

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* Thrush, Taita	* <i>Turdus olivaceus helleri</i> .	* Kenya	* Entire	* E	* 571	* NA	* NA
* Turaco, Bannerman's.	* <i>Tauraco bannermani</i> .	* Cameroon	* Entire	* E	* 571	* NA	* NA
* Vanga, Pollen's	* <i>Xenopirostris polleni</i>	* Madagascar	* Entire	* T	* 571	* NA	* NA
* Vanga, Van Dam's ..	* <i>Xenopirostris damii</i> .	* Madagascar	* Entire	* T	* 571	* NA	* NA
* Warbler (Old World), Aldabra.	* <i>Nesillas aldabranus</i>	* Indian Ocean— Seychelles (Aldabra Island).	* Entire	* E	* 571	* NA	* NA
* Wattle-eye, banded .	* <i>Platysteira laticincta</i>	* Cameroon	* Entire	* E	* 571	* NA	* NA
* Weaver, Clarke's	* <i>Ploceus golandii</i>	* Kenya	* Entire	* E	* 571	* NA	* NA
*	*	*	*	*	*	*	*

Dated: December 12, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95-832 Filed 1-11-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[I.D. 010395A]

Summer Flounder Fishery

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

ACTION: Notification of commercial quota transfer.

SUMMARY: NMFS announces that the State of Maryland is transferring 50,000 lb (22,680 kg) of commercial summer flounder quota to the State of New York. NMFS announces the adjustment of these states' quotas.

EFFECTIVE DATE: December 30, 1994.

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, 508-281-9101.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The

regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process used to set the annual commercial quota, adjust for overages, and the percent allocated to each state is described in § 625.20.

Transfers of commercial quota are authorized under Amendment 5 to the FMP (58 FR 65936, December 17, 1993) which allows two or more states, under mutual agreement and with the concurrence of the Director, Northeast Region, NMFS, (Regional Director) to transfer or combine summer flounder commercial quota. The Regional Director is required to consider the criteria set forth in § 625.20(f)(1) in the evaluation of requests for quota transfers or combinations.

The Regional Director is further required to publish notification in the **Federal Register** advising a state, and notifying Federal vessel permit and dealer permit holders, that effective upon a specific date, a portion of a state's commercial quota has been transferred to or combined with the commercial quota of another state.

The States of Maryland and New York have mutually agreed to transfer 50,000 lb (22,680 kg) of 1994 commercial quota from Maryland to New York, and the Regional Director has concurred.

The Regional Director has determined that the criteria set forth in § 625.20(f) have been met, and publishes this

notification of quota transfer. This action revises the quotas for the calendar year 1994.

Classification

This action is taken under 50 CFR part 625 and is exempt from review under E.O. 12866.

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

Dated: January 6, 1995.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94-796 Filed 1-11-94; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Parts 672 and 675

[Docket No. 900833-1095; I.D. 010395B]

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Bycatch Rate Standards for the First Half of 1995

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

ACTION: Pacific halibut and red king crab bycatch rate standards; request for comments.

SUMMARY: NMFS announces Pacific halibut and red king crab bycatch rate standards for the first half of 1995.

Publication of these bycatch rate standards is necessary under regulations implementing the vessel incentive program. This action is necessary to implement the bycatch rate standards for trawl vessel operators who participate in the Alaska groundfish trawl fisheries. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources.

DATES: Effective 12:01 a.m., Alaska local time (A.l.t.), January 20, 1995, through 12 midnight, A.l.t., June 30, 1995. Comments on this action must be received at the following address no later than 4:30 p.m., A.l.t., January 23, 1995.

ADDRESSES: Comments should be mailed to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or be delivered to 709 West 9th Street, Federal Building, room 401, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Susan J. Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) are managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the U.S. fisheries at 50 CFR parts 672, 675, and 676. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 620.

Regulations at §§ 672.26 and 675.26 implement a vessel incentive program to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Under the incentive program, operators of trawl vessels may not exceed Pacific halibut bycatch rate standards specified for the BSAI and GOA midwater pollock and "other trawl" fisheries, and the BSAI yellowfin sole and "bottom pollock" fisheries. Vessel operators also may not exceed red king crab bycatch standards specified for the BSAI yellowfin sole and "other trawl" fisheries in Bycatch Limitation Zone 1 (defined in § 675.2). The fisheries included under the incentive program are defined in regulations at §§ 672.26(b) and 675.26(b).

Regulations at §§ 672.26(c) and 675.26(c) require that halibut and red king crab bycatch rate standards for each fishery included under the incentive program be published in the **Federal Register**. The standards are in effect for specified seasons within the 6-month periods of January 1 through June 30, and July 1 through December 31. Given that the GOA and BSAI fisheries are closed to trawling from January 1 to January 20 of each year (§§ 672.23(e) and 675.23(d), respectively), the Director, Alaska Region, NMFS (Regional Director), is implementing bycatch rate standards for the first half of 1995 effective from January 20, 1995, through June 30, 1995.

