

Species		Historic range	Status	When listed	Critical habitat	Special rules
Common name	Scientific name					
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Beetle, Helotes mold .....	<i>Batrissodes ventyivi</i> .....	U.S.A. (TX) .....	E	.....	NA	NA
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

Dated: December 18, 1998.

**Jamie Rappaport Clark,**

*Director, Fish and Wildlife Service.*

[FR Doc. 98-34410 Filed 12-29-98; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 981222313-8313-01; I.D. 121098D]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Proposed 1999 Harvest Specifications for Groundfish

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

**ACTION:** Proposed 1999 specifications for groundfish and associated management measures; apportionment of reserves; request for comments.

**SUMMARY:** NMFS proposes 1999 harvest specifications and prohibited species bycatch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish during the 1999 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the BSAI and to provide an opportunity for public participation in the annual groundfish specification process.

**DATES:** Comments must be received by January 25, 1999.

**ADDRESSES:** Comments must be sent to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

The preliminary 1999 Stock Assessment and Fishery Evaluation (SAFE) report, dated September 1998, is

available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510-2252 (907-271-2809).

#### FOR FURTHER INFORMATION CONTACT:

Shane Capron, 907-586-7228 or shane.capron@noaa.gov.

#### SUPPLEMENTARY INFORMATION:

Background for the 1999 Proposed Harvest Specifications.

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the FMP. The Council prepared the FMP and NMFS approved it under the Magnuson-Stevens Fishery Conservation and Management Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and the "other species" category, the sum of which must be within the optimum yield range of 1.4 million to 2.0 million metric tons (mt) (§ 679.20(a)(1)(i)). Regulations under § 679.20(c)(1) further require NMFS to publish annually and solicit public comment on proposed annual TACs, prohibited species catch (PSC) allowances, and seasonal allowances of the pollock TAC. The proposed specifications set forth in Tables 1 through 7 of this proposed action satisfy these requirements. For 1999, the proposed sum of TACs is 1.925 million mt. Tables 8 through 10 specify limitations for catcher/processor vessels listed in section 208(e)(1) through (20) of the American Fisheries Act (AFA) contained within the Omnibus Appropriations Bill for FY 99; Pub. L. 105-277. Under § 679.20(c)(3), NMFS will publish the final annual specifications for 1999 after considering: (1) comments received within the comment period (see **DATES**) and (2) consultations with the Council at its December 9, 1998 meeting.

Regulations at § 679.20(c)(2)(ii) require that one-fourth of each proposed initial TAC (ITAC) amount and apportionment thereof, one-fourth of each Community Development Quota (CDQ) reserve established under § 679.20(b)(1)(iii), one-fourth of each proposed PSC allowance established

under § 679.21, and the first seasonal allowance of pollock become available at 0001 hours Alaska local time (A.l.t.), January 1, and remains available until superseded by the final specifications. If approved by NMFS, proposed management measures for the Atka mackerel fishery (63 FR 60288, November 9, 1998) will also require that the first seasonal allowance of Atka mackerel TAC be specified on an interim basis. Regulations at § 679.20(c)(2)(ii) do not provide for an interim specification for either the hook-and-line and pot gear sablefish CDQ reserve or for sablefish managed under the Individual Fishing Quota management plan.

Prior to January 1, 1999, NMFS will publish in the **Federal Register**, the interim TAC specifications and apportionments thereof for the 1999 fishing year. These interim specifications are scheduled to become effective 0001 hours, A.l.t. January 1, 1999, and remain in effect until superseded by the final 1999 harvest specifications.

#### Proposed Acceptable Biological Catch (ABC) and TAC Specifications

The proposed ABC levels are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. In general, the development of ABCs and overfishing levels involves sophisticated statistical analyses of fish populations and is based on a successive series of six levels, or tiers, of reliable information available to fishery scientists.

The Bering Sea Groundfish Plan Team (Plan Team) acknowledged that for purposes of the proposed 1999 Overfishing Levels and ABC amounts, the best information currently available is set forth in the final SAFE report for the 1998 BSAI groundfish fisheries dated November 1997. The Plan Team further acknowledged that information on the status of stocks will be updated with the 1998 survey results and reconsidered by the Plan Team at its November 1998 meeting. The Plan Team's preliminary recommendation was to rollover 1998 ABC, overfishing,

and TAC amounts and to reconsider these amounts at the December 1998 Council meeting after new status of stocks information has been incorporated by the Plan Team into a final SAFE report.

At its October 1998 meeting, the Scientific and Statistical Committee (SSC), Advisory Panel (AP), and Council reviewed the Plan Team's preliminary recommendations. With one exception, the SSC, AP, and Council concurred

with the Plan Team's recommendations. The Council recommended a 75,000 mt reduction in the AP- and SSC-recommended Bering Sea pollock ABC and TAC, from 1.110 million mt to 1.035 million mt. This reduction was recommended in consideration of preliminary 1998 survey data that indicated decreased biomass abundance of this stock. None of the Council's recommended TACs for 1999 exceed the recommended ABC for any species

category. Therefore, NMFS finds that the recommended TACs are consistent with the best available information on the biological condition of the groundfish stocks.

Table 1 lists the proposed 1999 Overfishing Levels, ABC, and TAC amounts for groundfish in the BSAI. The proposed apportionment of TAC amounts among fisheries and seasons is discussed here.

TABLE 1.—PROPOSED 1999 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), CDQ RESERVE ALLOCATION, AND OVERFISHING LEVELS OF GROUNDFISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA (BSAI) <sup>1</sup>

