

during this time that there has been no significant fishery off Mexico. Historically, the Mexican fishery has been based on availability and not on abundance. When the biomass was of a similar level in 1987, Mexico harvested 124,475 mt. The biomass dropped approximately 45 percent the next year and another 26 percent the following year, yet Mexico harvested approximately 80,000 mt in each of those 2 years. Recent harvests are not a reliable predictor of Mexican harvest under conditions of sudden increased abundance. The issue of uncertainty about the performance of the domestic industry and the intent of Mexican harvesters was discussed by the Council, which recommended that the portion allocated to TALFF be held in reserve. This action would have protected the domestic industry and helped assure that OY will not be exceeded; however, the FMP does not allow for a deviation from the designated formula.

The Regional Director has made the following determinations for the 1995-96 fishing season by applying the formulas in the FMP and in 50 CFR Part 662.20.

1. The total U.S. OY for northern anchovy is 66,500 mt, plus an unspecified amount for use as live bait.
2. The total U.S. harvest quota for reduction purposes is 13,000 mt.
  - a. Of the total reduction harvest quota, 1,300 mt is reserved for the reduction fishery in Subarea A (north of Pt. Buchon). The FMP requires that 10 percent of the U.S. reduction quota or 9,072 mt, whichever is less, be reserved for the northern fishery. This is not a special quota, but only a reduction in the amount allocated to the southern fishery south of Pt. Buchon (Subarea B). After the northern fishery has harvested 1,300 mt, any unused portion of the Subarea B allocation may also be harvested north of Pt. Buchon.
  - b. The reduction quota for subarea B (south of Pt. Buchon) is 11,700 mt.
3. The U.S. harvest quota for non-reduction fishing (i.e., fishing for anchovy for use as dead bait or human consumption) is 4,900 mt (as set by § 662.20).
4. There is no U.S. harvest limit for the live bait fishery.
5. The domestic annual processing capacity (DAP) is 13,000 mt.
6. The amount allocated to joint venture processing (JVP) is zero, because there is no history of, nor are there applications for, joint ventures.
7. Domestic annual harvest capacity (DAH) is 13,000 mt. DAH is the sum of DAP and JVP.
8. The TALFF is 48,600 mt.

The fishery will be monitored during the year and evaluated with respect to the OY and the estimated needs of the fishing industry. Adjustments may be made to comply with the requirements of the FMP and its implementing regulations.

This action is authorized by 50 CFR part 662 and is exempt from review under E.O. 12866.

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

Dated: August 2, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

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### 50 CFR Parts 672, 675, and 676

[Docket No. 950414104-5183-02; I.D. 110194B]

RIN 0648-AF53

#### Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Maximum Retainable Bycatch Amounts

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

**ACTION:** Final rule and correcting amendments.

**SUMMARY:** NMFS is revising the regulations setting forth the standards for determining when a fishing vessel operator is engaged in directed fishing in the groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI). This rule replaces the existing species-, gear-, and management-goal specific standards with specific retainable percentages for deriving the maximum amount of fish species or species group that may be retained as bycatch in fisheries that are closed to directed fishing. Retention of more than this amount constitutes directed fishing. The changes made by this rule are expected to promote compliance with groundfish regulations and to facilitate enforcement efforts. This action is intended to further the objectives of the fishery management plans (FMPs) for the groundfish fisheries of Alaska.

**EFFECTIVE DATE:** August 2, 1995.

**ADDRESSES:** Individual copies of the environmental assessment/regulatory impact review prepared for this action may be obtained from Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

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

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

This rule revises regulations at 50 CFR 672.20(g) and 675.20(h), which specify a large number of species-, area-, gear-, and management goal-specific standards for the GOA and BSAI, respectively, for determining when a vessel operator is engaged in directed fishing in the groundfish fisheries of GOA and BSAI. These directed fishing standards were intended to reduce harvest rates of groundfish species when their total allowable catch (TAC) limits are being approached, while, at the same time, reducing waste and minimizing the need to discard fish at sea by allowing retention of incidental groundfish bycatch, after closure of the directed fishery until the TAC limit is achieved.

In spite of increased specificity, the directed fishing standards often failed to prevent overharvest or underharvest of groundfish. Furthermore, the standards have not resulted in eliminating undesirable fishing practices, such as covert targeting on high value species after fishery closures or wasteful discarding.

