

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Parts 611, 672, and 676

[Docket No. 950206041-5041-01; I.D. 112894A]

**Groundfish of the Gulf of Alaska; Foreign Fishing; Limited Access Management of Federal Fisheries In and Off of Alaska; Final 1995 Harvest Specifications of Groundfish**

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

**ACTION:** Final 1995 harvest specifications of groundfish and associated management measures; closures; request for comments.

**SUMMARY:** NMFS announces final 1995 harvest specifications for Gulf of Alaska (GOA) groundfish and associated management measures. This action is necessary to establish harvest limits and associated management measures for groundfish during the 1995 fishing year. NMFS is also closing specified fisheries consistent with the final 1995 groundfish specifications. These measures are intended to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

**DATES:** The final 1995 harvest specifications are effective on February 8, 1995 through 2400 Alaska local time (A.l.t.), December 31, 1995, or until changed by subsequent notification in the **Federal Register**. The closures to directed fishing are effective February 8, 1995 through 2400 A.l.t., December 31, 1995, or until changed by subsequent notification in the **Federal Register**. Comments are invited on the apportionments of reserves on or before February 23, 1995.

**ADDRESSES:** Comments should be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel. Copies of the Environmental Assessment (EA) for 1995 Total Allowable Catch Specifications for the Gulf of Alaska, dated February 1995, may be obtained from the above address or by calling (907) 586-7229. The Final Stock Assessment and Fishery Evaluation Report (SAFE report), dated November 1994, is available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 or by calling (907) 271-2809.

**FOR FURTHER INFORMATION CONTACT:** Kaja Brix, NMFS, (907) 586-7228.

## SUPPLEMENTARY INFORMATION:

**Background**

NMFS announces for the 1995 fishing year: (1) Total allowable catch (TAC) amounts for each groundfish species category in the GOA and apportionments thereof among domestic annual processing (DAP), joint venture processing (JVP), total allowable level of foreign fishing (TALFF), and reserves; (2) apportionments of reserves to DAP; (3) assignments of the sablefish TAC to authorized fishing gear users; (4) apportionments of pollock TAC among regulatory areas, seasons, and between inshore and offshore components; (5) apportionment of Pacific cod TAC between inshore and offshore components; (6) "other species" TAC; (7) prohibited species catch (PSC) limits relevant to fully utilized groundfish species; (8) closures to directed fishing; (9) Pacific halibut PSC mortality limits; and, (10) seasonal apportionments of the halibut PSC limits. A discussion of each of these measures follows.

The process of determining TACs for groundfish species in the GOA is established in regulations implementing the FMP, which was prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act. The FMP is implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fishery at 50 CFR parts 672 and 676. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

Pursuant to § 672.20(a)(2)(ii), the sum of the TACs for all species must fall within the combined optimum yield (OY) range of 116,000-800,000 metric tons (mt) established for these species in § 672.20(a)(1). Under §§ 611.92(c)(1) and 672.20(a)(2)(i), TACs are apportioned initially among DAP, JVP, TALFF, and reserves. The DAP amounts are intended for harvest by U.S. fishermen for delivery and sale to U.S. processors. JVP amounts are intended for joint ventures in which U.S. fishermen typically deliver their catches to foreign processors at sea. TALFF amounts are intended for harvest by foreign fishermen.

Regulations at § 672.20(a)(2)(ii) establish initial reserves equal to 20 percent of the TACs for pollock, Pacific cod, flatfish species categories, and "other species." Reserve amounts are set aside for possible reapportionment to DAP and/or JVP if the initial apportionments prove inadequate.

Reserves that are not reapportioned to DAP or JVP may be reapportioned to TALFF according to § 672.20(d)(2).

The Council met from September 28 to October 5, 1994, and developed recommendations for proposed 1995 TAC specifications for each species category of groundfish on the basis of the best available scientific information. The Council also recommended other management measures pertaining to the 1995 fishing year. Under § 672.20(c)(1)(ii), proposed GOA groundfish specifications and specifications for prohibited species bycatch allowances for the groundfish fishery of the GOA were published in the **Federal Register** on December 22, 1994 (59 FR 65990). Interim amounts of one-fourth the proposed TAC levels were published in the **Federal Register** on December 22, 1994 (59 FR 65975). The final 1995 groundfish harvest specifications and prohibited species bycatch allowances contained in this action supersede the interim specifications.

The Council met on December 7-11, 1994, to review the best available scientific information concerning groundfish stocks, and to consider public testimony regarding 1995 groundfish fisheries. Scientific information is contained in the November 1994 SAFE report for the GOA. The November 1994 SAFE report was prepared and presented by the GOA Plan Team to the Council and the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP) and includes the most recent information concerning the status of groundfish stocks based on the most recent catch data, survey data, and biomass projections using different modeling approaches or assumptions.

For establishment of the acceptable biological catches (ABCs) and TACs, the Council considered information in the SAFE report, recommendations from its SSC and AP, as well as public testimony. The SSC adopted the ABC recommendations from the Plan Team, which were provided in the SAFE report, for all of the groundfish species categories, except Pacific ocean perch (POP), Pacific cod, and Atka mackerel.

