

DEPARTMENT OF COMMERCE

50 CFR Part 300

[Docket No. 971223311-7311-01; I.D. 120997B]

RIN 0648-AK18

Fisheries in the Exclusive Economic Zone Off Alaska; Pacific Halibut Fisheries; Remove Regulatory Areas 4A and 4B From the Catch Sharing Plan

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

ACTION: Proposed rule and amendment to the catch sharing plan; request for comments.

SUMMARY: This proposed action would amend the halibut catch sharing plan (CSP) by removing Halibut Regulatory Areas 4A and 4B, leaving the specification of catch limits for Pacific halibut in these areas to the International Pacific Halibut Commission (IPHC), and making a corresponding change to the implementing regulations. This action is necessary to facilitate new stock assessment methods developed by the IPHC to determine catch limits for the Pacific halibut resource in Regulatory Area 4. This action is intended to further the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to the Pacific halibut fishery, consistent with the regulations and resource management objectives of the IPHC.

DATES: Comments on the proposed amendment to the CSP and the proposed change to the implementing regulations must be received by February 11, 1998.

ADDRESSES: Comments must be sent to the Assistant Regional Administrator for the Sustainable Fisheries Division, Alaska Region, NMFS, Room 453, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: James Hale, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of Commerce (Secretary) is responsible for implementing the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, as provided by the Northern Pacific Halibut Act of 1982

(Halibut Act), at 16 U.S.C. 773c. Section 773c(c) authorizes the Regional Fishery Management Council having authority for the geographical area concerned to develop regulations governing the allocation of Pacific halibut among U.S. fishermen. Such regulations may be in addition to, but must not conflict with, regulations developed by the IPHC and must be approved by the Secretary before being implemented. Accordingly, the Council developed a halibut fishery management regime that established for IPHC Areas 2C through 4E an Individual Fishing Quota (IFQ) limited access system and, for IPHC Areas 4B through 4E, a Community Development Quota (CDQ) program for certain western Alaska communities. The IFQ and CDQ programs were designed to allocate specific harvesting privileges among U.S. fishermen to resolve conservation and management problems that stem from "open access" management and to promote the development of the seafood industry in western Alaska. Both programs were approved by the Secretary on January 29, 1993, and were initially implemented by rules published in the **Federal Register** on November 9, 1993 (58 FR 59375). Fishing for halibut under the IFQ and CDQ programs began on March 15, 1995.

The CSP was approved by the Secretary and published in the **Federal Register** on March 20, 1996 (61 FR 11337). The CSP apportions the catch limit specified by the IPHC for Regulatory Area 4 among Areas 4A, 4B, 4C, 4D, and 4E, in accordance with the Halibut Act. In February 1995, the IPHC informed the Council that no basis existed other than allocation based on historical commercial harvests for distribution of catch limits among regulatory areas 4C, 4D, and 4E. Given indications of separate halibut populations in Areas 4A and 4B, IPHC staff recommended moving toward a biomass-based method of setting catch limits for these two areas, while as yet no biological or conservation basis exists for setting separate catch limits for Areas 4C, 4D, and 4E. At that time, the IPHC staff indicated that it was still reviewing its methods of calculating biomass for Areas 4A and 4B and that they were 1- to 2 years away from making final recommendations to the IPHC on a biomass-based methodology for Area 4. The IPHC staff acknowledged no evidence of harm to the Area 4 halibut resource due to the traditional method of apportioning the catch limit among areas. In order to achieve the socio-economic objectives of the IFQ and CDQ programs, the historical

apportionment of catch limits among areas must be considered, and the Halibut Act authorizes the development of regulations that have allocation of harvesting privileges as a primary objective. Therefore, the Council initiated an analysis of a CSP as an interim method for setting catch limits for Areas 4A-4E. In December 1995, the Council approved the Area 4 CSP while the IPHC staff refined its biomass-based methodology for determining catch limits in Area 4. NMFS implemented the CSP beginning in March 1996 (61 FR 11337, March 3, 1996).

The Proposed Revision of the CSP

Halibut Areas 4A and 4B would be removed from the CSP. The revised CSP would thus constitute a framework applied to the annual combined Areas 4C, 4D, and 4E catch limit established by the IPHC. The purpose of the revised CSP would be to provide for the apportionment of Area 4C, 4D, and 4E catch limits apart from Areas 4A and 4B as necessary to carry out the objectives of the IFQ and CDQ programs, which allocate halibut among U.S. fishermen. The IPHC, consistent with its authority and responsibilities, would implement the measures specified in this CSP at its next annual meeting in January 1998. This revised CSP would continue in effect until amended by the Council or superseded by action of the IPHC.

Areas 4C, 4D, and 4E: For purposes of this revised CSP, definitions of these areas are republished as follows:

Area 4C includes all waters in the Bering Sea north of Areas 4A and north of the closed area, as defined in 62 FR 12759 (March 18, 1997), that are east of 171°00'00" N. lat., and west of 168°00'00" W. long.

Area 4D includes all waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00'00" W. long.

