

FOR FURTHER INFORMATION CONTACT:

James Hale, 907-586-7228.

SUPPLEMENTARY INFORMATION:**Background**

The fixed gear halibut fishery is managed by the IFQ Program, a limited access system for fixed gear Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fisheries in and off Alaska. The North Pacific Fishery Management Council (Council), under authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act of 1982 (Halibut Act), recommended the IFQ Program, which NMFS implemented in 1995. The IFQ Program was designed to reduce excessive fishing capacity, while maintaining the social and economic character of the fixed gear fishery and the Alaskan coastal communities where many of these fishermen are based. To this end, various constraints were placed on QS and IFQ that limit consolidation of QS and ensure that active fishermen, rather than investment speculators, retain harvesting privileges. Use limits on BSAI sablefish QS are written into the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. This action does not effect any change in sablefish QS use limits. Because the halibut fishery is managed by the International Pacific Halibut Commission (IPHC), except for management measures that allocate harvesting privileges among U.S. fishermen, no FMP for halibut exists. The Halibut Act provides NMFS, in consultation with the Council, with authority to implement such allocation measures through a regulatory amendment.

This action increases halibut QS use limit in Area 4 from one-half percent to 1 1/2 percent of the 1996 QS pool and expresses that limit as a set number of QS units: 495,044 halibut QS units. For consistency, regulations at 50 CFR 679.42(f)(1) and (2) also are revised to express halibut use limits for all IFQ regulatory areas as a fixed number of QS units.

More information on this regulatory change may be found in the proposed rule for this action published at 61 FR 63812 on December 2, 1996. NMFS received no comments on this action during the public comment period. One change was made in the action as published in the proposed rule. The number of QS representing the halibut use limit for Areas 2C, 3A, and 3B was incorrect and has been changed to the correct number of QS representing the halibut use limit in these areas.

Classification

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

A supplemental FRFA has been prepared as part of the RIR, which describes the impact this final rule would have on small entities. Approximately 500 halibut QS holders in regulatory areas 4A-4D would benefit from an increase in the Area 4 QS use limit, either as QS buyers or sellers. Area 4E would not be affected by this action, because all the halibut QS in this area is assigned to the CDQ Program. Under this action, 32 QS holders would be allowed to increase their holdings above the current limit to the new limit. Because blocked QS are limited by block and vessel category restrictions, unblocked QS units are more likely to be transferred. The unblocked halibut QS units in regulatory areas 4A-D equal approximately 2.1 million lb (952 mt) of halibut worth more than \$4.6 million in ex-vessel value. This action will have a significant positive impact on a substantial number of small businesses. The action is not likely to lead to a reduction in the gross revenues received by the small business sector of the fleet; rather, it would significantly improve the profitability of operations for fishermen wishing to harvest IFQ halibut in remote areas of the western Aleutian Islands and Bering Sea.

List of Subjects in 50 CFR Part 679

Alaska fisheries, Reporting and recordkeeping requirements.

Dated: February 13, 1997.

C. Karnella,

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

For the reasons set out in the preamble, 50 CFR Part 679 is amended as follows:

PART 679—FISHERIES IN THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR Part 679 continues to read as follows:

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

2. In § 679.42, paragraphs (f)(1) through (f)(3) are revised to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(f) * * *

(1) *IFQ regulatory area 2C.* 599,799 units of halibut QS.

(2) *IFQ regulatory areas 2C, 3A, and 3B.* 1,502,823 units of halibut QS.

(3) *IFQ regulatory areas 4A, 4B, 4C, 4D, and 4E.* 495,044 units of halibut QS.

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50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 021397A]

Fisheries of the Exclusive Economic Zone Off Alaska; Interim Closure of Flatfish Fisheries in Statistical Area 516 of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS has determined that an interim closure of directed fishing for rock sole, flathead sole, and "other flatfish" by vessels using trawl gear is necessary in Statistical Area 516 of the Bering Sea and Aleutian Islands management area (BSAI). Red king crab bycatch rates are unexpectedly high in certain areas of Bristol Bay and closure of Statistical Area 516 is necessary to prevent the take of an excessive share of the bycatch limitation Zone 1 red king crab bycatch allowance specified for the rock sole/flathead sole/"other flatfish" fishery category.