Species	Area	ABC	TAC	ITAC <sup>2</sup>	CDQ reserve <sup>3</sup>	Overfishing level
Pollock <sup>4</sup>	Bering Sea (BS)	1,035,000	1,035,000	875,610	103,500	2,060,000
	Aleutian Islands (AI)	23,800	23,800	20,135	2,380	31,700
	Bogoslof District	6,410	1,000	846	100	8,750
Pacific cod	BSAI	210,000	210,000	178,500	15,750	336,000
Sablefish <sup>5</sup>	BS	1,300	1,300	553	179	2,160
	AI	1,380	1,380	293	233	2,230
Atka mackerel	Total	64,300	64,300	54,655	4,823	134,000
	Western AI	27,000	27,000	22,950	2,025	
	Central AI	22,400	22,400	19,040	1,680	
	Eastern AI/BS	14,900	14,900	12,665	1,118	
Yellowfin sole	BSAI	220,000	220,000	187,000	16,500	314,000
Rock sole	BSAI	312,000	100,000	85,000	7,500	449,000
Greenland turbot	Total	15,000	15,000	12,750	1,125	22,300
	BS		10,050	8,543	754	
	AI		4,950	4,208	371	
Arrowtooth flounder	BSAI	147,000	16,000	13,600	1,020	230,000
Flathead sole	BSAI	132,000	100,000	85,000	7,500	190,000
Other flatfish <sup>6</sup>	BSAI	164,000	89,434	76,019	6,708	253,000
Pacific ocean perch	BS	1,400	1,400	1,190	105	3,300
	AI Total	12,100	12,100	10,285	908	20,700
	Western AI	5,580	5,580	4,743	419	
	Central AI	3,450	3,450	2,933	259	
	Eastern AI	3,070	3,070	2,610	230	
Other red rockfish <sup>7</sup>	BS	267	267	227	20	356
Sharpchin/Northern	AI	4,230	4,230	3,596	317	5,640
Shortraker/rougheye	AI	965	965	820	72	1,290
Other rockfish <sup>8</sup>	BS	369	369	314	28	492
	AI	685	685	582	51	913
Squid	BSAI	1,970	1,970	1,675	126	2,620
Other species <sup>9</sup>	BSAI	25,800	25,800	21,930	1,645	134,000
Non-specific CDQ <sup>10</sup>	BSAI				492	
Total		2,379,976	1,925,000	1,630,579	171,081	4,202,451

<sup>1</sup> Amounts are in metric tons. These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) Area unless otherwise specified. With the exception of pollock, and for the purpose of these specifications, the BS includes the Bogoslof District.

<sup>2</sup> Except for pollock and the portion of the sablefish TAC allocated to hook-and-line and pot gear, 15 percent of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.

<sup>3</sup> Except for pollock and the hook-and-line or pot gear allocation of sablefish, one half of the amount of the TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (see § 679.31(a)(1)).

<sup>4</sup> Ten percent of the pollock TAC is allocated to the pollock CDQ fishery under paragraph 206(a) of the AFA. After deduction of the pollock CDQ reserve, a 6 percent incidental catch reserve (for pollock harvested in other fisheries) is then deducted (see section 206(b) of the AFA), the result is the 1999 proposed ITAC for pollock.

<sup>5</sup> Regulations at § 679.20(b)(1) do not provide for the establishment of an ITAC for the hook-and-line and pot gear allocation for sablefish. The ITAC for sablefish reflected in Table 1 is for trawl gear only. Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear is reserved for use by CDQ participants (see § 679.31(c)).

<sup>6</sup> "Other flatfish" includes all flatfish species, except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, and arrowtooth flounder.

<sup>7</sup> "Other red rockfish" includes shortraker, rougheye, sharpchin, and northern rockfish.

<sup>8</sup> "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker, and rougheye rockfish.

<sup>9</sup> "Other species" includes sculpins, sharks, skates and octopus. Forage fish, as defined at § 679.2 are not included in the "other species" category.

<sup>10</sup> Fifteen percent of the groundfish CDQ reserve established for squid, arrowtooth flounder, and "other species" is allocated to a non-specific CDQ reserve found at § 679.31(g).

**Reserves**

Regulations at § 679.20(b)(1)(i) require that 15 percent of the TAC for each target species or species group, except for the hook-and-line and pot gear allocation of sablefish, be placed in a non-specified reserve. The AFA supersedes this provision for pollock be requiring that the 1999 TAC for this species be fully allocated among the CDQ program, incidental catch allowance, and inshore, catcher/processor, and mothership directed fishery allowances.

Regulations at § 679.20(b)(1)(iii) require that one half of each TAC amount placed in the non-specified reserve be allocated to the groundfish CDQ reserve, and that 20 percent of the hook-and-line and pot gear allocation of sablefish be allocated to the fixed gear sablefish CDQ reserve. As discussed below section 206(a) of the AFA requires that 10 percent of the pollock TAC be allocated to the pollock CDQ reserve. With the exception of the hook-and-line and pot gear sablefish CDQ reserve, the CDQ reserves are not further apportioned by gear. Fifteen percent of the groundfish CDQ reserve established for squid, arrowtooth flounder and "other species" is allocated to a non-specific CDQ reserve. Regulations governing the use and release of the non-specific CDQ reserve are found at § 679.31(g). Regulations at § 679.21(e)(1)(i) also require that 7.5 percent of each PSC limit, with the exception of herring, be withheld as a PSQ reserve for the CDQ fisheries. Regulations governing the management of the CDQ and PSQ reserves are set forth at § 679.30 and § 679.31.

The remainder of the non-specified 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.

**Allocation of the Pollock TAC***Pollock Allocations under the AFA*

Section 206(a) of the AFA requires that 10 percent of the BSAI pollock TAC be allocated as a directed fishing allowance to the CDQ program. The remainder of the BSAI pollock TAC, after the subtraction of an allowance for the incidental catch of pollock by vessels, including CDQ vessels, harvesting other groundfish species, is allocated as follows; 50 percent to catcher vessels harvesting pollock for processing by the inshore component, 40 percent to catcher/processors and catcher vessels harvesting pollock for processing by catcher/processors in the offshore component, and 10 percent to catcher vessels harvesting pollock for processing by motherships in the offshore component.

For 1999, NMFS is proposing an incidental catch allowance of 6 percent of the pollock TAC after subtraction of the 10 percent CDQ reserve. This allowance was determined based on an examination of the incidental catch of pollock in non-pollock target fisheries from 1994 through 1997. During this 4-year period, the incidental catch of pollock as a percentage of the TAC ranged from a low of 4.9 percent in 1996 to a high of 6.3 percent in 1997 with a 4-year average of 5.6 percent. NMFS acknowledges that the incidental catch of pollock in other fisheries declined in 1998 to about 3 percent of the TAC as a result of new mandatory retention and utilization standards for this species (§ 679.27). However, uncertainty about continued low incidental pollock catch in other fisheries, and mandates under the AFA to optimize the opportunity for the harvest of the allocated pollock directed fishery allowances, support a conservative incidental catch allowance. NMFS intends to initiate rulemaking in 1999 that would provide NMFS with the authority to reallocate a portion of the incidental catch reserve of pollock to the three components of the directed fishery in the proportions specified under the AFA if NMFS determines that

the projected amount will not be needed in the other groundfish fisheries.