Area 4E includes all waters in the Bering Sea north and east of the closed area, defined in 62 FR 12759 (March 18, 1997), east of 168°00'00" W. long and south of 65°34'00" N. lat.

Catch limit apportionments: The catch limits for Areas 4C, 4D, and 4E would be allocated as the percentages of the combined Area 4C-E catch limit specified annually by the IPHC, as follows:

Area 4C, 46.42 percent

Area 4D, 46.42 percent

Area 4E, 7.14 percent

Removal of Areas 4A and 4B from the CSP would have a secondary effect on the additional 80,000 lb (36.3 mt) allocation to Area 4E CDQ fishermen. The CSP currently provides that the

amount of the Area 4 catch limit greater than 5,920,000 lb (2,685.3 mt) but less than or equal to 6,000,000 lb (2,721.6 mt) be allocated to Area 4E. With the proposed removal of Areas 4A and 4B from the CSP, the amount of the combined area 4C–E greater than 1,657,600 lb (752 mt, based on 28 percent of the total 1995 Area 4 catch limit) and less than 1,737,600 lb (788.2

mt) would be assigned to Area 4E. The amount of the combined area 4C–E catch limit greater than 1,737,600 lb (788.2 mt) would be distributed among areas 4C, 4D, and 4E according to the revised CSP apportionment schedule.

Example: If the IPHC specified the Area 4 catch limit to be 5,920,000 lb (2,685.3 mt), 31.1 percent or 1,859,780 lb (843.6 mt) of this total would be

apportioned to the combined area 4C–4E. Of that combined area 4C–4E catch limit, 1,657,600 lb (752 mt) plus 122,180 lb (55.4 mt, the remaining amount over 1,737,600 lb (788.2 mt)) would be distributed among Areas 4C, 4D, and 4E according to the revised CSP apportionment schedule, and 80,000 lb (36.2 mt) added to the Area 4E apportionment, as follows:

Area		Lb	Mt
4C .....	.4642×1,779,780	= 826,174	374.8
4D .....	.4642×1,779,780	= 826,174	374.8
4E .....	.0714×1,779,780+80,000	= 207,076	93.9
Totals .....	.9998	1,859,324	843.4

Classification

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 revision to the CSP would not have a significant economic impact on a substantial number of small entities as follows:

The 1996 CSP set aside the first 80,000 lb (36.3 mt) of the total Area 4 catch limit greater than 5,920,000 lb (2,685.3 mt), and so distributed the impact of removing those pounds from the Area 4 catch limit among the 720 IFQ and 159 CDQ fishermen in Areas 4A–4D. The revised CSP would set aside the first 80,000 lb (36.3 mt) of the combined Area 4C–4E catch limit over 1,657,600 lb (752 mt). The analysis prepared by the Council for this proposed revision of the CSP indicates that the impact of the removal of that 80,000 lb (36.3 mt) would, under the revised CSP, be borne by the 146 IFQ and 119 CDQ fishermen in the remaining CSP Areas 4C and 4D. All of these entities are considered small entities, and all would be affected by this action. Thus, this action would affect a substantial number of small entities. However, the analysis indicates that the potentially foregone amounts of halibut from fishermen in Areas 4C and 4D would amount to less than 5 percent of the annual gross revenues for fishermen in these areas. The proposed revision of the CSP would not increase compliance costs for any IFQ or CDQ fishermen.

Therefore, an initial regulatory flexibility analysis was not prepared.

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

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: January 5, 1998.

Rolland A. Schmitten,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is proposed to be amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for part 300 continues to read as follows:

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

2. In § 300.63, paragraph (b) is revised to read as follows:

§ 300.63 Catch sharing plans and domestic management measures.

* * * * *

(b) The catch sharing plan for area 4 allocates the annual TAC among Areas 4C, 4D, and 4E, and will be implemented by the Commission in annual management measures published pursuant to § 300.62.

[FR Doc. 98–621 Filed 1–9–98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 971128281–7281–01; I.D. 102197D]

RIN 0648–AG27

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 8

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 8 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). This proposed rule would limit access to the commercial snapper-grouper fishery; allow the retention of snapper-grouper in excess of the bag limits on a permitted vessel that has a single bait net or cast nets on board; and, subject to specific conditions, exempt snapper-grouper lawfully harvested in Bahamian waters from the requirement that they be maintained on board a vessel in the exclusive economic zone (EEZ) of the South Atlantic with head and fins intact. In addition, Amendment 8 would redefine “optimum yield,” “overfished,” and “overfishing” for snapper-grouper and establish a “threshold level” for snapper-grouper, i.e., the level of spawning potential ratio at which the South Atlantic Fishery Management Council (Council) will take appropriate action including, but not limited to, eliminating directed fishing mortality and evaluating measures to eliminate any bycatch mortality. The intended effects of this rule are to conserve and manage the snapper-grouper resources off the southern Atlantic states.

DATES: Written comments must be received on or before February 26, 1998.

ADDRESSES: Comments on the proposed rule or on the initial regulatory flexibility analysis (IRFA) must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Comments regarding the collection-of-information requirements contained in this rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N.,