A proposed rule addressing these concerns was published in the **Federal Register** on April 28, 1995 (60 FR 20952). Public comment was invited through May 30, 1995. Three letters of comments supporting the proposed rule, with some modifications, were received within the comment period and are summarized and responded to below in the "Response to Comments" section.

The final rule implements the following modifications to the directed fishing standards:

1. Usage of the term directed fishing standards is eliminated. Instead, "directed fishing" is defined as any fishing activity that results in the retention of an amount of fish species or species subgroup on board a vessel that

is greater than the maximum retainable bycatch amount for that species or species group as calculated under the regulations as modified. The maximum retainable bycatch amount is the amount, in round-weight equivalents, of a species or species group that a vessel may retain on board at any time during a fishing trip. For purposes of calculating the maximum retainable bycatch amount, the regulations as modified specify, in tabular form, retainable percentages for each bycatch species/basis species combination.

2. A single, retainable percentage for each bycatch species/basis species combination is set forth, regardless of gear type or management area. Thus, the same retainable percentages are established for trawl, hook-and-line, pot, and other gear types. Similar retainable percentages are specified for the GOA and BSAI by separate tables reflecting differences in species groupings in the two areas.

3. Directed fishing standards based on groupings of fishery categories are eliminated (except for rockfish). Retainable percentages are established that are species-specific, except for rockfish. Consistent with existing regulations at §§ 672.20(g)(2) and 675.20(h)(3)(iii), rockfish, except demersal shelf rockfish, continues to be aggregated to prevent "topping off" of individual rockfish species that are closed to directed fishing.

4. The separate directed fishing standard for vessels using pelagic trawl gear is eliminated.

5. Closures are eliminated for fisheries for species in the aggregate under § 675.21 (c) and (d) when a prohibited species bycatch allowance is reached.

6. Retainable percentages for some species are specified that represent a more accurate estimation of the observed bycatch rates than the previous standards.

Details of the specific changes to the directed fishing standards are outlined in the preamble to the proposed rule.

#### Response to Comments

*Comment 1:* Pacific ocean perch (POP) should be separated from the aggregated rockfish group and a retainable percentage of 10 percent should be established for POP against other deep-water species in the GOA.

*Response:* Separating POP from an aggregation of other rockfish species could reduce the incentive for retaining some of the more valuable species and permit more POP to be taken; however, much of the discard associated with the POP fishery is due to a lack of market for this species. If the discard of POP is

market-driven, separating POP would not likely reduce discards.

Establishing a different percentage for POP than is established for the other rockfish and making that percentage applicable only to the GOA would not conform to the Council's intent for consistency of the retainable percentages among species and between management areas.

*Comment 2:* The proposed rule perpetuates the current method of calculating bycatch of rockfish in the aggregate. This results in vessel operators discarding lower-valued rockfish species when they have bycatch of higher-valued rockfish species. Rockfish need to be separated into target fishery management groups to solve this problem.

*Response:* NMFS recognizes that aggregating rockfish could lead to discarding of lower-valued rockfish; however, separating the various rockfish management groups would allow an increase in the total amount of all rockfishes to be taken through "topping off" activities for the more valuable species. Of particular concern is the potential for some rockfish groups to reach overfishing status resulting in other fisheries being closed. If the rockfish were separated into distinct groups, the likelihood of reaching overfishing would increase.

Separating the rockfish groups could further reduce rockfish directed fisheries as greater amounts of the total allowable bycatch would have to be reserved to support bycatch needs. It could also result in more prohibited species closures for rockfish, forcing discard of additional catch.

*Comment 3:* The proposed rule is supported, including the proposed treatment of rockfish. Retainable percentages based on separate rockfish species would most likely result in an increase in the amount of "topping off," because fishermen would be allowed to target and retain the allowable percentage of each marketable rockfish species.

*Response:* NMFS agrees.

Upon reviewing the reasons for, and the comments on, this action, no substantive changes are made to the final rule from the proposed rule. Two editorial changes are made. In Table 2 to § 672.20, a spelling error is corrected in the second footnote and the management of demersal shelf rockfish is clarified. The corrected footnote reads "Aggregated rockfish of the genera *Sebastes* and *Sebastolobus*, except in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category".

