}	BS-TRW	117
	BS-H/L & Pot	N/A
	AI-TRW	63
	AI-H/L & Pot	N/A
Total Sablefish		180
Atka mackerel	Western AI	6,842
	Central AI	4,143
	Eastern AI/BS	3,187
Total Atka mackerel		14,172
Yellowfin sole	BSAI	48,875
Rock sole	BSAI	20,651
Greenland turbot	BS	1,281
	AI	631
Total Greenland turbot		1,912
Arrowtooth flounder	BSAI	4,411
Flathead sole	BSAI	9,243
Other flatfish ⁹	BSAI	10,784
Pacific ocean perch	BS	595
	Western AI	1,357
	Central AI	673
	Eastern AI	688
Total Pacific ocean perch		3,313
Other Rockfish ¹¹	BS	79
	AI	151
Total Other Rockfish		230
Other red rockfish ¹⁰	BS	223
Sharpchin/Northern	AI	926
Shortraker/Rougheye	AI	199
Squid	BSAI	418
Other Species ¹²	BSAI	5,482

TABLE 1. INTERIM 1998 TAC AMOUNTS¹ FOR GROUND FISH AND APPORTIONMENTS THEREOF FOR THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA²—Continued

Species and component (if applicable)	Area and Gear (if applicable)	Interim TAC and CDQ
Total interim TAC	675,581

¹ Interim TAC amounts are in metric tons and have been rounded downwards to the nearest whole ton.

² Amounts apply to the entire Bering Sea and Aleutian Islands management area (BSAI), Bering Sea (BS), or Aleutian Islands (AI), as indicated. With the exception of pollock, and for purposes of these specifications, the BS includes the Bogoslof District (BogDist).

³ After subtraction of reserves, the ITAC amounts of pollock for each subarea or district are divided into roe and non-roe seasonal allowances. (See § 679.20(a)(5)(i).) For the BS subarea, the roe and non-roe seasonal allowances are 45 and 55 percent of the pollock ITAC amounts, respectively. The AI subarea and the Bogoslof District receive 100 percent of their respective ITAC seasonal allowances during the roe-season with the remainder of the respective ITAC seasonal allowance during the non-roe season.

⁴ Inshore and offshore component allocations are 35 and 65 percent of the ITAC amounts, respectively. (See § 679.20(a)(6)(i).) The first seasonal allowance of the inshore/offshore component allocations are in effect on January 1 as an interim TAC.

⁵ One-half of the pollock TAC (7.5 percent of each TAC) placed in the reserve for each subarea or district will be assigned to the Community Development Quota (CDQ) program. (See § 679.31(a)(1).) For the BS subarea, the roe seasonal allowance is 45 percent of the CDQ pollock reserve. The AI subarea and the Bogoslof District receive 100 percent of their respective CDQ reserve allocations during the roe season with the remainder of the respective reserve becoming available after the end of the roe season. The first seasonal allowance of the CDQ reserve is available on January 1 as an interim TAC.

⁶ After subtraction of the reserves, the ITAC amount for Pacific cod, is allocated 2 percent to vessels using jig gear, 51 percent to H/L gear, and 47 percent to TRW. The Pacific cod allocation to trawl gear is split evenly between catcher vessels and catcher/processor vessels (See § 679.20(a)(7)(i)). Pacific cod ITAC seasonal apportionments to vessels using H/L or pot gear are not reflected in the interim TAC amounts. One-fourth of the ITAC gear apportionments are in effect on January 1 as an interim TAC.

⁷ Sablefish gear allocations are as follows: In the BS subarea, TRW gear is allocated 50 percent and H/L and pot gear is allocated 50 percent of the TAC. In the AI subarea, TRW gear is allocated 25 percent and H/L and pot gear is allocated 75 percent of the TAC (See § 679.20(a)(4)(iii) and (iv)). Fifteen percent of the sablefish TRW gear allocation is placed in the nonspecific reserve. One-fourth of the ITAC amount for TRW gear is in effect January 1 as an interim TAC amount.

⁸ The sablefish H/L gear fishery is managed under the Individual Fishing Quota (IFQ) program and subject to regulations contained in subpart D of 50 CFR part 679. Annual IFQ amounts are based on the final TAC amount specified for the sablefish H/L gear fishery as contained in the final specifications for groundfish. Twenty percent of the sablefish H/L and pot gear final TAC amount will be reserved for use by CDQ participants. (See § 679.31(c).) Existing regulations at § 679.20(c)(2)(ii) do not provide for an interim specification for the CDQ sablefish reserve or an interim specification for sablefish managed under the IFQ program. In addition, in accordance with § 679.7(f)(3), retention of sablefish caught with fixed gear is prohibited unless the harvest is authorized under a valid IFQ permit and IFQ card. In 1998, IFQ permits and IFQ cards will not be valid prior to the effective date of the 1998 final specifications. Thus, fishing for sablefish with fixed gear is not authorized under these interim specifications. See subpart D of 50 CFR part 679 and § 679.23(g) for guidance on the annual allocation of IFQ and the sablefish fishing season.