The AFA also contains three specific pollock allocations that must be specified annually. First, paragraph 208(e)(21) of the AFA specifies that catcher/processors qualifying to fish for pollock under this paragraph are prohibited from harvesting in the aggregate a total of more than one-half (0.5) percent of the pollock allocated to vessels for processing by offshore catcher/processors. Second, paragraph 210(c) of the AFA requires that not less than 8.5 percent of the pollock allocated to vessels for processing by offshore catcher/processors be available for harvest only by offshore catcher vessels harvesting pollock for processing by offshore catcher/processors listed in section 208(b). Third, paragraph 210(e)(1) prohibits any particular individual, corporation, or other entity from harvesting a total of more than 17.5 percent of the pollock available to be harvested in the directed pollock fishery. These allocations and catch limits are proposed in Table 2.

When recommending seasonal allowances of the pollock TAC, the Council considered the factors specified in section 14.4.10 of the FMP. Likewise, in proposing seasonable allowances, NMFS also considered these factors. Under § 679.20(a)(5)(i)(A), the pollock ITAC for each subarea or district of the BSAI is divided into two seasonal allowances. The first allowance is made available for directed fishing from January 1 to April 15 (A season), and the second allowance is made available from September 1 until November 1 (B season). The Council recommended that the seasonal allowances for the Bering Sea pollock A and B seasons be specified at 45 percent and 55 percent of the ITAC amounts, respectively (Table 2). As in past years, 100 percent of the pollock ITAC amounts specified for the Aleutian Islands subarea and the Bogoslof District would be apportioned to the A season, with any TAC remaining following the end of A season made available during the B season.

TABLE 2.—PROPOSED SEASONAL ALLOWANCES OF THE INSHORE, CATCHER/PROCESSOR, AND MOTHERSHIP COMPONENT ALLOCATIONS OF POLLOCK TAC AMOUNTS<sup>1</sup>

Subarea & component	TAC	Incidental catch allowance <sup>2</sup>	CDQ reserve <sup>3</sup>	Directed fishing allowance	A season <sup>4</sup>	B season <sup>5</sup>
Bering Sea:						
Inshore .....				437,805	197,012	240,793
Mothership .....				87,561	39,402	48,159
Offshore catcher/processor and catcher vessel total .....				350,244	157,610	192,634
Listed catcher/processors <sup>6</sup> .....					144,213	176,260
Listed catcher vessels <sup>6</sup> .....					13,397	16,374

TABLE 2.—PROPOSED SEASONAL ALLOWANCES OF THE INSHORE, CATCHER/PROCESSOR, AND MOTHERSHIP COMPONENT ALLOCATIONS OF POLLOCK TAC AMOUNTS <sup>1</sup>—Continued

Subarea & component	TAC	Incidental catch allowance <sup>2</sup>	CDQ reserve <sup>3</sup>	Directed fishing allowance	A season <sup>4</sup>	B season <sup>5</sup>
Section 208(e)(21) vessels <sup>7</sup>					788	963
Total	1,035,000	55,890	103,500	875,610	394,025	481,586
Aleutian Islands:						
Inshore				10,067	10,067	<sup>8</sup>
Mothership				2,013	2,013	<sup>8</sup>
Offshore catcher/processor and catcher vessel total				8,054	8,054	<sup>8</sup>
Listed catcher/processors <sup>6</sup>					7,369	<sup>8</sup>
Listed catcher vessels <sup>6</sup>					685	<sup>8</sup>
Section 208(e)(21) vessels <sup>7</sup>					40	<sup>8</sup>
Total	23,800	1,285	2,380	20,135	20,135	<sup>8</sup>
Bogoslof District:						
Inshore				423	423	<sup>8</sup>
Mothership				85	85	<sup>8</sup>
Offshore catcher/processor and catcher vessel total				338	338	<sup>8</sup>
Listed catcher/processors <sup>6</sup>					310	<sup>8</sup>
Listed catcher vessels <sup>6</sup>					29	<sup>8</sup>
Section 208(e)(21) vessels <sup>7</sup>					2	<sup>8</sup>
Total	1,000	54	100	846	846	<sup>8</sup>

<sup>1</sup> After subtraction for the CDQ reserve and the incidental catch allowance, the pollock TAC is allocated as follows: inshore component—50 percent, catcher/processor component—40 percent, and mothership component—10 percent.

<sup>2</sup> The pollock incidental catch allowance is 6 percent of the TAC after subtraction of the CDQ reserve.

<sup>3</sup> Under paragraph 206(a) of the AFA, the CDQ reserve for pollock is ten percent.

<sup>4</sup> January 1 through April 15.

<sup>5</sup> September 1 until November 1.

<sup>6</sup> Section 210(c) of the AFA requires that not less than 8.5 percent of the directed fishing allowance allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

<sup>7</sup> The AFA requires that vessels described in paragraph 208(e)(21) be prohibited from exceeding a harvest amount of one-half of one percent of the directed fishing allowance allocated to vessels for processing by listed catcher/processors.

<sup>8</sup> Remainder.

#### Allocation of the Atka Mackerel TAC

Under § 679.20(a)(8), up to 2 percent of the Eastern Aleutian Islands district and the Bering Sea subarea Atka mackerel ITAC may be allocated to the jig gear fleet. The amount of this allocation is determined annually by the Council based on several criteria, including the anticipated harvest capacity of the jig gear fleet. At its October 1998 meeting, the Council proposed an allocation of 1 percent of the Atka mackerel TAC in the Eastern Aleutian Islands district/Bering Sea subarea to the jig gear fleet. Based on a proposed ITAC of 12,665 mt, the jig gear allocation would be 127 mt.

Due to concerns about the potential impact of the Atka mackerel fishery on Steller sea lions and their critical

habitat, NMFS published a proposed rule on November 9, 1998 (63 FR 60288) that would implement temporal and spatial changes in the Atka mackerel fisheries. This proposed rule would divide the BSAI Atka mackerel ITAC into two equal seasonal allowances. The first allowance would be made available for directed fishing from January 1 to April 15 (A season), and the second seasonal allowance would be made available from September 1 to November 1 (B season)(see Table 3). Additionally, fishing with trawl gear in areas defined as Steller sea lion critical habitat (see Table 1, Table 2, and Figure 4 of 50 CFR 226) within the Western and Central Aleutian Islands subareas would be prohibited during each Atka mackerel season once specified percentages of the TAC have been

reached. In 1999, the specified catch percentage would be 65 percent of each seasonal allowance for the Western Aleutian Islands and 80 percent of each seasonal allowance for the Central Aleutian Islands.