The final rule makes a minor correction to a final regulation that was published in the **Federal Register** on May 17, 1993 (58 FR 28799). That regulation established mandatory careful release procedures for Pacific halibut taken incidental to the hook-and-line gear fisheries for groundfish in the BSAI and GOA. These procedures prohibited the release of halibut caught on groundfish hook-and-line gear outboard of the vessel's rails by one of three methods, one of which included "cutting the gangion". However, in § 672.7(l)(2)(i) and § 675.7(m)(2)(i), the phrase "cutting and gangion" was used instead of the phrase "cutting the gangion." This document corrects the phrase.

#### Classification

The Director, Alaska Region, NMFS, determined that the regulatory amendment is necessary for the conservation and management of the GOA and BSAI management area fisheries and that it is consistent with the Magnuson Act and other applicable laws.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The reasons were published in the notice of proposed rule (60 FR 20952, April 28, 1995). As a result a regulatory flexibility analysis was not prepared.

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

This action relieves a restriction on the flatfish fishery, the most active groundfish fishing during the next 30 days. Immediate effectiveness of the rule would allow the flatfish fishery to retain more of the bycatch of certain groundfish species in fisheries that will be conducted in early August. This action confers a benefit to the flatfish fishery and reduce the overall groundfish waste. The revised retainable percentages will have no adverse effect on other groundfish fisheries operating during this period. Accordingly, as a rule relieving a restriction, under U.S.C. 553(d)(1), this final rule is made effectively immediately.

#### List of Subjects

50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

50 CFR Part 676

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: August 1, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR parts 672, 675, and 676 are amended as follows:

**PART 672—GROUND FISH OF THE GULF OF ALASKA**

1. The authority citation for part 672 continues to read as follows:

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

2. In § 672.2, the definition of “Directed fishing” is revised to read as follows:

**§ 672.2 Definitions.**

\* \* \* \* \*

*Directed fishing* means any fishing activity that results in the retention of an amount of a species or species group on board a vessel that is greater than the maximum retainable bycatch amount for that species or species group as calculated under § 672.20 (g) and (h).

\* \* \* \* \*

3. In § 672.7, paragraph (l)(2)(i) is revised to read as follows:

**§ 672.7 Prohibition.**

\* \* \* \* \*

(1) \* \* \*

(2) \* \* \*

(i) Cutting the gangion;

\* \* \* \* \*

4. In § 672.20, the last sentence of paragraphs (c)(2)(i) and (c)(2)(ii), and paragraph (g) are revised, and new Table 2 is added at the end of this section to read as follows:

**§ 672.20 General limitations.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(i) \* \* \* If directed fishing for a species or species group is prohibited, any amount of that species or species group greater than the maximum retainable bycatch amount, as calculated under paragraph (g) of this section, may not be retained and must be treated as a prohibited species under paragraph (e) of this section.

(ii) \* \* \* If directed fishing for a species or species group is prohibited, any amount of that species or species group greater than the maximum retainable bycatch amount, as calculated under paragraph (g) of this section, may not be retained and must be treated as a prohibited species under paragraph (e) of this section.

\* \* \* \* \*

(g) *Maximum retainable bycatch amounts.* (1) The maximum retainable bycatch amount for a bycatch species or species group is calculated as a

proportion of the basis species retained on board the vessel using the retainable percentages in Table 2 to this section. As used in this paragraph (g), “bycatch species” means any species or species group for which a maximum retainable bycatch amount is being calculated. As used in this paragraph (g), “basis species” means any species or species group that is open to directed fishing that the vessel is authorized to harvest.

(2) If a fishery is closed to directed fishing, a vessel may not retain a bycatch species in an amount that exceeds that maximum retainable bycatch amount, as calculated under this paragraph (g), at any time during a fishing trip.

(3) To calculate the maximum retainable bycatch amount for a specific bycatch species, an individual retainable bycatch amount must be calculated with respect to each basis species that is retained on board that vessel. To obtain these individual retainable bycatch amounts, the appropriate retainable percentage for the bycatch species/basis species combination, set forth in Table 2 to this section, is multiplied by the amount of that basis species, in round-weight equivalents. The maximum retainable bycatch amount for that specific bycatch species consists of the sum of the individual retainable bycatch amounts.