The Plan Team separated black rockfish from the pelagic shelf rockfish and established an ABC for this species. The SSC did not believe adequate biological information is available to separate this species and did not recommend a separate category. The Council accepted the advice of the SSC and this action continues to include black rockfish as a part of the pelagic shelf rockfish group.

The Plan Team and the SSC recommended removing redbanded rockfish (*Sebastes babcocki*) from the demersal shelf rockfish (DSR) group and placing it in the "other rockfish" category because the harvest of this species as bycatch in other fisheries can result in closure of the DSR fishery before other species components may be harvested. Furthermore, redbanded rockfish are caught as bycatch in the "other rockfish" category. The DSR and "other rockfish" TAC amounts are adjusted in this action to reflect this reclassification of redbanded rockfish.

The Council adopted the SSC's ABC recommendations for each species category, except for POP. The Council's recommended ABCs reflect harvest amounts that are less than the specified overfishing amounts. These amounts are listed in Table 1. The sum of 1995 ABCs for all groundfish is 492,780 mt, which is lower than the 1994 ABC total of 553,050 mt.

As in 1994, the SSC calculated the ABC for POP by applying a fishing mortality rate of  $F=0.078$  adjusted by the ratio of the current biomass to target spawning biomass to provide for rebuilding, which results in an ABC of 8,230 mt. Because this ABC is equal to the overfishing level (OFL), the Plan Team had further reduced this number by  $F_{35\%}/F_{30\%}$  to provide a buffer between the ABC and OFL, which results in an ABC of 6,530 mt. As at the September meeting, the SSC did not agree with the latter adjustment and, as it did in 1994, recommended that ABC equal OFL. However, the Council adopted the recommendation of the Plan Team. The ABC for POP is set at 6,530 mt.

1. Specifications of TAC and Apportionments Thereof Among DAP, JVP, TALFF, and Reserves

The Council recommended TACs equal to ABCs for pollock, Pacific cod, sablefish, shortraker/rougheye rockfish, pelagic shelf rockfish, DSR, thornyhead rockfish, Atka mackerel, and northern rockfish. The Council recommended TACs less than the ABC for shallow-water and deep-water flatfish, other

slope rockfish, rex sole, flathead sole, and arrowtooth flounder. The final 1995 ABCs, TACs, and OFLs are shown in Table 1. The sum of the TACs for all GOA groundfish is 279,463 mt, which is within the OY range specified by the FMP. The sum of the TACs is lower than the 1994 TAC sum of 304,595 mt.

The 1995 POP ABC was approximately double the 1994 ABC level. This caused some concern for the Council in establishing a 1995 TAC that was significantly higher than the 1994 TAC. Therefore, the Council requested staff to prepare an FMP amendment to the POP rebuilding plan that would establish an upperbound TAC limit but allow the Council to establish TAC below that limit. The current POP rebuilding plan does not allow a TAC to be set that differs from that specified in the rebuilding plan. However, until the FMP has been amended, NMFS must establish a POP TAC consistent with the current POP rebuilding plan, or 5,630 mt. NMFS recognizes the Council's intent, but is required to specify a TAC consistent with the FMP until the FMP is amended to allow a more conservative TAC and a more rapid rebuilding schedule.

The Plan Team's ABC recommendation for Pacific cod (108,000 mt) was approximately double the 1994 ABC (50,400 mt). This was due, in part, to a change from the length-based stock assessment model to a stock synthesis model that used a different recruitment assumption, and that had fitted survey selectivity of catch along with natural mortality rate. However, the SSC was concerned with the Plan Team recommendation because the stock has been declining since 1987 and, with an average recruitment rate, the stock is projected to decline under any catch rate. The SSC advised using a more conservative  $F_{40\%}$  exploitation rate. The resulting ABC is 69,200 mt. The AP recommended a TAC equal to the SSC's ABC. This level was accepted by the Council. The 1995 TAC for Pacific cod is set at 69,200 mt.

The Council recommended setting the TAC for the various flatfish groups equal to the 1994 TAC amounts except

for the Central Gulf (CG) TAC for arrowtooth flounder. The Council recommended increasing the CG TAC for arrowtooth flounder from 20,000 mt to 25,000 mt, to accommodate anticipated increased groundfish harvest in this area of the GOA. The 1995 TAC for various flatfish groups reflect these recommendations.

The Council approved the AP recommendation of adopting the 1994 TAC amounts for flathead sole as the 1995 TAC amounts. In the GOA Eastern Regulatory Area, the 1994 TAC amount (3,000 mt) is higher than the Council's recommended 1995 ABC (2,740 mt). To maintain consistency with the accepted policy of setting TACs lower than or equal to ABC amounts, NMFS is establishing a 1995 TAC of 2,740 mt for the Eastern Regulatory Area. This number is equal to the 1995 ABC recommended by the Plan Team and the SSC and approved by the Council. Adjustment of the flathead sole TAC in the Eastern Regulatory Area changes the total 1995 flathead sole TAC to 9,740 mt. This revision is also reflected in the 1995 TAC for "other species." NMFS establishes a TAC of 13,308 mt for "other species" which represents 5 percent of the sum of the TACs for the other groundfish species categories.

