

The Service and Department have submitted the protocol to recognized species and technical experts for peer review to ensure a scientifically sound basis for determination of the presence of the species within its known range.

The Service and the Department will regularly review and modify, as necessary, the survey protocol to ensure that the best available scientific information is incorporated into the prescribed methodology.

#### Overall Purpose

The Service is extending the public comment period to ensure that adequate time is available for the public to provide additional information to more adequately understand the occurrence and biology of the cactus ferruginous pygmy-owl in central and southern Arizona. Until more complete scientific information is available, the Service believes that the use of the take guidance document and the proposed survey protocol document will protect the pygmy-owl while allowing carefully considered development to proceed and will provide the most biologically valid data upon which to determine habitat use and occupancy by the pygmy-owl.

#### Author

The primary author of this document is Tom Gatz, Acting Field Supervisor, Arizona Ecological Services Field Office (see ADDRESSES section).

#### Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1532 *et seq.*).

Dated: September 8, 1998.

**Nancy M. Kaufman,**

*Regional Director, Region 2, Albuquerque, New Mexico.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 090898D]

RIN 0648-AK12

#### Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 51 to the Fishery Management Plan for Groundfish of the Gulf of Alaska and Amendment 51 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 51 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 51 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) (FMPs). BSAI Amendment 51 would establish the following allocations and management measures for a 3-year period beginning in January 1999. Comments from the public are requested.

**DATES:** Comments on Amendments 51/51 must be submitted on or before November 16, 1998.

**ADDRESSES:** Comments on Amendments 51/51 should be submitted to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendments 51/51 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis prepared for Amendments 51/51 are available from the North Pacific Fishery Management Council at 605 West 4th Ave., Room 306, Anchorage, AK 99501, telephone 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Kent Lind, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any fishery management plan (FMP) or plan amendment it

prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a document announcing that the FMP or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the FMP or amendment.

#### BSAI Amendment 51

At its June 1998 meeting, the Council voted 7-4 to adopt BSAI Amendment 51. This amendment, if approved, would make three significant changes to the existing BSAI inshore/offshore pollock allocation provisions: (1) Four percent of the BSAI pollock TAC, after subtraction of reserves, would be shifted to the inshore component resulting in a 39/61 inshore/offshore allocation split; (2) a portion of the inshore component Bering Sea B season allocation, equal to 2.5 percent of the BSAI pollock TAC after subtraction of reserves, would be set aside for small catcher vessels, and would become available on or about August 25 of each year; (3) catcher vessels delivering to the offshore component would be prohibited from fishing inside the CVOA during the B season from September 1 until the inshore component is closed to directed fishing. Amendment 51 would remain in effect for the years 1999 through 2001.

At its June 1998 meeting, the Council voted unanimously to adopt GOA Amendment 51. GOA Amendment 51, if approved, would allocate 100 percent of the GOA pollock TAC and 90 percent of the GOA Pacific cod TAC to vessels catching pollock and Pacific cod for processing by the inshore component. Ten percent of the GOA Pacific cod TAC would be allocated to vessels catching Pacific cod for processing by the offshore component.

A major concern identified during the preliminary review of Amendments 51/51 is that the economic analysis submitted by the Council does not provide a basis upon which to draw unambiguous conclusions about the probable net economic benefits of the competing alternatives. Treated in considerable detail in the document, the reasons for this deficiency pertain to basic data limitations that make conversion from gross to net economic measures impossible.

Completion of the preliminary review with publication of the notice of availability (NOA) for Amendments 51/51 does not mean that either of these two amendments will be approved.

NMFS invites comment on the consistency of the amendments with the provisions of the Magnuson-Stevens Act, the national standards, and other applicable laws. Comments are specifically requested on the adequacy of the analysis to support findings of compliance with national standards 2 (scientific information), 4 (allocations), 5 (efficiency), 7 (costs and benefits), 8 (fishing communities), and 10 (safety of life at sea). Information and analysis that bolster or contradict the conclusions in any of the supporting documents are also welcome.

NMFS will consider the public comments received during the comment period in determining whether to approve Amendments 51/51. A

proposed rule to implement Amendments 51/51 is scheduled to be published within 15 days of this document.

Public comments are being solicited on the amendments through the end of the comment period stated in this NOA; a proposed rule that would implement the amendments may be published in the **Federal Register** for public comment following NMFS' evaluation under the Magnuson-Stevens Act procedures. Public comments on the proposed rule must be received by the end of the comment period on the amendments to be considered in the approval/disapproval decision on the amendments. All comments received by the end of the comment period on the

amendments, whether specifically directed to the amendments or the proposed rule, will be considered in the approval/disapproval decision; comments received after that date will not be considered in the approval/disapproval decision on the amendments. To be considered, comments must be *received* by close of business on the last day of the comment period specified in this NOA; that does not mean postmarked or otherwise transmitted by that date.

Dated: September 10, 1998.

**Gary C. Matlock,**

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

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