

intend to absolve a vessel owner/operator from accountability under the VIP simply because groundfish are harvested using large mesh trawl gear.

Dated: February 27, 1995.

David S. Crestin,

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

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## 50 CFR Part 676

[Docket No. 950206039-5039-01; I.D. 081794A]

RIN 0648-AG98

### Limited Access Management of Federal Fisheries In and Off of Alaska; Community Development Quota Compensation Formula

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule providing the method used for determining Community Development Quota (CDQ) compensation for the Pacific halibut and sablefish Individual Fishing Quota (IFQ) Program. This action is necessary to codify the formula used in calculating CDQ compensation and is intended to inform interested parties of the method used for determining the compensation provided to affected persons.

**EFFECTIVE DATE:** April 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Lepore, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Pacific halibut and sablefish CDQ Program was intended by the North Pacific Fishery Management Council (Council) to assist in revitalizing rural communities in Western Alaska by providing those communities with access to fishery resources within their geographical proximity. The CDQ Compensation Formula was designed to compensate persons for reductions in the amount of Pacific halibut and

sablefish available for harvest with IFQ in CDQ areas resulting from allocations of those fishery resources to the CDQ Program. Compensated persons would be those who are initially issued quota share (QS) in CDQ areas. This one-time compensation adjustment would be in the form of QS in each of the non-CDQ areas.

The CDQ Compensation Formula would affect all persons who are initially issued QS, including those persons who did not participate historically in the Pacific halibut or sablefish fisheries in CDQ areas. The Council intended that all persons initially issued QS share the burden of compensating persons for reductions in the amount of Pacific halibut and sablefish available for harvest with IFQ in CDQ areas. This would be accomplished by distributing the compensation burden among all persons initially issued QS by reducing their harvest privilege by a fixed percentage. Even persons who receive compensation would share the burden.

Persons eligible for compensation would receive a portion of their total amount of compensation in each non-CDQ area. Their compensation in each non-CDQ area, in the form of QS, would be proportional to the size of the QS pool of that area. For example, a person eligible for compensation QS for halibut would receive the greatest amount of compensation QS in area 3A, which has the largest QS pool, and the least amount in area 4A, which has the smallest QS pool. The CDQ Compensation Formula will be codified at § 676.24(i)(3). Further information on the methodology of the CDQ Compensation Formula and an example of how CDQ compensation would be calculated is available in the preamble to the proposed rule for the CDQ Compensation Formula published in the Federal Register on September 29, 1994 (59 FR 49637).

#### Changes Incorporated in the Final Rule

NMFS received no comments on the proposed rule for the CDQ Compensation Formula. The text at § 676.24(i)(3), however, was changed from that proposed to clarify NMFS' intent to issue CDQ Compensation QS to

all persons initially issued QS for IFQ regulatory areas in which a portion of the total allowable catch (TAC) is allocated to the CDQ Program, no matter when those persons may be initially issued QS.

#### Classification

The regulatory impact review (RIR) prepared for this rule incorporates by reference the final regulatory flexibility analysis (FRFA) prepared for the IFQ Program, the program for which the CDQ Compensation Formula was designed. The FRFA supports the determination that the IFQ Program may have a significant impact on a substantial number of small entities. Further information on the FRFA can be obtained by referring to the final rule for the IFQ Program, published in the Federal Register on November 9, 1993 (58 FR 59375).

A collection of information for the IFQ Program was approved by the Office of Management and Budget, OMB control number 0648-0272. This action will not affect the collection-of-information requirements already approved for the IFQ Program.

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

#### List of Subjects in 50 CFR Part 676

Fisheries, Reporting and recordkeeping requirements.

Dated: February 27, 1995.

Nancy Foster,

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

For the reasons set out in the preamble, 50 CFR part 676 is amended as follows:

### PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

1. The authority citation for 50 CFR part 676 continues to read as follows:

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

2. Section 676.24 is amended by revising paragraph (i)(3) to read as follows:

**§ 676.24 Western Alaska Community Development Quota Program.**

\* \* \* \* \*

(i) \* \* \*

(3) Compensation of halibut and sablefish QS foregone due to the CDQ program will be provided to those persons initially issued QS for IFQ regulatory areas in which a portion of the TAC is allocated to the CDQ Program and will be calculated for each non-CDQ area using the following formula:

$$Q_N = \frac{(Q_C \times QSP_N \times RATE)}{[RATE \times SUM_{TAC}] - ((1 - RATE) \times TAC_{AVE})}$$

$$(QSP_C \times [CDQ_{PCT} - RATE])$$

Where:

$Q_N$  = quota share in non-CDQ area

$Q_C$  = quota share in CDQ area

$QSP_N$  = quota share pool in non-CDQ area (as existing on January 31, 1995)

$RATE$  =  $SUM_{CDQ}$  / average of the TAC (1988–1994) for all CDQ and non-CDQ areas.

$TAC_{AVE}$  = average of the TAC (1988–1994) for CDQ area

$QSP_C$  = quota share pool in CDQ area (as existing on January 31, 1995)

$CDQ_{PCT}$  = CDQ percentage for CDQ area

$SUM_{CDQ}$  = sum [ $TAC_{AVE} \times CDQ_{PCT}$ ]

$SUM_{TAC}$  = sum [ $TAC_{AVE}$ ]

\* \* \* \* \*

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