For the Eastern Aleutian Islands and Bering Sea subarea, there would be no critical habitat closures based on Atka mackerel catch percentages inside critical habitat areas under the proposed rule. However, the proposed rule does include a variety of changes to current critical habitat designations in both time and space within the Aleutian Islands District. See the proposed rule published on November 9, 1998 (63 FR 60288) for a detailed description of proposed regulatory changes to the Atka mackerel fishery.

TABLE 3.—PROPOSED 1999 SEASONAL AND SPATIAL APPORTIONMENTS, GEAR SHARES, AND CDQ RESERVE OF THE BSAI ATKA MACKEREL TAC <sup>1,2</sup>

Subarea & component	TAC	CDQ reserve	ITAC	Seasonal apportionment <sup>3</sup>			
				A season <sup>4</sup>		B season <sup>5</sup>	
				Inside CH <sup>6</sup>	Total	Inside CH <sup>6</sup>	Total
Western Aleutian Islands (543)	27,000	2,025	22,950	7,459	11,475	7,459	11,475
Central Aleutian Islands (542)	22,400	1,680	19,040	7,616	9,520	7,616	9,520

TABLE 3.—PROPOSED 1999 SEASONAL AND SPATIAL APPORTIONMENTS, GEAR SHARES, AND CDQ RESERVE OF THE BSAI ATKA MACKEREL TAC<sup>1, 2</sup>—Continued

Subarea & component	TAC	CDQ re- serve	ITAC	Seasonal apportionment <sup>3</sup>			
				A season <sup>4</sup>		B season <sup>5</sup>	
				Inside CH <sup>6</sup>	Total	Inside CH <sup>6</sup>	Total
Eastern AI/BS <sup>7</sup> .....	14,900	1,118	12,665				
Jig (1%) <sup>8</sup> .....			127		127		
Other gear (99%) .....			12,538		6,269		6,269
Total .....	64,300	4,823	54,655		27,391		27,264

<sup>1</sup> Amounts are in metric tons.<sup>2</sup> Based on proposed regulations published in the **Federal Register** on November 9, 1998 (63 FR 60288).<sup>3</sup> The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season.<sup>4</sup> January 1 through April 15.<sup>5</sup> September 1 through November 1.<sup>6</sup> Critical habitat (CH) allowance refers to the amount of each seasonal allowance that is available for fishing inside critical habitat (Table 1, Table 2, and Figure 4 of 50 CFR part 226). In 1999, the percentage of TAC available for fishing inside critical habitat is 65 percent in the Western AI and 80 percent in the Central AI. When these critical habitat allowances are reached, critical habitat areas will be closed to trawling for the remainder of the fishing season.<sup>7</sup> Eastern Aleutian Islands District and Bering Sea subarea.<sup>8</sup> Regulations at § 679.20(a)(8) require that up to 2 percent of the Eastern AI area ITAC be allocated to the Jig gear fleet. The amount of this allocation is 1 percent and was determined by the Council based on anticipated harvest capacity of the Jig gear fleet. The jig gear allocation is not apportioned by season.

#### Allocation of the Pacific Cod TAC

Under § 679.20(a)(7), 2 percent of the Pacific cod ITAC is allocated to vessels using jig gear, 51 percent to vessels using hook-and-line or pot gear, and 47 percent to vessels using trawl gear. The portion of the Pacific cod TAC allocated to trawl gear is further allocated 50 percent to catcher vessels and 50 percent to catcher/processor vessels. At

its October 1998 meeting, the Council recommended seasonal allowances for the portion of the Pacific cod TAC allocated to the hook-and-line and pot gear fisheries. The seasonal allowances are authorized under § 679.20(a)(7)(iv) and are based on the criteria set forth at § 679.20(a)(7)(iv)(B). They are intended to provide for the harvest of Pacific cod when flesh quality and market conditions are optimum and when

Pacific halibut bycatch rates are low. Table 4 lists the proposed 1999 allocations and seasonal apportionments of the Pacific cod ITAC. Consistent with § 679.20(a)(7)(iv)(C), any portion of the first seasonal allowance of the hook-and-line and pot gear allocation that is not harvested by the end of the first season will become available on September 1, the beginning of the third season.

TABLE 4.—PROPOSED 1999 GEAR SHARES AND SEASONAL APPORTIONMENTS OF THE BSAI PACIFIC COD TAC

Gear	Percent ITAC	Share ITAC (mt)	Seasonal apportionment		
			Date	Percent	Amount
Jig .....	2	3,570	Jan 1–Dec 31 .....	100	3,570
Hook-and-line/pot gear .....	51	91,035	Jan 1–Apr 30 <sup>1</sup> ...	71	65,000
			May 1–Aug 31 ....	15	13,784
			Sep 1–Dec 31 ....	13	12,251
Trawl gear .....	47	83,895	Jan 1–Dec 31 .....	100	83,895
Catcher vessel (50%) .....		41,948			
Catcher/processor (50%) .....		41,948			
Total .....	100	178,500			

<sup>1</sup> Any unused portion of the first seasonal Pacific cod allowance specified for the Pacific cod hook-and-line or pot gear fishery will be reapportioned to the third seasonal allowance.

#### Allocation of the Shortraker and Rougheye Rockfish TAC

Under § 679.20(a)(9), the ITAC of shortraker rockfish and rougheye rockfish specified for the Aleutian Islands subarea is allocated 30 percent to vessels using non-trawl gear and 70 percent to vessels using trawl gear. Based on a proposed ITAC of 820 mt, the trawl allocation would be 574 mt and the non-trawl allocation would be 246 mt.

#### Sablefish Gear Allocation

Regulations at § 679.20(a)(4) require that sablefish TACs for the BSAI subareas be allocated between trawl and hook-and-line or pot gear types. Gear allocations of TACs are established as follows: Bering Sea subarea: Trawl gear—50 percent and hook-and-line/pot gear—50 percent; and Aleutian Islands subarea: Trawl gear—25 percent and hook-and-line/pot gear—75 percent. Regulations at § 679.20(b)(1)(iii)(B) require that 20 percent of the hook-and-

line and pot gear allocation of sablefish be withheld as sablefish CDQ. Additionally, regulations at § 679.20(b)(iii)(A) require that 7.5 percent of the trawl allocation of sablefish (one half of the reserve) be withheld as groundfish CDQ reserve. Gear allocations of the proposed sablefish TAC and CDQ reserve amounts are specified in Table 5.