⁹ "Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, arrowtooth flounder and yellowfin sole.

¹⁰ "Other red rockfish" includes shortraker, rougheye, sharpchin, and northern.

¹¹ "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker, and rougheye.

¹² "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

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

Under § 679.21(e), annual PSC limits are specified for red king crab and *Chionoecetes bairdi* Tanner crab in applicable Bycatch Limitation Zones (see § 679.2) of the BS subarea, and for Pacific halibut and Pacific herring throughout the BSAI.

Section 679.21(e) authorizes the apportionment of each PSC limit into PSC allowances for specified fishery

categories. NMFS has approved Amendment 40 to the FMP that establishes a *C. opilio* PSC limit. NMFS anticipates that regulations implementing the *C. opilio* PSC limit will not be published in the **Federal Register** and effective before mid-December 1997. Thus, regulatory authority does not exist to establish an interim 1998 PSC limit for this species. NMFS anticipates that the final 1998 specifications will include a *C. opilio*

PSC limit apportioned among specific trawl fisheries.

Section 679.20(c)(2)(ii) requires that one-fourth of each proposed PSC allowance be made available on an interim basis for harvest at the beginning of the fishing year, until superseded by the final harvest specifications. The interim PSC allowances are specified in Table 2 and are in effect at 0001 hours, A.I.t., January 1, 1998.

TABLE 2.—INTERIM 1998 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES.

Trawl fisheries	Prohibited species and zone			<i>C. bairdi</i> (animals)	
	Halibut (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1 ¹	Zone 1 ¹	Zone 2 ¹
Yellowfin sole	233	67	2,500	69,079	267,750
Rock sole/oth.flat/flat sole ²	199	.....	18,750	74,013	89,250
Turbot/arrow./sable ³	0	.....	.....	.....	0
Rockfish	0	2	.....	.....	1,750
Pacific cod	400	5	1,875	33,306	48,750
Midwater pollock .....	.....	286	.....	.....	.....
Pollock/Atka/other ⁴	88	36	1,875	11,102	117,500

TABLE 2.—INTERIM 1998 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES.—Continued

Trawl fisheries	Prohibited species and zone			<i>C. bairdi</i> (animals)	
	Halibut (mt) BSAI	Herring (mt) BSAI	Red King Crab (ani- mals) Zone 1 ¹	Zone 1 ¹	Zone 2 ¹
Total Trawl	919	395	25,000	187,500	525,000
Non Trawl Fisheries					
Pacific Cod	210	.....	.....	.....	.....
Other Non-Trawl	15	.....	.....	.....	.....
Groundfish pot & jig	(⁵)	.....	.....	.....	.....
Sablefish hook & line	(⁵)	.....	.....	.....	.....
Total non-Trawl	225	.....	.....	.....	.....

¹ Refer to § 679.2 for definitions of areas.² Rock sole, flathead sole, and other flatfish fishery category.³ Greenland turbot, arrowtooth flounder, and sablefish fishery category.⁴ Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.

Prior to the beginning of the 1998 fishing year, NMFS will issue fishery closures based on these interim specifications if the Administrator, Alaska Region, NMFS determines that interim TAC amounts are required as incidental catch to support other anticipated groundfish fisheries or if the PSC allowance for a fishery has been reached.

After consideration of public comments on the proposed 1998 specifications for BSAI groundfish and additional scientific information presented at its December 1997 meeting, the Council may recommend other closures to directed fishing. NMFS may implement other closures at the time the final 1998 harvest specifications are implemented or during the 1998 fishing year, as necessary for effective management.

Classification

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

The Assistant Administrator for Fisheries finds for good cause under 5 U.S.C. 553(b)(B) that the need to establish interim harvest specifications for the fisheries in the BSAI, effective January 1, 1998, makes it impractical and contrary to the public interest to provide prior notice and opportunity for public comment on this rule. Section 679.20(c)(2) requires NMFS to specify interim harvest specifications that are effective on January 1 and that will remain in effect until superseded by final specifications established by notice and comment rulemaking in order for the BSAI groundfish fishing season to begin on January 1 (see § 679.23). Without interim specifications in effect on January 1, the groundfish fisheries would not be able to open on January 1, which would result in unnecessary

closures and disruption within the fishing industry. Because stock assessment reports and other information concerning the fisheries in the BSAI became available only recently, NMFS is not able to provide an opportunity for comment on the interim specifications. It is anticipated that the interim specifications will be in effect for only a short period of time before they are superseded by the final specifications. Proposed specifications are published as a proposed rule in this issue of the **Federal Register** and provide the opportunity for public comment.

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

Dated: December 9, 1997.

Gary C. Matlock,

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

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