\* \* \* \* \*

TABLE 2 TO § 672.20—GULF OF ALASKA RETAINABLE PERCENTAGES

Basic species <sup>1</sup>	Bycatch species <sup>1</sup>					
	Pollock	Pacific cod	Deep flatfish	Rex sole	Flathead sole	Shallow flatfish
Pollock .....	<sup>3</sup> na	20	20	20	20	20
Pacific cod .....	20	<sup>3</sup> na	20	20	20	20
Deep-water flatfish .....	20	20	<sup>3</sup> na	20	20	20
Rex sole .....	20	20	20	<sup>3</sup> na	20	20
Flathead sole .....	20	20	20	20	<sup>3</sup> na	20
Shallow-water flatfish .....	20	20	20	20	20	<sup>3</sup> na
Arrowtooth .....	0	0	0	0	0	0
Sablefish .....	20	20	20	20	20	20
Pacific Ocean Perch .....	20	20	20	20	20	20
Shorthead/rougheye .....	20	20	20	20	20	20
Other rockfish .....	20	20	20	20	20	20
Northern rockfish .....	20	20	20	20	20	20
Pelagic rockfish .....	20	20	20	20	20	20
DSR-Southeast Outside .....	20	20	20	20	20	20
Thornyhead .....	20	20	20	20	20	20
Atka mackerel .....	20	20	20	20	20	20
Other species .....	20	20	20	20	20	20
Aggregated amount non-groundfish species .....	20	20	20	20	20	20

TABLE 2 to § 672.20—GULF OF ALASKA RETAINABLE PERCENTAGES

Basis species <sup>1</sup>	Bycatch species <sup>1</sup>					
	Arrowtooth	Sablefish	Aggregated rockfish <sup>2</sup>	DSR south-east outside	Atka mackerel	Other species
Pollock .....	35	1	5	10	20	20
Pacific cod .....	35	1	5	10	20	20
Deep-water flatfish .....	35	15	15	1	20	20
Rex sole .....	35	15	15	1	20	20
Flathead sole .....	35	15	15	1	20	20
Shallow-water flatfish .....	35	1	5	10	20	20
Arrowtooth .....	<sup>3</sup> NA	0	0	0	0	0
Sablefish .....	35	<sup>3</sup> NA	15	1	20	20
Pacific Ocean Perch .....	35	15	15	1	20	20
Shortraker/rougheyeye .....	35	15	15	1	20	20
Other rockfish .....	35	15	15	1	20	20
Northern rockfish .....	35	15	15	1	20	20
Pelagic rockfish .....	35	15	15	1	20	20
DSR-Southeast Outside .....	35	15	15	<sup>3</sup> NA	20	20
Thornyhead .....	35	15	15	1	20	20
Atka mackerel .....	35	1	5	10	<sup>3</sup> NA	20
Other species .....	35	1	5	10	20	<sup>3</sup> NA
Aggregated amount non-groundfish species .....	35	1	5	10	20	20

<sup>1</sup> For definition of species see Table 1 of the Gulf of Alaska groundfish specifications.

<sup>2</sup> Aggregated rockfish means rockfish of the genera *Sebastes* and *Sebastolobus* except in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category.

<sup>3</sup>NA = not applicable.

**PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA**

5. The authority citation for part 675 continues to read as follows:

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

6. In § 675.2, the definition of "Directed fishing" is revised to read as follows:

**§ 675.2 Definitions.**

\* \* \* \* \*

*Directed fishing* means any fishing activity that results in the retention of an amount of a species or species group on board a vessel that is greater than the maximum retainable bycatch amount for that species or species group as calculated under § 675.20 (h) and (i).

\* \* \* \* \*

7. In § 675.7, paragraph (m)(2)(i) is revised to read as follows:

**§ 675.7 Prohibition.**

\* \* \* \* \*

(m) \* \* \*

(2) \* \* \*

(i) Cutting the gangion;

\* \* \* \* \*

8. In § 675.20, the last sentence of paragraph (a)(8) and paragraph (h) are revised, and new Table 1 is added at the end of the section to read as follows:

**§ 675.20 General limitations.**

(a) \* \* \*

(8) \* \* \* If directed fishing for a species or species group is prohibited, any amount of that species or species group greater than the maximum retainable bycatch amount, as calculated under paragraph (h) of this section, may not be retained and must be treated as a prohibited species under paragraph (c) of this section.

\* \* \* \* \*

(h) *Maximum retainable bycatch amounts.* (1) The maximum retainable bycatch amount for a bycatch species or species group is calculated as a proportion of the basis species retained on board the vessel using the retainable percentages in Table 1 to this section. As used in this paragraph (h), "bycatch species" means any species or species group for which a maximum retainable bycatch amount is being calculated. As used in this paragraph (h), "basis species" means any species or species

group that is open to directed fishing that the vessel is authorized to harvest.