TABLE 5.—1999 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

Subarea & gear	Percent of TAC	Share of TAC (mt)	ITAC(mt) <sup>1</sup>	CDQ reserve
Bering Sea:				
Trawl <sup>2</sup> .....	50	650	553	49
Hook-&-line/pot gear <sup>3</sup> .....	50	650	N/A	130
Total .....		1,300	553	179
Aleutian Islands:				
Trawl .....	25	345	293	26
Hook-&-line/pot gear .....	75	1,035	N/A	207
Total .....		1,380	293	233

<sup>1</sup> Except for the sablefish hook-and-line and pot gear allocation, 15 percent of TAC is apportioned to reserve. The ITAC is the remainder of the TAC after the subtraction of these reserves.

<sup>2</sup> For the portion of the sablefish TAC allocated to vessels using trawl gear, one half of the reserve (7.5 percent of the specified TAC) is reserved for the multi-species CDQ program.

<sup>3</sup> For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. Regulations in § 679.20(b)(1) do not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear.

#### *Allocation of Prohibited Species Catch (PSC) Limits for Halibut, Crab and Herring*

PSC limits for halibut are set in regulations at § 679.21(e). For the BSAI trawl fisheries, the limit is 3,775 mt mortality of Pacific halibut (§ 679.21(e)(1)(v)) and for non-trawl fisheries, the limit is 900 mt mortality (§ 679.21(e)(2)(ii)). PSC limits for crab and herring are specified annually based on abundance and spawning biomass.

For 1999, the proposed PSC limit of red king crab in Zone 1 for trawl vessels is 200,000 crab. Based on the criteria set out at § 679.21(e)(1)(ii), the number of mature female red king crab was estimated in 1998 to be above the threshold of 8.4 million animals, and the effective spawning biomass is estimated to be 56 million pounds (greater than the 55 million pound threshold level) (§ 679.21(e)(1)(ii)(C)).

The proposed 1999 *C. bairdi* PSC limit for trawl gear is 750,000 animals in Zone 1 and 1,878,000 animals in Zone 2. These limits are based on the most recent survey data from 1998 and on the criteria set out at § 679.21(e)(1)(iii). In Zone 1, *C. bairdi* abundance was estimated to be greater than 150 million and less than 270 million animals (§ 679.21(e)(1)(ii)(A)(2)). In Zone 2, *C. bairdi* abundance was estimated to be less than 175 million animals, and therefore calculated at 1.2 percent of the abundance level of 156.6 million crabs, resulting in the limit of 1.878 million crabs (§ 679.21(e)(1)(iii)(B)(2)).

Under § 679.21(e)(1)(iv) the PSC limit for *C. opilio* is based on total abundance as indicated by the NMFS standard trawl survey. The *C. opilio* PSC limit is set at 0.1133 percent of the 1998 Bering Sea abundance index, with a minimum PSC of 4.5 million crab and a maximum

PSC of 13 million crab. Based on the 1998 survey estimate of 3.233 billion crabs, the calculated limit would be 3,663,000 crabs. Because this limit falls below the minimum level, the proposed 1999 *C. opilio* PSC limit is 4.5 million crabs.

The PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass (§ 679.21(e)(1)(vi)). NMFS's best estimate of 1999 herring biomass is 168,512 mt. This amount was derived using 1998 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game (ADF&G). Therefore, the proposed herring PSC limit for 1999 is 1,685 mt.

Under § 679.21(e)(1)(i) 7.5 percent of each PSC limit specified for crab and halibut is reserved as a PSQ reserve for use by the groundfish CDQ program. Regulations at § 679.21(e)(3) require the apportionment of each trawl PSC limit into PSC bycatch allowances for seven specified fishery categories. Regulations at § 679.21(e)(4)(ii) authorize the apportionment of the non-trawl halibut PSC limit among five fishery categories. The proposed fishery bycatch allowances for the trawl and non-trawl fisheries are listed in Table 6.

Regulations at § 679.21(e)(3)(ii)(B) establish criteria under which NMFS must specify an amount of the annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS). The Council has proposed that this amount be set at 10,000 animals based on the need to optimize the harvest of rock sole early in the fishing year. This amount is derived by reducing the Council's red king crab bycatch allowance proposed for the rock sole/

other flatfish/flathead sole fishery category by 10,000 red king crabs.

Regulations at § 679.21(e)(4)(ii) authorize exemption of specified non-trawl fisheries from the halibut PSC limit. As in past years, the Council recommended that pot gear, jig gear, and sablefish hook-and-line gear fishery categories be exempt from halibut bycatch restrictions because these fisheries use selective gear types that take comparatively few halibut. In 1998, total groundfish catch for the pot gear fishery in the BSAI was approximately 12,785 mt with an associated halibut bycatch mortality of about 34 mt. The 1998 groundfish jig gear fishery harvested about 181 mt of groundfish. Most vessels in the jig gear fleet are less than 60 ft (18.3 m) length overall and are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. However, a negligible amount of halibut bycatch mortality is assumed because of the selective nature of this gear type and the likelihood that halibut caught with jig gear have a high survival rate when released.

As in past years, the Council recommended that the sablefish Individual Fishing Quota (IFQ) fishery be exempt from halibut bycatch restrictions because of the sablefish and halibut IFQ program (subpart D of 50 CFR part 679). The IFQ program requires legal-sized halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder is aboard and is holding unused halibut IFQ. This action results in lowered amounts of halibut discard in the fishery. In 1995, about 36 mt of halibut discard mortality was estimated for the sablefish IFQ fishery. A similar estimate for 1996 through 1998 has not been

calculated, but NMFS believes that it would not be significantly different. Regulations at § 679.21(e)(5) authorize NMFS, after consultation with the

Council, to establish seasonal apportionments of PSC amounts. NMFS anticipates that the Council will

recommend seasonal apportionments during its December 1998 meeting, and none are proposed at this time.