The Council, after specifying the TACs, recommended 1995 apportionments of the TACs for each species category among DAP, JVP, TALFF, and reserves. Existing harvesting and processing capacity of the U.S. industry is capable of utilizing the entire 1995 TAC specification for GOA groundfish; therefore, the Council recommended that the DAP allowance equal the TAC for each species category. NMFS concurs and no TALFF or JVP apportionments for the 1995 fishing year are specified.

NMFS reviewed the Council's recommendations concerning TAC specifications and apportionments. Except as noted, NMFS hereby approves the Council's recommendations and specifications under § 672.20(c)(1)(ii)(B).

The 1995 ABCs, TACs, and overfishing levels are shown in Table 1.

TABLE 1.—1995 ABCs, TACs, AND DAPs OF GROUND FISH (METRIC TONS) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA. AMOUNTS SPECIFIED AS JOINT VENTURE PROCESSING (JVP) AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF) ARE PROPOSED TO BE ZERO AND ARE NOT SHOWN IN THIS TABLE. RESERVES ARE APPORTIONED TO DAP

Species	Area <sup>1</sup>	ABC	TAC=DAP	Overfishing
Pollock <sup>2</sup>				
Shumagin .....	(61)	30,380	30,380}	266,000
Chirikof .....	(62)	15,310	15,310}	

TABLE 1.—1995 ABCs, TACs, AND DAPS OF GROUND FISH (METRIC TONS) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA. AMOUNTS SPECIFIED AS JOINT VENTURE PROCESSING (JVP) AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF) ARE PROPOSED TO BE ZERO AND ARE NOT SHOWN IN THIS TABLE. RESERVES ARE APPORTIONED TO DAP—Continued

Species	Area <sup>1</sup>	ABC	TAC=DAP	Overfishing
Kodiak .....	(63)	16,310	16,310	14,400
Subtotal .....	W/C	62,000	62,000	
	E	3,360	3,360	
Total .....		65,360	65,360	280,400
Pacific cod <sup>3</sup>				
Inshore .....	W		18,090	
Offshore .....	W		2,010	
Inshore .....	C		41,085	
Offshore .....	C		4,565	
Inshore .....	E		3,105	
Offshore .....	E		345	
Subtotals				
	W	20,100	20,100	
	C	45,650	45,650	
	E	3,450	3,450	
Total .....		69,200	69,200	126,000
Flatfish <sup>4</sup> (deep-water) .....	W	670	460	
	C	8,150	7,500	
	E	5,770	3,120	
Total .....		14,590	11,080	17,040
Rex sole <sup>4</sup> .....	W	1,350	800	
	C	7,050	7,050	
	E	2,810	1,840	
Total .....		11,210	9,690	13,091
Flathead sole .....	W	8,880	2,000	
	C	17,170	5,000	
	E	2,740	2,740	
Total .....		28,790	9,740	31,557
Flatfish <sup>5</sup> (shallow-water) .....	W	26,280	4,500	
	C	23,140	12,950	
	E	2,850	1,180	
Total .....		52,270	18,630	60,262
Arrowtooth flounder .....	W	28,400	5,000	
	C	141,290	25,000	
	E	28,440	5,000	
Total .....		198,130	35,000	231,416
Sablefish <sup>6</sup> .....	W	2,600	2,600	
	C	8,600	8,600	
	WYK	4,100	4,100	
	SEO	6,200	6,200	
Total .....		21,500	21,500	25,730
Pacific ocean perch <sup>7</sup> .....	W	1,180	1,014	1,482
	C	3,130	2,702	3,951
	E	2,220	1,914	2,799
Total .....		6,530	5,630	8,232
Short raker rougheye <sup>8</sup> .....	W	170	170	
	C	1,210	1,210	
	E	530	530	
Total .....		1,910	1,910	2,925
Other rockfish <sup>9 10 11</sup> .....	W	180	55	

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Species	Area <sup>1</sup>	ABC	TAC=DAP	Overfishing
Total .....	C	1,170	370	
	E	5,760	1,810	
		7,110	2,235	8,395
Northern Rockfish <sup>12</sup> .....	W	640	640	
	C	4,610	4,610	
	E	20	20	
		5,270	5,270	9,926
Pelagic shelf rockfish <sup>13</sup> .....	W	910	910	
	C	3,200	3,200	
	E	1,080	1,080	
		5,190	5,190	8,704
Demersal shelf rockfish <sup>11</sup> .....	SEO	580	580	1,044
Thornyhead rockfish .....	GW	1,900	1,900	2,660
Atka mackerel .....	W		2,310	
	C		925	
	E		5	
			3,240	3,240
Other species <sup>14</sup> .....	GW	<sup>15</sup> N/A	13,308	
Total <sup>16</sup> .....		492,780	279,463	839,082

<sup>1</sup> Regulatory areas and districts are defined at § 672.2.