(2) If a fishery is closed to directed fishing, a vessel may not retain a bycatch species in an amount that exceeds that maximum retainable bycatch amount, as calculated under this paragraph (h), at any time during a fishing trip.

(3) To calculate the maximum retainable bycatch amount for a specific bycatch species, an individual retainable bycatch amount must be calculated with respect to each basis species that is retained on board the vessel. To obtain these individual amounts, the appropriate retainable percentage for the bycatch species/basis species combination, set forth in Table 1 to this section, is multiplied by the amount of that basis species, in round-weight equivalents. The maximum retainable bycatch amount for that specific bycatch species consists of the sum of the individual retainable bycatch amounts.

\* \* \* \* \*

TABLE 1 to § 670.20—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES

Basis species <sup>1</sup>	Bycatch species <sup>1</sup>					
	Pollock	P. cod	Atka mack	Arrowtooth	Yellowfin sole	Other flatfish
Pollock .....	<sup>3</sup> NA	20	20	35	20	20
Pacific cod .....	20	<sup>3</sup> NA	20	35	20	20
Atka mackerel .....	20	20	<sup>3</sup> NA	35	20	20
Arrowtooth .....	0	0	0	<sup>3</sup> NA	0	0
Yellowfin sole .....	20	20	20	35	<sup>3</sup> NA	35
Other flatfish .....	20	20	20	35	35	<sup>3</sup> NA
Rocksole .....	20	20	20	35	35	35
Flathead sole .....	20	20	20	35	35	35
Greenland turbot .....	20	20	20	35	20	20
Sablefish .....	20	20	20	35	20	20
Other rockfish .....	20	20	20	35	20	20
Other red rockfish—BS .....	20	20	20	35	20	20
Pacific Ocean Perch .....	20	20	20	35	20	20
Sharpchin/ Northern—AI .....	20	20	20	35	20	20
Shortraker/ Rougheye—AI .....	20	20	20	35	20	20
Squid .....	20	20	20	35	20	20
Other species .....	20	20	20	35	20	20
Aggregated amount nongroundfish species .....	20	20	20	35	20	20

<sup>1</sup> For definition of species see Table 1 of the Bering Sea and Aleutian Islands groundfish specifications.  
<sup>2</sup> Aggregated rockfish of the general Sebastes and Sebastolobus.  
<sup>3</sup> NA=not applicable.

TABLE 1 TO § 675.20—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES

Basis species <sup>1</sup>	Bycatch species <sup>1</sup>			
	Rocksole	Flathead sole	Grld turbot	Sablefish
Pollock .....	20	20	1	1
Pacific cod .....	20	20	1	1
Atka mackerel .....	20	20	1	1
Arrowtooth .....	0	0	0	0
Yellowfin sole .....	35	35	1	1
Other flatfish .....	35	35	1	1
Rocksole .....	<sup>3</sup> NA	35	1	1
Flathead sole .....	35	<sup>3</sup> NA	35	15
Greenland turbot .....	20	20	<sup>3</sup> NA	15
Sablefish .....	20	20	35	<sup>3</sup> NA
Other rockfish .....	20	20	35	15
Other red rockfish—BS .....	20	20	35	15
Pacific Ocean Perch .....	20	20	35	15
Sharpchin/Northern—AI .....	20	20	35	15
Shortraker/Rougheye—AI .....	20	20	35	15
Squid .....	20	20	1	1
Other species .....	20	20	1	1
Aggregated amount non-groundfish species .....	20	20	1	1

<sup>1</sup> For definition of species see Table 1 of the Bering Sea and Aleutian Islands groundfish specifications.  
<sup>2</sup> Aggregated rockfish of the genera Sebastes and Sebastolobus.  
<sup>3</sup> NA=not applicable.

TABLE 1 to § 675.20.—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES

Basis species <sup>1</sup>	Aggregated rockfish <sup>2</sup>	Squid	Other species
Pollock .....	5	20	20
Pacific cod .....	5	20	20
Atka mackerel .....	5	20	20
Arrowtooth .....	0	0	0
Yellowfin sole .....	5	20	20
Other flatfish .....	5	20	20
Rocksole .....	5	20	20
Flathead sole .....	15	20	20
Greenland turbot .....	15	20	20
Sablefish .....	15	20	20
Other rockfish .....	15	20	20
Other red rockfish—BS .....	15	20	20

TABLE 1 to § 675.20.—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES—Continued

Basis species <sup>1</sup>	Aggregated rockfish <sup>2</sup>	Squid	Other species
Pacific Ocean Perch .....	15	20	20
Sharpchin/Northern—Al .....	15	20	20
Shorthead/Rougheye—Al .....	15	20	20
Squid .....	5	<sup>3</sup> NA	20
Other species .....	5	20	<sup>3</sup> NA
Aggregated amount non-groundfish species .....	5	20	20

<sup>1</sup> For definition of species see Table 1 of the Bering Sea and Aleutian Islands groundfish specifications.