TABLE 6.—PROPOSED 1999 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

	Prohibited species and zone					
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1	C. opilio (animals) COBLZ <sup>1</sup>	C. bairdi (animals)	
					Zone 1	Zone 2
Trawl Fisheries:						
Yellowfin sole .....	930	263	18,500	3,038,625	255,592	885,947
Rock sole/oth.flat/flat sole <sup>2</sup> .....	735	22	128,750	749,250	273,848	295,316
RKCSS <sup>3</sup> .....			10,000			
Turbot/sablefish/arrowtooth <sup>4</sup> .....				41,625		
Rockfish .....	69	8		41,625		5,790
Pacific cod .....	1,434	22	13,875	124,875	123,232	161,307
Midwater trawl pollock <sup>5</sup> .....		1,218				
Pollock/Atka/other <sup>6</sup> .....	324	152	13,875	166,500	41,078	388,790
Total Trawl PSC .....	3,492	1,685	185,000	4,162,500	693,750	1,737,150
Non-Trawl Fisheries:						
Pacific cod .....	749					
Other non-trawl .....	84					
Groundfish pot & jig .....	<sup>8</sup>					
Sablefish hook-and-line .....	<sup>8</sup>					
Total Non-Trawl .....	833					
PSQ Reserve <sup>7</sup> .....	350		15,000	337,500	56,250	140,850
Grand Total .....	4,675	1,685	200,000	4,500,000	750,000	1,878,000

<sup>1</sup> C. opilio Bycatch Limitation Zone. Boundaries are defined at § 679.21(e)(7)(iv)(B). At its October meeting the Council further apportioned C. opilio by percentage to the following fisheries: yellowfin sole 73%, rock sole 18%, turbot 1%, rockfish 1%, Pacific cod 3%, and pollock 4%.

<sup>2</sup> Rock sole, flathead sole, and other flatfish fishery category.

<sup>3</sup> The Council at its October 1998 meeting allocated 10,000 red king crab for trawl fisheries within the RKCSS (§ 679.21 (e)(3)(ii)(B)).

<sup>4</sup> Greenland turbot, arrowtooth flounder, and sablefish fishery category.

<sup>5</sup> Halibut and crab bycatch in the midwater trawl pollock fishery is deducted from the allowances for the pollock/Atka mackerel/other species category. Once bycatch allowances are reached, directed fishing for pollock with non-pelagic trawl gear is prohibited.

<sup>6</sup> Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

<sup>7</sup> With the exception of herring, 7.5 percent of each PSC limit is allocated to the multi-species CDQ program as PSQ reserve. The PSQ reserve is not allocated by fishery, gear or season.

<sup>8</sup> Exempt.

To monitor halibut bycatch mortality allowances and apportionments, the Administrator, Alaska Region, NMFS (Regional Administrator) will use observed halibut bycatch rates, assumed mortality rates, and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. The Regional Administrator monitors a fishery's halibut bycatch

mortality allowances using assumed mortality rates that are based on the best information available, including information contained in the annual SAFE report.

The Council recommended that the assumed recommended halibut mortality rates developed by staff of the International Pacific Halibut Commission (IPHC) for the 1998 BSAI groundfish fisheries be adopted for purposes of monitoring halibut bycatch

allowances established for 1999. The justification for these mortality rates is discussed in the preliminary SAFE report dated September, 1998. The proposed mortality rates listed in Table 7 are subject to change pending the results of an updated analysis on halibut mortality rates in the groundfish fisheries that IPHC staff presented to the Council at the Council's December 1998 meeting.

TABLE 7.—PROPOSED ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1999

Fishery	Assumed mortality (percent)
Hook-and-line gear fisheries:	
Rockfish .....	12
Pacific cod .....	11
Greenland turbot .....	19
Sablefish .....	18
Other Species .....	11

TABLE 7.—PROPOSED ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1999—  
Continued

Fishery	Assumed mortality (percent)
Trawl gear fisheries:	
Midwater pollock .....	85
Non-pelagic pollock .....	76
Yellowfin sole .....	78
Rock sole .....	76
Flathead sole .....	62
Other flatfish .....	69
Rockfish .....	72
Pacific cod .....	69
Atka mackerel .....	85
Greenland turbot .....	73
Sablefish .....	23
Other species .....	69
Pot gear fisheries:	
Pacific cod .....	4
Other species .....	4

#### Protections for Other Fisheries Under the AFA

Section 211(b)(2)(A) of the AFA prohibits catcher/processors listed under paragraphs 1 through 20 of section 208(e) (listed catcher/processors) from harvesting in the aggregate more than a specified amount of each non-pollock groundfish species in the BSAI. Non-pollock groundfish that is delivered to listed catcher/

processors by catcher vessels would not be deducted from the 1999 harvest limits proposed in Table 8 for the listed catcher/processors. Except for Atka mackerel, the catch limitations specified for the listed catcher/processors are equivalent to the percentage of non-pollock groundfish harvested in the non-pollock fisheries by the listed catcher/processors and those listed under Section 209 of the AFA during 1995, 1996, and 1997. The non-pollock

groundfish harvest amounts by these vessels in the BSAI from 1995 through 1997 are shown in Table 8. These data were used to calculate the relative amount of non-pollock groundfish TACs harvested by pollock catcher/processors in the non-pollock fisheries, and then used to determine the proposed harvest limits for non-pollock groundfish by listed catcher/processors in the 1999 BSAI fisheries (see Table 8).

TABLE 8.—PROPOSED HISTORICAL CATCH RATIO, 1999 AGGREGATE CATCH LIMITS, AND 1999 PSC CATCH LIMITS FOR POLLOCK VESSELS DESCRIBED UNDER SECTION 208 OF THE AFA.<sup>1, 2</sup>