At its September 1994 meeting, the Council reviewed average 1992-94 bycatch rates experienced by vessels participating in the fisheries under the incentive program. Based on this and other information presented below, the Council recommended halibut and red king crab bycatch rate standards for the first half of 1995. These standards were reconfirmed by the Council at its December 1994 meeting after the Council considered new information on the intent of some trawl vessel owners to purchase and use voluntarily large-mesh gear to reduce groundfish discard amounts. The Council's recommended bycatch rate standards are listed in Table 1. As required by §§ 672.26(c) and 675.26(c), the Council's recommended bycatch rate standards for January through June are based on the following information:

1. Previous years' average observed bycatch rates;
2. Immediately preceding season's average observed bycatch rates;
3. The bycatch allowances and associated fishery closures specified under §§ 672.20(f) and 675.21;
4. Anticipated groundfish harvests;
5. Anticipated seasonal distribution of fishing effort for groundfish; and
6. Other information and criteria deemed relevant by the Regional Director.

Bycatch Rate Standards for Pacific Halibut

The Council's recommended halibut bycatch rate standards for the 1995 trawl fisheries are unchanged from those implemented in 1994. The recommended 1995 standards are based largely on anticipated seasonal fishing effort for groundfish species and 1992-94 halibut bycatch rates observed in the trawl fisheries included under the incentive program. The Council recognized that the 1995 trawl fisheries do not start until January 20.

The recommended standard for the yellowfin sole fishery was maintained at 5.0 kilograms (kg) halibut per metric ton (mt) of groundfish for the first quarter of 1995. Regulations implemented in 1994 (59 FR 38132, July 27, 1994) revised the opening date for the yellowfin sole and "other flatfish" trawl fisheries from May 1 to January 20 of each year. This revision was initially implemented by emergency interim rulemaking on February 7, 1994 (59 FR 6222, February 10, 1994). The small amount of data available on halibut bycatch rates in the yellowfin sole fishery during the first quarter of 1994 show an average bycatch rate of about 2.70 kg halibut/mt of groundfish. This rate approximates the relatively low halibut bycatch rates experienced by vessels fishing in the BSAI joint venture fisheries during the mid to late 1980's (less than 2 kg halibut/mt of groundfish). The Council also recommended that a bycatch rate standard of 5.0 kg halibut/mt of groundfish be maintained for the second quarter of 1995, even though the average halibut bycatch rate experienced by the yellowfin sole fishery during the second quarter of 1994 (5.98 kg halibut/mt groundfish) was slightly higher than the standard.

Although the bycatch rate of halibut in the yellowfin sole fishery during the first half of the year has been as high as 13 kg halibut/mt groundfish (1993 observer data), the Council recommended a 1995 halibut bycatch rate standard of 5.0 kg halibut/mt of groundfish given that the average bycatch rates experienced by the yellowfin sole fishery during the first half of 1991, 1992, and 1994 were only slightly higher or below the recommended standard, indicating that vessel operators are able to fish at halibut bycatch rates lower than those experienced in 1993. Furthermore, a bycatch rate standard of 5 kg halibut/mt of groundfish will continue to encourage vessel operators to take action to avoid excessively high bycatch rates of halibut.

The halibut bycatch rate standard recommended for the BSAI and GOA midwater pollock fisheries (1 kg halibut/mt of groundfish) is higher than the bycatch rates normally experienced by vessels participating in these fisheries. The recommended standard is intended to encourage vessel operators to maintain off-bottom trawl operations and limit further bycatch of halibut in the pollock fishery when halibut bycatch restrictions at §§ 672.20(f)(3)(i) and 675.21(c)(1)(iii) prohibit directed fishing for pollock by vessels using non-pelagic trawl gear.