<sup>2</sup> Aggregated rockfish of the genera *Sebastes* and *Sebastolobus*.

<sup>3</sup> NA=not applicable.

9. In § 675.21, paragraphs (c)(1)(i) through (c)(1)(iii), (c)(2) introductory text, and paragraph (d) are revised to read as follows:

**§ 675.21 Prohibited species catch (PSC) limitations.**

\* \* \* \* \*

(c) \* \* \*  
(1) \* \* \*

(i) *Zone 1 red king crab or C. bairdi Tanner crab bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii) (B) through (F) of this section will catch the Zone 1 bycatch allowance, or seasonal apportionment thereof, of red king crab or *C. bairdi* Tanner crab specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of Zone 1 to directed fishing for each species and/or species group in that fishery category for the remainder of the year or for the remainder of the season, except that when a bycatch allowance, or seasonal apportionment thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using nonpelagic trawl gear.

(ii) *Zone 2 red king crab or C. bairdi Tanner crab bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii) (B) through (F) of this section will catch the Zone 2 bycatch allowance, or seasonal apportionment thereof, of red king crab or *C. bairdi* Tanner crab specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of Zone 2 to directed fishing for each species and/or species group in that fishery category for the remainder of the year or for the remainder of the season, except that when a bycatch allowance, or seasonal

apportionment thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using nonpelagic trawl gear.

(iii) *Halibut bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the trawl fishery categories listed in paragraphs (b)(1)(iii) (B) through (F) of this section in the Bering Sea and Aleutian Islands management area will catch the halibut bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of the entire Bering Sea and Aleutian Islands management area to directed fishing for each species and/or species group in that fishery category for the remainder of the year or for the remainder of the season, except that when a bycatch allowance, or seasonal apportionment thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using nonpelagic trawl gear.

(2) *Attainment of a trawl bycatch allowance for Pacific herring.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii) (A) through (F) of this section in the Bering Sea and Aleutian Islands management area will catch the herring bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of the Herring Savings Area to directed fishing for each species and/or species group in that fishery category, except that:

(d) *Attainment of a Pacific halibut nontrawl fishery bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing

vessels participating in any of the nontrawl fishery categories listed in paragraphs (b)(2)(ii) (A) through (C) of this section will catch the Pacific halibut bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of the entire Bering Sea and Aleutian Islands management area to directed fishing with the relevant gear type for each species and/or species group in that fishery category.

10. In § 675.22, paragraph (g) introductory text is revised to read as follows:

**§ 675.22 Time and area closures.**

\* \* \* \* \*

(g) Catcher vessel operational area (applicable through December 31, 1995). Processor vessels in the "offshore component," defined at § 675.2, may not catch pollock in excess of the maximum retainable bycatch amount for pollock during the second seasonal allowance of pollock, defined at § 675.20(a)(2)(ii), in the Bering Sea subarea south of 56°00' N. lat., and between 163°00' and 168°00' W. long.

\* \* \* \* \*

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

11. The authority citation for part 676 continues to read as follows:

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

12. In § 676.23, paragraph (b) is revised to read as follows:

**§ 676.23 IFQ fishing season.**

\* \* \* \* \*

(b) Directed fishing for sablefish using fixed gear in any IFQ regulatory area may be conducted in any fishing year during the period specified by the Regional Director through notification published in the **Federal Register**. The Regional Director will take into account the opening date of the Pacific halibut

season when determining the opening date for sablefish for the purposes of reducing bycatch and regulatory discards between the two fisheries. Catches of sablefish by fixed gear during other periods may be retained up to and including the maximum retainable bycatch amount specified at §§ 672.20(g) and 675.20(h) of this chapter if an individual is aboard when the catch is made who has a valid IFQ card and unused IFQ in the account on which the card was issued. Catches of sablefish in excess of the maximum retainable bycatch amounts and catches made without IFQ must be treated in the same manner as prohibited species.

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