DATES: 1200 hrs, Alaska local time (A.l.t.), February 14, 1997, until 1200 hrs, A.l.t., March 15, 1997. Comments must be received at the following address no later than 4:30 p.m., A.l.t., March 3, 1997.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn. Lori Gravel, or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands management area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at

subpart H of 50 CFR part 600 and 50 CFR part 679.

Regulations at § 679.25(a)(1)(iv) authorize an interim closure of a Statistical Area, or portions thereof, to directed fishing for specified groundfish species. The purpose of these closures is to reduce prohibited species bycatch rates, limit the take of an excessive share of a prohibited species bycatch allowance by vessels fishing in an area, and prevent the attainment of a bycatch allowance before available groundfish quotas are harvested.

This action closes directed fishing for rock sole, flathead sole, and "other flatfish" by vessels using trawl gear in Statistical Area 516 of the BSAI. Statistical Area 516 is defined in Figure 1 of 50 CFR part 679 as the area of the BSAI south of 58°00' N. lat., north of the Alaska Peninsula, and between 162°00' and 163°00' W. long. This closure is effective until March 15, when regulations at § 679.22(a)(2) annually close Reporting Area 516 to fishing with trawl gear from March 15 until June 15.

The red king crab bycatch allowance in bycatch limitation zone 1 for the BSAI trawl rock sole/flathead sole/"other flatfish" fishery category, defined at § 679.21(e)(3)(iv)(B)(2), was established by the Final 1997 Harvest Specifications of BSAI Groundfish as 48,750 animals. The Final 1997 Specifications were filed with the Office of the Federal Register on February 12, 1997, and scheduled for publication in the *Federal Register* on February 18, 1997.

The 1997 fishing season for BSAI groundfish by vessels using trawl gear

began January 20, 1997. NMFS observer data indicate vessels participating in the trawl rock sole/flathead sole/"other flatfish" fishery category within Statistical Area 516 at the beginning of the fishing year experienced high bycatch rates of red king crab, taking an estimated 27,000 animals in 3 days. As of February 1, 1997, NMFS estimates that 12,000 red king crab remain in the bycatch allowance of red king crab apportioned to the rock sole/flathead sole/"other flatfish" fishery category. Bycatch rates of red king crab within Statistical Area 516 are estimated at 4.3 crab per metric ton of groundfish. The current fleet of 24 vessels catches an estimated 1,800 mt of groundfish per day. If these flatfish fisheries remain open in Statistical Area 516, NMFS anticipates that fishery effort within Statistical Area 516 will increase as other fisheries close and vessels move into the rock sole/flathead sole/"other flatfish" fishery category. The remaining red king crab bycatch allowance for this fishery category can be taken within 2 days. Bycatch rates of red king crab within the remainder of bycatch limitation zone 1 are estimated at 0.2 crab per metric ton or about 5 percent of the rate within Statistical Area 516. By closing the fishery in Statistical Area 516, a substantially greater amount of rock sole, flathead sole, and "other flatfish" will be caught before the red king crab bycatch allowance is reached.

In accordance with § 679.25(a)(1)(iv) and (a)(2)(ii)(B), the Administrator, Alaska Region, NMFS, has determined that an interim closure of Statistical Area 516 to directed fishing for species

in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear is necessary to prevent the taking of an excessive share of the zone 1 red king crab allowance specified for this fishery category and prevent the premature attainment of that allowance. Without this action opportunity will be foregone to harvest high-valued roe bearing rock sole, as well as flathead sole, and "other flatfish." In accordance with § 679.25(a)(2)(v), the Regional Administrator has determined that this interim closure is based on the best available scientific information.

The Assistant Administrator for Fisheries, NOAA, finds forgood cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Immediate effectiveness is necessary to prevent loss of opportunity to harvest species in the rock sole/flathead sole/"other flatfish" fishery category. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 3, 1997.

Classification

This action is taken under § 679.25 and is exempt from review under E.O. 12866.

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

Dated: February 13, 1997.

Bruce Morehead

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

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