

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 032795A]

Groundfish of the Gulf of Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the first seasonal bycatch allowance of Pacific halibut apportioned to the deep-water species fishery in the GOA has been caught.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 27, 1995, until 12 noon, A.l.t., April 1, 1995.

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.

In accordance with § 672.20(f)(1)(i), the deep-water species fishery, which is defined at § 672.20(f)(1)(i)(B)(2), was apportioned 100 metric tons of Pacific halibut prohibited species catch for the first season, the period January 20, 1995, through March 31, 1995 (60 FR 8470, February 14, 1995).

The Director, Alaska Region, NMFS, has determined, in accordance with § 672.20(f)(3)(i), that vessels participating in the trawl deep-water species fishery in the GOA have caught the first seasonal bycatch allowance of Pacific halibut apportioned to that fishery. Therefore, NMFS is prohibiting directed fishing for each species and species group that comprises the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: All rockfish of the genera *Sebastes* and *Sebastolobus*,

Greenland turbot, Dover sole, Rex sole, arrowtooth flounder, and sablefish.

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: March 27, 1995.

David S. Crestin,

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

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50 CFR Part 675

[Docket No. 940710-4292; I.D. 010695A]

Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Trawl Closure to Protect Red King Crab

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

ACTION: Emergency interim rule; response to comments.

SUMMARY: NMFS responds to comments submitted on the interim emergency rule closing a portion of the Bering Sea to trawl vessels to protect red king crab. NMFS published this emergency rule in the **Federal Register** on January 25, 1995 for comment. No change in the trawl closure was made as a result of this action.

DATES: The emergency interim rule published at 60 FR 4866, January 25, 1995, is effective January 20, 1995, through April 25, 1995.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS published an emergency interim rule in the **Federal Register** on January 25, 1995 (60 FR 4866) that implemented a closure to trawl vessels in the Bristol Bay area of the Bering Sea. The closure area encompasses the area from 56° to 57° N. lat. and 162° to 164° W. long. and is intended to protect female red king crab, in view of the declining Bristol Bay red king crab stocks. Two letters of comment on the emergency rule were received within the comment period and are summarized in the "Response to Comments" section, below. After review of the comments received, NMFS determined that no change to the emergency rule is warranted.

Response to Comments

Two letters of comment were received within the comment period that ended February 9, 1995. A summary of the comments and NMFS' response follows.

Comment 1. The emergency trawl closure area should be reconfigured to remove the 10 minutes of latitude from 56° to 56°10' N. lat. The closure should have been designed to protect female red king crab, but, for this purpose, the best available biological data do not support inclusion of the 10 minutes of latitude from 56° to 56°10' N. lat. in the trawl closure area.

Response. NMFS chose the closure area implemented under the emergency rule based on the distribution of female red king crab. Annual NMFS crab survey data show distribution and relative abundance of female red king crab vary from year to year. However, survey data since 1990 indicate that relatively large numbers of female crab have been taken at survey stations in Bristol Bay located around 56° N. lat. Recent 1993 and 1994 trawl survey data show female red king crab are present at survey stations located along 56° N. lat. The relative abundance of female red king crab at these stations was significantly greater in 1993 compared to 1994. The distribution of crab indicated from summer trawl surveys may not represent the distribution of various stock components during winter months; however, because no recent winter trawl survey data exist, NMFS must use the best available scientific data as a basis for the closure determination.

Available observer data on the sex composition of Bristol Bay red king crab taken as bycatch in the trawl fisheries are limited. Sex composition data collected in 1993 for observed hauls between 56° and 56°10' N. lat. show about one third of the crab sampled for sex composition were females. Between 56° and 57° N. lat. almost 80 percent of the crab sampled for sex composition were females. Despite the fact that the red king crab bycatch limit is still in place and the rock sole fishery can still take the same number of crab, inclusion of the area between 56° and 56°10' N. lat. provides greater protection to female red king crab.

Comment 2. The emergency rule was undertaken without any economic analysis of the impact of the closure on the trawl fisheries. It was undertaken without any analysis of the impact of other fisheries, such as the *C. bairdi* Tanner crab and red king crab fisheries, on Bristol Bay red king crab stocks.

Response. The short time frame that was available to implement the

emergency rule precluded an extensive economic analysis. However, the emergency rule does contain economic information that was considered in making the decision for the most appropriate closure area. A more comprehensive economic analysis will be conducted for alternative time/area closures being considered by the Council for an amendment to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands area that would

address concerns about the red king crab resource on a long-term basis. A bycatch simulation model is also being updated to analyze the impacts of these alternative closure areas on the affected fisheries. The Council is scheduled to take action on the FMP amendment at its April 1995 meeting. NMFS approved the closure area implemented under the emergency rule based on the best data that was available at the time.

Data that were presented in both the original environmental assessment (EA) prepared for the emergency rule and in

a subsequent addendum to the EA indicated the amount of bycatch in the various closure options. This information was used to determine the potential savings in red king crab bycatch and the impacts on other prohibited species bycatch.

Dated: March 27, 1995.

Nancy Foster,

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

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