<sup>2</sup> Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area (Table 3), each of which is further divided into equal quarterly allowances. In the Eastern Regulatory Area, pollock is not divided into quarterly allowances.

<sup>3</sup> Pacific cod is allocated 90 percent to the inshore, and 10 percent to the offshore component. Component allowances are shown in Table 4.

<sup>4</sup> "Deep-water flatfish" means Dover sole and Greenland turbot.

<sup>5</sup> "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup> Sablefish is allocated to trawl and hook-and-line gears (Table 2).

<sup>7</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup> "Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

<sup>9</sup> "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District means slope rockfish.

<sup>10</sup> "Slope rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergry), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), and *S. reedi* (yellowmouth).

<sup>11</sup> "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>12</sup> "Northern rockfish" means *Sebastes polyspinis*.

<sup>13</sup> "Pelagic shelf rockfish" means *Sebastes melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

<sup>14</sup> "Other species" means sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC for "other species" equals 5 percent of the TACs of target species.

<sup>15</sup> "N/A" means not applicable.

<sup>16</sup> The total ABC is the sum of the ABCs for target species.

**2. Apportionment of Reserves to DAP**

Regulations implementing the FMP require 20 percent of each TAC for pollock, Pacific cod, flatfish species, and the "other species" category be set aside in reserves for possible apportionment at a later date (§ 672.20(a)(2)(ii)). For the preceding 7 years, including 1994, NMFS has apportioned all of the reserves to DAP. For 1995, NMFS apportions reserves for each species category to DAP, anticipating that domestic harvesters and processors will need all the DAP

amounts. Specifications of DAP shown in Table 1 reflect apportioned reserves. Under § 672.20(d)(5)(iv), the public may submit comments on the apportionments of reserves. Comments should focus on whether, and the extent to which, operators of vessels of the United States will harvest reserve or DAP amounts during the remainder of the year and whether, and the extent to which, U.S. harvested groundfish can or will be processed by U.S. fish processors or received at sea by foreign fishing vessels.

**3. Assignment of the Sablefish TACs to Authorized Fishing Gear Users**

Under § 672.24(c), sablefish TACs for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is assigned to hook-and-line gear and 20 percent to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is assigned to hook-and-line gear and 5 percent is assigned to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be

used as bycatch to support directed fisheries for other target species. Sablefish caught in the GOA with gear other than hook-and-line or trawl gear must be treated as prohibited species and may not be retained. Table 2 shows the assignments of the 1995 sablefish TACs between hook-and-line and trawl gear.

TABLE 2.—1995 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ASSIGNMENTS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR. VALUES ARE IN METRIC TONS

Area/district	TAC	Hook-and-line share	Trawl share
Western .....	2,600	2,080	520
Central .....	8,600	6,880	1,720
West Yakutat .....	4,100	3,895	205
Southeast Outside .....	6,200	5,890	310
Total .....	21,500	18,745	2,755

**4. Apportionments of Pollock TAC Among Regulatory Areas, Seasons, and Between Inshore and Offshore Components**

In the GOA, pollock is apportioned by area, season, and inshore/offshore components. Regulations at § 672.20(a)(2)(iv) require that the TAC for pollock in the combined Western and Central Areas of the GOA be apportioned among statistical areas Shumagin (61), Chirikof (62), and Kodiak (63) in proportion to known distributions of the pollock biomass. This measure was intended to provide spatial distribution of the pollock harvest as a sea lion protection measure. Each statistical area apportionment is further divided equally among the four quarterly reporting periods of the

fishing year (Table 3). Within any fishing year, any unharvested amount of any quarterly allowance of pollock TAC is added in equal proportions to the quarterly allowance of following quarters, resulting in a sum for each quarter that does not exceed 150 percent of the initial quarterly allowance. Similarly, harvests in excess of a quarterly allowance of TAC are deducted in equal proportions from the remaining quarterly allowances of that fishing year. As defined at § 672.23(f), directed fishing for the four quarterly allowances starts on January 1, June 1, July 1, and October 1. The Eastern Regulatory Area pollock TAC of 3,360 mt is not allocated among smaller areas, or quarters.

Regulations at § 672.20(a)(2)(v)(A) require that the DAP apportionment for pollock in all regulatory areas and all quarterly allowances thereof be divided into inshore and offshore components. One hundred percent of the pollock DAP in each regulatory area is apportioned to the inshore component after subtraction of amounts that are determined by the Regional Director to be necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species. At this time, incidental amounts of pollock to be caught by the offshore component are unknown, and will be determined during the fishing year.