Target species <sup>3</sup>	Area	1995–1997			1999 ITAC available to trawl C/Ps	1999 C/P harvest limit <sup>5</sup>
		Total catch	Available TAC	Ratio <sup>4</sup>		
Atka mackerel <sup>6</sup> .....	Eastern AI/BS .....	.....	.....	.....	.....	.....
	Central AI .....	.....	.....	0.115	19,040	2,190
	Western AI .....	.....	.....	0.200	22,950	4,590
Arrowtooth flounder .....	BSAI .....	788	36,873	0.021	13,600	291
Other flatfish .....	BSAI .....	12,145	92,428	0.131	76,019	9,989
Flathead sole .....	BSAI .....	3,030	87,975	0.034	85,000	2,927
Greenland turbot .....	AI .....	31	6,839	0.005	4,208	19
	BSAI .....	168	16,911	0.010	8,543	85
Other species .....	BSAI .....	3,551	65,925	0.054	21,930	1,181
Pacific Cod trawl <sup>7</sup> .....	BSAI .....	13,547	51,450	0.263	41,948	11,045
Pacific ocean perch <sup>8</sup> .....	BSAI .....	58	5,760	0.010	1,190	12
	Central AI .....	95	6,195	0.015	2,933	45
	Eastern AI .....	112	6,265	0.018	2,610	47
	Western AI .....	356	12,440	0.029	4,743	136
Other rockfish .....	AI .....	95	1,924	0.049	582	29
	BS .....	39	1,026	0.038	314	12
Rock sole .....	BSAI .....	14,753	202,107	0.073	85,000	6,205
Sablefish trawl <sup>9</sup> .....	AI .....	1	1,135	0.001	293	0
	BS .....	8	1,736	0.005	553	3
Sharpchin/Northern .....	AI .....	1,034	13,254	0.078	3,596	280
Squid .....	BSAI .....	7	3,670	0.002	1,675	3
Shortraker/Rougheye .....	AI .....	68	2,827	0.024	314	8
Other red rockfish .....	BS .....	75	3,034	0.025	227	6
Yellowfin sole .....	BSAI .....	123,003	527,000	0.233	187,000	43,646

<sup>1</sup> The AFA specifies the manner in which the BSAI pollock TAC must be allocated among industry components and also prohibits catcher/processors listed under paragraphs 1–20 of section 208(e) from exceeding the historical harvest percentages by such catcher/processors and those listed under section 209 relative to the total available in the offshore component in BSAI groundfish fisheries (other than pollock) in 1995, 1996, and 1997.



<sup>2</sup> Amounts are in metric tons.

<sup>3</sup> For further definitions of target species see Table 1.

<sup>4</sup> The ratio is calculated by dividing the total catch by the TAC available at the end of the year (with the exception of Atka mackerel).

<sup>5</sup> The 1999 catch limit is calculated by multiplying the ratio by the 1999 proposed ITAC.

<sup>6</sup> In section 211(b)(2)(C) of the AFA, catcher/processors described in paragraphs 1–20 of section 208(e) are prohibited from harvesting Atka mackerel in excess of 11.5 percent of the available TAC in the Central AI area and 20 percent in the Western AI area. These listed catcher/processors are prohibited from harvesting Atka mackerel in the Eastern Aleutian Islands District and Bering Sea subarea.

<sup>7</sup> For Pacific cod, 47 percent of the ITAC is allocated to trawl gear, and of that 50 percent is available for listed catcher/processors. Separate catcher/processor and catcher vessel allocations became effective in 1997. Therefore, due to an inconsistency in the data, only 1997 which has a similar allocation pattern as the present was used to calculate the historic ratio.

<sup>8</sup> Spatial apportionments to western, central, and eastern AI subareas began in 1996, therefore only data from 1996 and 1997 was used to calculate the historic ratio.

<sup>9</sup> 25 percent of the Sablefish ITAC is allocated to trawl in the AI subarea, 50 percent is allocated to trawl in the BS subarea.

Section 211(b)(2)(C) of the AFA prohibits listed catcher/processors from fishing for Atka mackerel in the Eastern AI and BS subarea and from exceeding 11.5 percent and 20 percent of the Atka mackerel TACs available in the Central and Western AI districts, respectively. Pending NMFS's approval of conservation measures to mitigate

impacts of the Atka mackerel fishery on Steller sea lions (63 FR 60288, November 9, 1998) the listed catcher/processor harvest limitations for Atka mackerel would be subject to the proposed proportional restrictions on harvest inside and outside of critical habitat areas. As a result, the listed catcher/processors would be prohibited

from trawling for the remainder of the year in critical habitat areas once 65 and 80 percent of the seasonal Atka mackerel harvest limitations established for the listed catcher/processors in the Western and Central AI districts respectively, is taken (Table 9).

TABLE 9.—PROPOSED ATKA MACKEREL SEASONAL AND CRITICAL HABITAT LIMITS FOR CATCHER/PROCESSOR VESSELS DESCRIBED UNDER SECTION 208(E) OF THE AFA <sup>1 2</sup>

Subarea & component	Total TAC	ITAC for C/Ps	Seasonal apportionment <sup>3</sup>			
			A Season <sup>4</sup>		B Season <sup>5</sup>	
			Inside CH <sup>6</sup>	Total	Inside CH <sup>6</sup>	Total
Western Aleutian Islands (543) .....	27,000	4,590	1,492	2,295	1,492	2,295
Central Aleutian Islands (542) .....	22,400	2,190	876	1,095	876	1,095
Eastern AI District and BS subarea <sup>7</sup> .....	14,900					

<sup>1</sup> Amounts are in metric tons.

<sup>2</sup> Based on proposed regulations published in the FEDERAL REGISTER on November 9, 1998 (63 FR 60288).

<sup>3</sup> The seasonal apportionment of Atka mackerel in the open access fishery would be 50 percent in the A season and 50 percent in the B season. Listed catcher/processors would be limited to harvesting no more than 20 and 11.5 percent of the available TAC in the Western and Central AI subareas respectively (paragraph 211(b)(2)(C)).

<sup>4</sup> January 1 through April 15.

<sup>5</sup> September 1 through November 1.

<sup>6</sup> Critical habitat (CH) allowance refers to the amount of each seasonal allowance that is available for fishing inside critical habitat (Table 1, Table 2, and Figure 4 of 50 CFR 226). In 1999, the percentage of TAC available for fishing inside critical habitat area is 65 percent in the Western AI and 80 percent in the Central AI. When these critical habitat allowances are reached, critical habitat areas would be closed to trawling for the remainder of the fishing season.

<sup>7</sup> The AFA (section 211(b)(2)(C)) prohibits listed catcher/processors from directed fishing for Atka mackerel in the Eastern Aleutian Islands District and Bering Sea subarea.