The recommended halibut bycatch rate standards for the BSAI "bottom pollock" fishery continue to approximate the average annual rates observed on trawl vessels participating in this fishery during the past 4 years. The recommended standard for the BSAI "bottom pollock" fishery during the first quarter of 1995 (7.5 kg halibut/mt of groundfish) is set at a level near the average halibut bycatch rate experienced by vessels participating in the "bottom pollock" fishery during the first quarters of 1992 and 1993 (7.58 and 7.59 kg halibut/mt of groundfish, respectively). During the first quarter of 1994, the halibut bycatch rate in this fishery was only 2.71 kg halibut/mt groundfish. However, the average halibut bycatch rate during the second quarter of 1994 was unusually high at almost 30 kg halibut/mt groundfish. This high rate was associated with very little fishing effort because the Bering Sea subarea and Aleutian Islands subarea offshore component pollock fisheries were closed on February 18 and March 1, respectively; and the inshore Bering Sea subarea and Aleutian Islands subarea pollock fisheries were closed on March 2, 1994, and March 18, 1994, respectively. As a result, the second quarter bycatch rate estimated for the 1994 pollock fishery is not considered to be reflective of the rates typically experienced in this fishery. As in past years, the directed fishing allowances specified for the 1995 pollock "A" season likely will be reached before the end of the "A" season on April 15. Directed fishing for pollock is prohibited from the end of the pollock "A" season (April 15) until the beginning of the pollock "B" season (August 15), except by vessels fishing under the Community Development Quota (CDQ) program (50 CFR 675.27).

The Council recommended a 5.0 kg halibut/mt of groundfish bycatch rate standard for the second quarter of 1995 to accommodate any CDQ pollock fishery that may occur during this period. This standard approximates the average halibut bycatch rate experienced by vessels participating in the bottom pollock fishery during the second quarter of 1992 (4.34 kg halibut/mt of groundfish), but is higher than the second quarter rate experienced in 1993 (2.72 kg halibut/mt of groundfish).

A 30 kg halibut/mt of groundfish bycatch rate standard was recommended for the BSAI "other trawl" fishery. This standard has remained unchanged since 1992. The Council recommended a 40 kg halibut/mt of groundfish bycatch rate standard for the GOA "other trawl" fishery, which is the same as for 1994.

The bycatch rate standards recommended for the GOA and BSAI "other trawl" fisheries are based on the Council's intent to simplify the incentive program by specifying a single bycatch rate standard for the aggregate trawl fisheries that are not assigned fishery-specific bycatch rate standards under the incentive program, yet reduce overall halibut bycatch rates in the Alaska groundfish trawl fisheries.

Observer data collected from the 1994 GOA "other trawl" fishery show first and second quarter halibut bycatch rates of 20 and 43 kg halibut/mt of groundfish, respectively. First and second quarter rates from 1993 were 34 and 27 kg halibut/mt of groundfish, respectively. Observer data collected from the 1994 BSAI "other trawl" fishery show first and second quarter halibut bycatch rates of 9 and 20 kg halibut/mt of groundfish, respectively. Observer data from 1992 and 1993 showed similar rates. The average bycatch rates experienced by vessels participating in the GOA and BSAI "other trawl" fisheries are lower than the Council's recommended bycatch rate standards for these fisheries. However, the Council determined that its recommended halibut bycatch rate standards for the "other trawl" fisheries would continue to provide an incentive to vessel operators to avoid unusually high halibut bycatch rates while participating in these fisheries and contribute towards an overall reduction in halibut bycatch rates experienced in the Alaska trawl fisheries. Furthermore, these standards would provide some leniency to those vessel operators that choose to use large-mesh trawl gear in the BSAI rock sole fishery (a component fishery of the BSAI "other trawl" fishery) as a means to reduce groundfish discard amounts. The bycatch rates of halibut and crab could increase for vessels using this gear type, but observer data do not exist on which to base a revised bycatch rate standard for these operations. The Council recommended maintaining the current bycatch rate standard for the BSAI "other trawl" fishery until observer data become available that will provide a basis for bycatch rate standards for vessels using large-mesh trawl gear. At its September and December 1994 meetings, the Council requested that NMFS initiate rulemaking to require large-mesh trawl gear in the rock sole, Pacific cod, and pollock fisheries. As part of that process, the Council requested that NMFS amend regulations implementing the vessel incentive program so that separate bycatch rate standards for the rock sole fishery may be specified that

consider the potential for higher halibut and red king crab bycatch rates under mesh size restrictions.

Bycatch Rates Standards for Red King Crab

The Council's recommended red king crab bycatch rate standard for the yellowfin sole and "other trawl" fisheries in Zone 1 of the Bering Sea subarea is 2.5 crab/mt of groundfish during the first half of 1995. This standard has remained unchanged since 1992.