TABLE 3.—DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (W/C GOA); BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND QUARTERLY ALLOWANCES. ABC FOR THE W/C GOA IS 62,000 METRIC TONS (MT). BIOMASS DISTRIBUTION IS BASED ON 1993 SURVEY DATA. TACS ARE EQUAL TO ABC. INSHORE AND OFFSHORE ALLOCATIONS OF POLLOCK ARE NOT SHOWN. ABCS AND TACS ARE ROUNDED TO THE NEAREST 10 MT

Statistical area	Biomass percent	1995 TAC	Quarterly allowance
Shumagin (61) .....	49	30,380	7,595
Chirikof (62) .....	24.7	15,310	3,826
Kodiak (63) .....	26.3	16,310	4,078
Total .....	100.0	62,000	15,499

**5. Apportionment of Pacific Cod TAC Between Inshore and Offshore Components**

Regulations at § 672.20(a)(2)(v)(B) require that the DAP apportionment of

Pacific cod in all regulatory areas be allocated to vessels catching Pacific cod for processing by the inshore and offshore components. The inshore component is equal to 90 percent of the

Pacific cod TAC in each regulatory area. The remaining 10 percent of the TAC assigned to the offshore component. Inshore and offshore allocations of the 69,200 mt Pacific cod TAC for 1995 are shown in Table 4.

TABLE 4.—1995 ALLOCATION (METRIC TONS) OF PACIFIC COD IN THE GULF OF ALASKA; ALLOCATIONS TO INSHORE AND OFFSHORE COMPONENTS

Regulatory area	TAC	Component allocation	
		Inshore (90%)	Offshore (10%)
Western .....	20,100	18,090	2,010
Central .....	45,650	41,085	4,565

TABLE 4.—1995 ALLOCATION (METRIC TONS) OF PACIFIC COD IN THE GULF OF ALASKA; ALLOCATIONS TO INSHORE AND OFFSHORE COMPONENTS—Continued

Regulatory area	TAC	Component allocation	
		Inshore (90%)	Offshore (10%)
Eastern .....	3,450	3,105	345
Total .....	69,200	62,280	6,920

6. "Other Species" TAC

The FMP specifies that the TAC amount for the "other species" category is calculated as 5 percent of the 1995 combined TACs for target species. This results in a TAC amount of 13,308 mt for 1995.

7. PSC Limits Relevant to Fully Utilized Species

Under § 672.20(b)(1), if NMFS determines, after consultation with the Council, that the TAC for any species or species group will be fully utilized in the DAP fishery, a groundfish PSC limit applicable to the JVP fisheries may be

specified for that species or species group.

The Council recommended that DAP equal TAC for each species category. NMFS concurs with the Council's recommendation, and has not established any JVP amounts; therefore, no groundfish PSC limits under § 672.20(b)(1) are necessary.

8. Closures to Directed Fishing

The interim 1995 initial specifications of groundfish, associated management measures, and closures for the GOA (59 FR 659575, December 22, 1994) contained several closures to directed fishing for groundfish during 1995. The

closures for the final specifications are listed in Table 5.

Under § 672.20(c)(2)(ii), the Director, Alaska Region, NMFS (Regional Director), determined that the entire TACs or allocations of TAC of some groundfish species and species groups will be needed as incidental catch to support other anticipated groundfish fisheries during 1995. The Regional Director is establishing directed fishing allowances of zero mt and prohibiting directed fishing for the remainder of the year for the fisheries listed in Table 5. Directed fishing standards for the aforementioned closures may be found at § 672.20(g).

TABLE 5.—CLOSURES TO DIRECTED FISHING FOR TOTAL ALLOWABLE CATCHES IMPLEMENTED BY THIS ACTION.<sup>1</sup> OFFSHORE=THE OFFSHORE COMPONENT; TRW=TRAWL; ALL=ALL GEARS; WG=WESTERN REGULATORY AREA; CG=CENTRAL REGULATORY AREA; EG=EASTERN REGULATORY AREA; GOA=ENTIRE GULF OF ALASKA

Fishery	Component	Gear	Closed areas
Atka mackerel .....	Offshore	ALL	GOA
Northern rockfish .....		ALL	WG, EG
Deep-water flatfish .....		ALL	WG
Other rockfish <sup>2</sup> .....		ALL	WG, CG
Pacific cod .....		ALL	EG
Pacific ocean perch .....		ALL	WG, CG
Rex sole .....		ALL	WG
Sablefish .....		TRW	WG, CG
Shortraker/rougheye rockfish .....		ALL	GOA
Thornyhead rockfish .....		ALL	GOA

<sup>1</sup> These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 672.

<sup>2</sup> "Other rockfish" includes slope and demersal shelf rockfish in the WG and CG.

In addition to the above closures, NMFS closed statistical areas 62 and 63 to directed fishing for pollock effective noon, A.l.t., January 24, 1995 (60 FR 5337, January 27, 1995; 60 FR 5338, January 27, 1995), under authority of the interim 1995 specifications. In accordance with § 672.20(c)(2)(ii), the closure for Statistical Area 63 will remain in effect until noon, A.l.t., April 1, 1995, or until changed by subsequent notification in the **Federal Register**. The Director, Alaska Region, NMFS, determined that the remaining quarterly allowance of pollock TAC in Statistical Area 62 is sufficient to allow a 48-hour directed fishery. In a separate notification in the **Federal Register**, NMFS is reopening directed fishing for

pollock in Statistical Area 62 from 12 noon, A.l.t., February 8, 1995 until 12 noon, A.l.t., February 10, 1995. Effective 12 noon, A.l.t., February 10, 1995, the closure to directed fishing for pollock in Statistical Area 62 is reinstated. In accordance with § 672.20(c)(2)(ii), the closure for Statistical Area 62 will remain in effect until 12 noon, A.l.t., April 1, 1995, or until changed by subsequent notification in the **Federal Register**. Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g). Pursuant to § 672.23(f), directed fishing for pollock is prohibited after the first quarter ends on noon, April 1, 1995, until the second quarter directed fishery opens at 12 noon, A.l.t., June 1, 1995.