NMFS intends to establish by emergency rule inseason authority necessary to manage the harvest of groundfish by listed catcher/processors so that the 1999 non-pollock harvest limits are not exceeded. Under the emergency rule authority, NMFS likely will limit directed fishing by the listed catcher/processors to the following non-pollock groundfish species: Atka mackerel, Pacific cod, and yellowfin sole. The proposed 1999 harvest limits for species other than pollock may not be sufficient to allow for both a directed fishery and necessary incidental catch requirements in other directed fisheries. NMFS intends to manage the listed catcher/processor harvest limitations conservatively, consistent with the intent of the AFA to limit the ability of these vessels to redistribute fishing effort into non-pollock fisheries in

which they have not historically participated.

Section 211(b)(2)(B) of the AFA prohibits listed catcher/processors from harvesting more than a specified amount of each prohibited species in the BSAI. These amounts are equivalent to the percentage of prohibited species bycatch limits harvested in the non-pollock groundfish fisheries by the listed catcher/processors and those listed under section 209 during 1995, 1996, and 1997. Prohibited species amounts harvested by these catcher/processors in BSAI non-pollock groundfish fisheries from 1995 through 1997 are shown in Table 10. These data were used to calculate the relative amount of prohibited species catch limits harvested by pollock catcher/processors, and then used to determine the proposed prohibited species harvest

limits for listed catcher/processors in the 1999 non-pollock groundfish fisheries. Regulations at § 679.21(e)(7)(vii) and (e)(7)(viii) do not provide for fishery-specific management of the salmon bycatch limits. Therefore, NMFS is not including salmon catch limits for the listed catcher/processors during 1999.

PSC that is caught by listed catcher/processors participating in any non-pollock groundfish fishery listed in Table 8, shall accrue against the 1999 PSC limits for the listed catcher/processors as outlined in section 211(b)(2)(B) of the AFA (Table 10). The emergency interim rule being prepared by NMFS to manage the AFA harvest limitations specified for listed catcher/processors will provide authority to close directed fishing for groundfish to the listed catcher/processors once a

1999 PSC limitation listed in Table 10 is reached.

The Council at its November meeting recommended that prohibited species

caught by listed catcher/processors and listed catcher vessels while fishing for pollock accrue against either the

midwater pollock or the pollock/Atka mackerel/other species fishery categories (see Table 6).

TABLE 10.—PROPOSED PSC LIMITS FOR CATCHER/PROCESSOR VESSELS DESCRIBED UNDER SECTION 208(E) OF THE AMERICAN FISHERIES ACT <sup>1,2</sup>

PSC species	1995–1997			1999 PSC available to trawl C/Ps	1999 C/P limit <sup>4</sup>
	PSC catch	Total PSC	ratio <sup>3</sup>		
Halibut mortality .....	955	11,325	0.084	3,492	294
Herring .....	62	5,137	0.012	1,685	20
Red king crab .....	7,641	473,750	0.016	185,000	2,984
C. bairdi:					
Zone 1 .....	385,978	2,750,000	0.140	693,750	97,372
Zone 2 .....	406,860	8,100,000	0.050	1,737,150	87,256
C. opilio .....	2,323,731	15,139,178	0.153	4,162,500	638,907

<sup>1</sup> The AFA specifies the manner in which the BSAI pollock TAC must be allocated among industry components and also prohibits catcher/processors listed under paragraphs 1–20 of section 208(e) from exceeding the historical harvest percentages of prohibited species by such catcher/processors and those listed under section 209 relative to the total available in the offshore component in BSAI groundfish fisheries in 1995, 1996, and 1997.

<sup>2</sup> Amounts are in metric tons.

<sup>3</sup> The ratio is calculated by dividing the PSC catch by the total PSC available.

<sup>4</sup> The 1999 prohibited species catch limit is calculated by multiplying the historic ratio by the PSC available to listed catcher/processors in 1999.

## Classification

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

Pursuant to section 7 of the Endangered Species Act, NMFS has completed a consultation on the effects of the pollock and Atka mackerel fisheries on listed and candidate species, including the Steller sea lion, and designated critical habitat. The biological opinion prepared for this consultation, dated December 3, 1998, concludes that the pollock fisheries in the BSAI and the GOA jeopardize the continued existence of Steller sea lions and adversely modify their designated critical habitat. The biological opinion contains reasonable and prudent alternatives (RPAs) to mitigate the adverse impacts of the pollock fisheries on Steller sea lions. Specific measures necessary to implement the RPAs will be discussed at the December Council meeting and will be implemented by NMFS through emergency rulemaking prior to the start of the 1999 BSAI pollock fishery.

NMFS has also initiated consultation on the effects of the 1999 BSAI groundfish fisheries on listed and candidate species, including the Steller sea lion and listed seabirds, and on designated critical habitat. This consultation will be concluded prior to the start of fishing, under the 1999 interim specifications. Pending determinations under this consultation, NMFS may initiate emergency rulemaking to mitigate any adverse impacts resulting from the BSAI

groundfish fisheries on listed and candidate species and designated critical habitat.

NMFS prepared an initial regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (RFA) that describes the impact this proposed specification, if adopted, may have on small entities. This action is necessary to establish harvest limits for the BSAI groundfish fisheries for the 1999 fishing year. The groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR 679 that require NMFS, after consultation with the Council, to publish and solicit public comments on proposed annual TACs, PSC allowances, and seasonal allowances of the TACs. Based on the number of vessels that caught groundfish in 1996, the number of fixed gear and trawl catcher vessels expected to be operating as small entities in the 1999 BSAI groundfish fishery is 302. There are six small organizations, Community Development Quota (CDQ) groups, 56 small governmental jurisdictions with direct involvement in groundfish CDQ fisheries that are within the RFA definition of small entities. There are no recordkeeping and reporting requirements with this proposed action. NMFS is not aware of any other Federal rules which duplicate, overlap or conflict with the proposed specifications.

Significant alternatives that would minimize any significant economic impact of this action on small entities were considered. The establishment of differing compliance or reporting

requirements or timetables, the use of performance rather than design standards, or exempting affected small entities from any part of this action would not be appropriate because of the nature of this action.

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

Dated: December 23, 1998.

**Andrew A. Rosenberg,**

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

[FR Doc. 98–34545 Filed 12–24–98; 11:42 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 981222314–8314–01; I.D. 121098B]

#### Groundfish Fishery of the Gulf of Alaska; Fisheries of the Exclusive Economic Zone; Gulf of Alaska; Proposed 1999 Harvest Specifications for Groundfish

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

**ACTION:** Proposed 1999 specifications for groundfish and associated management measures; request for comments.

**SUMMARY:** NMFS proposes 1999 harvest specifications, reserves, and