With the exception of rock sole, little fishing effort for flatfish has occurred in Zone 1 during recent years, because commercial concentrations of yellowfin sole and "other flatfish" normally occur north of this area, when these fisheries opened on May 1. Because regulations recently have been implemented that revise the opening date for these flatfish fisheries to January 20, limited observer data exist for the yellowfin sole fishery in Zone 1 for the 4-year period of 1991-94. These data indicate average red king crab bycatch rates during the first part of the year between 0.23 and 2.19 crab/mt of groundfish. During this same 4-year period, the first and second quarter bycatch rates of red king crab experienced by vessels participating in the "other trawl" fishery ranged from .02 to 2.39 crab/mt of groundfish. The total bycatch of red king crab by vessels participating in the 1994 trawl fisheries is estimated at 244,634 crab, or about 122 percent of the 200,000 red king crab bycatch limit established for the trawl fisheries in Zone 1. Most of red king crab bycatch (193,016 crab) occurred in the rock sole fishery. At the request of the Council, NMFS is pursuing an emergency trawl closure in Zone 1 to reduce the number of female red king crab taken as bycatch. This action was recommended by the Council in response to conservation concerns ensuing from results of the 1994 NMFS crab trawl survey that showed female crab to be below threshold numbers. The emergency rule would close lucrative fishing grounds used by the rock sole fishery and would change observer coverage requirements to provide NMFS with more thorough and timely data on crab bycatch in Zone 1, so that specified fishery bycatch allowances are not exceeded. Anticipating that fishery bycatch allowances will not be exceeded in 1995 and that the red king crab bycatch limit will restrict bycatch amounts to specified levels, the Council maintained the 2.5 red king crab/mt of groundfish bycatch rate standard. As mentioned above, the Council has requested that NMFS pursue rulemaking that would

allow separate red king crab bycatch rate standards for the rock sole fishery in the event that proposed trawl mesh regulations result in higher crab bycatch rates.

The Regional Director has determined that Council recommendations for bycatch rate standards are appropriately based on the information and considerations necessary for such determinations under §§ 672.26(c) and 675.26(c). Therefore, the Regional Director concurs in the Council's determinations and recommendations for halibut and red king crab bycatch rate standards for the first half of 1995 as set forth in Table 1. These bycatch rate standards may be revised and published in the **Federal Register** when deemed appropriate by the Regional Director pending his consideration of the information set forth at §§ 672.26(c)(2)(v) and 675.26(c)(2)(v).

As required in regulations at §§ 672.26(a)(2)(iii) and 675.26(a)(2)(iii), the 1995 fishing months are specified as the following periods for purposes of calculating vessel bycatch rates under the incentive program:

- Month 1: January 1 through January 28;
- Month 2: January 29 through February 25;
- Month 3: February 26 through April 1;
- Month 4: April 2 through April 29;
- Month 5: April 30 through June 3;
- Month 6: June 4 through July 1;
- Month 7: July 2 through July 29;
- Month 8: July 30 through September 2;
- Month 9: September 3 through September 30;
- Month 10: October 1 through October 28;
- Month 11: October 29 through December 2; and
- Month 12: December 3 through December 31.

Classification

This action is taken under 50 CFR 672.26 and 675.26 and is exempt from review under E.O. 12866.

Information upon which the recommended bycatch rate standards were initially based was reviewed by the Council at its September, 1994, meeting. The Council reconfirmed the recommended bycatch rate standards at its December 1994 meeting after considering new information about the potential effect of voluntary use of large mesh trawl gear in the rock sole fishery on prohibited species bycatch rates. These standards must be effective by the start of the 1995 trawl season on January 20, to avoid a lapse in vessel accountability under the vessel incentive program. Without this accountability, prohibited species bycatch rates could increase in the groundfish trawl fisheries, prohibited species bycatch allowances could be reached sooner, specified groundfish trawl fisheries could be closed prematurely, and owners and operators of groundfish trawl vessels could forego additional revenues. Therefore, in accordance with §§ 672.26(c)(2) and 675.26(c)(2), the Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to afford prior notice and opportunity for public comment on this action beyond the start of the 1995 trawl season, or to delay its effective date.

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

Dated: January 6, 1995.

Richard B. Stone,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

TABLE 1.—BYCATCH RATE STANDARDS, BY FISHERY AND QUARTER, FOR THE FIRST HALF OF 1995 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA

Fishery and quarter	1995 bycatch rate standard
Halibut bycatch rate standards (kilogram of halibut/metric ton of groundfish catch)	
BSAI Midwater pollock:	
Qt 1	1.0
Qt 2	1.0
BSAI Bottom pollock:	
Qt 1	7.5
Qt 2	5.0
BSAI Yellowfin sole:	
Qt 1	5.0
Qt 2	5.0
BSAI Other trawl:	
Qt 1	30.0
Qt 2	30.0
GOA Midwater pollock:	
Qt 1	1.0
Qt 2	1.0
GOA Other trawl:	
Qt 1	40.0
Qt 2	40.0
Zone 1 red king crab bycatch rate standards (number of crab/metric ton of groundfish catch)	
BSAI yellowfin sole:	
Qt 1	2.5
Qt 2	2.5
BSAI Other trawl:	
Qt 1	2.5
Qt 2	2.5

[FR Doc. 95-728 Filed 1-6-95; 4:29 pm]

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