9. Halibut PSC (PSC) Mortality Limits

Under § 672.20(f)(2), annual Pacific halibut PSC limits are established and apportioned to trawl and hook-and-line gear and are established for pot gear. The Council recommended that NMFS initiate rulemaking to exempt the hook-and-line sablefish fishery from the halibut PSC limit. The sablefish and halibut Individual Fishing Quota (IFQ) program will be implemented in 1995, and will allow legal-sized halibut to be retained in the sablefish fishery. A proposed rule to implement the Council's recommendation was published in the **Federal Register** on December 29, 1994 (59 FR 67268). If made final, this would also specify a reduced halibut PSC limit for the 1995

GOA hook-and-line gear fisheries other than sablefish.

At its December 1994 meeting, the Council recommended a hook-and-line PSC limit of 300 mt, based on the proposed exemption of the hook-and-line sablefish fishery. Until the regulatory amendment to authorize the exemption of hook-and-line sablefish is approved, NMFS is specifying the PSC limits of 750 mt for hook-and-line and 2,000 mt for trawl gear. The hook-and-line halibut PSC limit is further apportioned between the DSR fishery (10 mt halibut mortality) and all other hook-and-line fisheries (740 mt). The final rule to exempt hook-and-line sablefish, if approved, would establish the hook-and-line PSC limit at 300 mt, as recommended by the Council.

Regulations at § 672.20(f)(1)(i) authorize separate apportionments of the trawl halibut bycatch mortality limit between trawl fisheries for deep-water and shallow-water species. These apportionments are divided seasonally to avoid seasonally high halibut bycatch rates.

As in the proposed specifications, the Council recommended that pot gear be exempt from Pacific halibut PSC limits for the 1995 fishing year. The Council proposed this exemption after considering that the 1994 groundfish catch and associated halibut bycatch mortality (4 mt), which continues to be low relative to other groundfish operations. NMFS concurs with the Council's recommendation.

In making its determinations with respect to halibut PSC mortality limits, NMFS considered information presented in the 1994 SAFE report; in addition, information from Alaska Department of Fish and Game, the International Pacific Halibut Commission (IPHC) and public testimony also were considered. The proposed 1995 specifications discuss:

(1) Estimated halibut bycatch in prior years; (2) current estimates of halibut biomass and stock condition; (3) potential impacts of expected fishing for groundfish on halibut stocks and U.S. halibut fisheries; and (4) methods available for, and costs of, reducing halibut bycatches in groundfish fisheries. That discussion is not repeated here. The following information was also considered:

A. Expected Changes in Groundfish Stocks

At its December 1994 meeting, the Council adopted lower ABCs for pollock, deep-water flatfish, rex sole, flathead sole, sablefish, pelagic shelf rockfish, DSR, Atka mackerel, arrowtooth flounder, shortraker/rougheye, "other" rockfish, and northern rockfish, than those established for 1994. The Council adopted higher ABCs for Pacific cod, shallow-water flatfish, POP, and thornyhead rockfish than those established for 1994. More information on these changes is included in the Final SAFE Report dated November 1994 and in the Council and SSC minutes.

B. Expected Changes in Groundfish Catch

The total of the 1995 TACs for the GOA is 279,463 mt, a slight decrease from the 1994 TAC total of 304,595 mt. At its December 1994 meeting, the Council changed the 1995 TACs for some fisheries from the 1994 TACs. Those fisheries for which the 1995 TACs are lower than in 1994 are pollock (decreased to 65,360 mt from 109,300 mt), rex sole (decreased to 9,690 mt from 10,140), flathead sole (decreased to 9,740 mt from 10,000 mt), sablefish (decreased to 21,500 mt from 25,500 mt), shortraker/rougheye (decreased to 1,910 mt from 1,960 mt), northern

rockfish (decreased to 5,270 from 5,760 mt), pelagic shelf rockfish (decreased to 5,190 mt from 6,890 mt), DSR (decreased to 580 mt from 960 mt), and Atka mackerel (decreased to 3,240 mt from 3,505 mt). Those species for which the 1995 TAC is higher than in 1994 are Pacific cod (increased to 69,200 mt from 50,400 mt), arrowtooth flounder (increased to 35,000 mt from 30,000 mt), POP (increased to 5,630 mt from 2,550 mt), and thornyhead rockfish (increased to 1,900 mt from 1,180 mt).

10. Seasonal Allocations of the Halibut PSC Limits

Under § 672.20(f)(1)(iii), NMFS seasonally allocates the halibut PSC limits based on recommendations from the Council. The FMP requires that certain information be considered by the Council in recommending seasonal allocations of halibut. The publication of the final 1994 groundfish and PSC specifications (59 FR 7647, February 16, 1994) summarizes Council findings with respect to each of the FMP considerations. At this time, the Council's findings are unchanged from those set forth for 1994. Pacific halibut PSC limits, and apportionments thereof, are presented in Table 6. Regulations specify that any overages or shortfalls in a seasonal apportionment of a PSC limit will be deducted from or added to the next respective seasonal apportionment within the 1995 season.

As noted above, the Council requested a change in the hook-and-line PSC limit for 1995, which would be established in a separate rulemaking exempting the hook-and-line sablefish from the PSC limit. Until that final rule becomes effective, NMFS is establishing the same allowances for 1995 as were used in 1994.

TABLE 6.—FINAL 1995 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS. THE PACIFIC HALIBUT PSC LIMIT FOR HOOK-AND-LINE GEAR IS ALLOCATED TO THE DEMERSAL SHELF ROCKFISH (DSR) FISHERY AND FISHERIES OTHER THAN DSR. VALUES ARE IN METRIC TONS

Trawl gear		Hook-and-line gear			
Dates	Amount	Other than DSR		DSR	
		Dates	Amount	Dates	Amount
Jan 1–Mar 31 .....	600(30%)	Jan 1–May 17 .....	200(27%)	Jan 1–Dec 31 .....	10(100%)
Apr 1–June 30 .....	400(20%)	May 18–Aug 31 .....	500(68%)		
Jul 1–Sep 30 .....	600(30%)	Sep 1–Dec 31 .....	40(5%)		
Oct 1–Dec 31 .....	400(20%)				
Total .....	2,000(100%)		740(100%)		10(100%)

Regulations at § 672.20(f)(1)(i) authorize apportionments of the trawl

halibut PSC limit allowance as bycatch allowances to a deep-water species

complex and a shallow-water species complex. The deep-water species

complex consists of sablefish, rockfish, shallow-water flatfish, flathead sole, deep-water flatfish, and arrowtooth Atka mackerel, and "other species." The flounder. The shallow-water species apportionment for these two complexes complex consists of pollock, Pacific cod, is presented in Table 7.

TABLE 7.—FINAL 1995 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX. VALUES ARE IN METRIC TONS

Season	Shallow-water	Deep-water	Total
Jan. 20–Mar. 31 .....	500	100	600
Apr. 1–Jun. 30 .....	100	300	400
Jul. 1–Sep. 30 .....	200	400	600
Oct. 1–Dec. 31 .....	No apportionment between shallow and deep for the 4th quarter.		

Except as noted below, the Council proposed that revised halibut discard mortality rates recommended by the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1995 groundfish fisheries. These assumed halibut mortality rates are based on an average of mortality rates determined from NMFS-observer data collected during 1992 and 1993, except for the GOA hook-and-line rockfish, for which 1992/93 rates were not available and the rates from 1990 and 1991 were used. For most fisheries, the 1992–93 averages, on which the 1995 mortality rates are based, are somewhat higher than the assumed rate used in 1994. This occurs because the rates used in 1994 were a rollover of the 1993 rates, which had been derived from data for 1990 and 1991.

The Council recommended establishing two separate mortality rates

for the GOA bottom trawl pollock fishery: 63 percent for shoreside processors and 74 percent for at-sea processors. The different rates for at-sea and shoreside processors result from analyses by the IPHC that showed that at-sea processing vessels had a significantly higher discard mortality rate than the shorebased operators. The rates for the bottom trawl pollock fishery are revised from the proposed specifications. The rates recommended by the Council are adopted and will be used in calculating halibut mortality. However, NMFS notes that directed fishing for GOA pollock by the offshore component is prohibited under § 672.20(a)(2)(v) and that at-sea processing of pollock would be unlikely.

The Council proposed adjusting the IPHC's recommendation for GOA Pacific cod hook-and-line and trawl mortality rates. The IPHC recommended assumed

mortality rates of 20 percent and 58 percent, respectively. The Council recommended setting the Pacific cod hook-and-line halibut mortality rate at 12.5 percent and the trawl rate at 55 percent. NMFS has evaluated the Council's recommendation but adopts mortality rates suggested by the IPHC for 1995, which is the best information available on assumed mortality rates.

The IPHC determined that the careful release measures implemented for vessels using hook-and-line gear did not show appreciable improvements in mortality rates and has recommended one rate for both observed and unobserved vessels in the hook-and-line fisheries. This action was approved by the Council and is adopted by NMFS. The halibut mortality rates are listed in Table 8.

TABLE 8.—1995 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA. TABLE VALUES ARE PERCENT OF HALIBUT BYCATCH ASSUMED TO BE DEAD

Gear and Target	
Hook-and-Line:	
Sablefish .....	25
Pacific cod .....	20
Rockfish .....	18
Trawl:	
Midwater pollock .....	66
Rockfish .....	66
Shallow-water flatfish .....	64
Pacific cod .....	58
Deep-water flatfish .....	59
Bottom pollock:	
Shoreside .....	63
At-sea .....	74
Pot:	
Pacific cod .....	18

**Opening Date of the Directed Fishery for Sablefish for Hook-and-Line Gear**

Under new regulations implementing the IFQ program (50 CFR part 676) in 1995, the opening of the sablefish fishery is March 1.

**Comments**

Written comments on the proposed 1994 specifications and other management measures were requested until January 20, 1995 (59 FR 65990;

December 22, 1994). No written comments were received.

**Classification**

This action is authorized under 50 CFR 611.92 and 672.20; and is exempt from review under E.O. 12866.

This action apportions reserves to DAP fisheries on a date other than those specified in § 672.20(d)(1)(ii). Under 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), for the reasons set forth below, finds good cause to waive prior notice and opportunity for public comment provided by the regulations. This waiver is necessary to allow the harvest of TAC and prevent unnecessary closure of the fishery. Closure of the fishery would be contrary to the public interest. In accordance with § 672.20(d)(5)(iv), comments are invited on the reserve apportionments as noted in "DATES" above.

This action adopts final 1995 harvest specifications for the GOA, revises associated management measures, and closes specified fisheries. Generally, this action does not significantly revise management measures in a manner that would require time to plan or prepare for those revisions. In some cases, such as closures, action must be taken immediately to conserve fishery resources. Without these closures, specified TAC amounts will be overharvested and retention of these species will become prohibited, which would disadvantage fishermen who could no longer retain bycatch amounts of these species. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources. Accordingly, the Assistant Administrator finds there is good cause to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3) with respect to such provisions and to the apportionment discussed above. In some cases, the interim specifications in effect would be insufficient to allow directed fisheries to operate during a 30-day delayed effectiveness period, which would result in unnecessary closures and disruption within the fishing industry; in many of these cases, the final specifications will allow the fisheries to continue, thus relieving a restriction. Provisions of a rule relieving a restriction under 5 U.S.C. 553(d)(1) are not subject to a delay in effective date.

NMFS has determined that the GOA groundfish fisheries are not likely to affect Steller sea lions in a way or to an extent not already considered in previous Section 7 consultations on this fishery. NMFS has determined that reinitiation of formal consultation under this ESA is not required.

NMFS prepared an environmental assessment (EA) on the 1995 TAC specifications. The Assistant Administrator concluded that no

significant impact on the environment will result from their implementation. A copy of the EA is available (see addresses).

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

Dated: February 7, 1995.

**Richard H. Schaefer,**

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

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## 50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 020695D]

### Groundfish of the Gulf of Alaska; Daily Reporting Requirements

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

**ACTION:** Notice of change in recordkeeping and reporting requirements.

**SUMMARY:** NMFS has determined that Daily Production Reports (DPRs) must be submitted by offshore component processor vessels that catch and/or receive Pacific cod in Statistical Areas 61, 62, and 63 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding that portion of the total allowable catch (TAC) of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in those areas. This action will enable NMFS to effectively monitor the Pacific cod catch and take inseason action to close the fishery prior to its exceeding the TAC.

**EFFECTIVE DATE:** From noon, Alaska local time (A.l.t.), February 8, 1995, through the duration of the 1995 directed offshore Pacific cod fishery in these areas or until the Director, Alaska Region, NMFS (Regional Director) determines the supplementary reporting requirements are no longer necessary. This determination will be published in the **Federal Register**.

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

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council

under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

Pursuant to § 672.5(c)(3)(i) the Regional Director is requiring offshore component processor vessels, as defined at § 672.2, that catch and/or receive Pacific cod in Statistical Areas 61, 62, and 63 in the GOA to submit DPRs in addition to weekly processor reports. DPRs must include the information required by § 675.2(c)(3)(ii).

These requirements are necessary to manage the offshore component Pacific cod fisheries in those areas. The Regional Director is doing so in consideration of the potential for exceeding that portion of the total allowable catch (TAC) of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in those areas.

The allocation of the TACs for Pacific cod to vessels catching Pacific cod for processing by the offshore component under § 672.20(a)(2)(v)(B) will become available for directed fishing by offshore component vessels with the filing of the final specifications of groundfish for the GOA and are expected to be rapidly harvested.

DPRs must include all information required by § 672.5(c)(3)(ii) for groundfish harvested from the applicable reporting areas. Processors must submit the required information on the "Alaska Groundfish Processor Daily Production Report" form that was distributed to participants in the groundfish fishery with their 1995 Federal fisheries permit. The form also may be obtained from the Regional Director by calling Mary Furuness at 907-586-7228. Processors must transmit their completed DPRs to the Regional Director by facsimile transmission to number 907-586-7131, telex (U.S. code) plus 62296000, or by telephone via number 907-586-7228, no later than 12 hours after the end of the day the groundfish was processed.

If and when the Regional Director determines that these reports are no longer necessary, he may rescind the requirement. Criteria used to assess the need for the reports include the stability of effort and harvest rates in the fishery, and remaining amounts.

The Assistant Administrator for Fisheries, NOAA, finds that reasons justifying implementation of this action also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date. Intense fishing effort without DPRs