

The Council and BOF were especially concerned about potential adverse impacts of trawl operations on red king crab during a period when crab are in a softshell condition. This condition occurs during the months of January through mid-June when crab molt and then mate. When in this softshell condition, red king crab could be damaged by physical impacts of the bottom trawl itself or by additional handling when they are caught in a trawl, brought aboard a vessel, sorted, and eventually returned to the sea. The Council also received agency reports summarizing the result of the 1995 NMFS trawl survey, which provided the aforementioned status of red king crab.

The Council and BOF heard testimony about existing management measures, including the aforementioned inseason adjustment that will be in effect through March 31, which are intended to protect red king crab in the management area. These measures include a year round closure of Federal Statistical Srea 512 to trawling, and a closure of Federal Statistical Area 516 from March 15 through June 15 to protect red king crab during their molting and mating period. An analysis of data from the NMFS-conducted trawl surveys in 1993, 1994, and 1995 indicates that a substantial proportion (19 percent) of mature male crab are located in part of Federal Statistical Area 516. This analysis also indicates that another substantial proportion (21 percent) of male red king crab is located between the same latitudes immediately to the west between 163° W. and 164° W. long. Without further regulatory action, the area west of Statistical Area 516 would open to trawling once the aforementioned inseason adjustment expires on March 31, 1996, which could aggravate the depressed condition of red king crab during the period when they are in a softshell condition.

On February 2, 1996, after reviewing new information obtained during its January 30 meeting with the BOF and additional information from the public as well as NMFS and ADF&G testimony, the Council recommended that an emergency rule be implemented to close an area in part of Bristol Bay to fishing by vessels using trawl gear through June 15, 1996. The particular area is located between 163° and 164° W. long. and 56° N. and 57° N. lat. This area is to the west of, and immediately adjacent to, Statistical Area 516, which is closed under existing regulations from March 15 through June 15. A closure of the additional area to the west through June 15 would provide necessary protection for red king crab during the period they are in a softshell condition and are

particularly susceptible to fishing mortality.

The Council intends to review current management regimes that govern groundfish fishing to determine whether the protection measures afforded red king crab and other crab species managed under the crab FMP are adequate or should be changed to respond to new information concerning both the groundfish and crab fisheries. NMFS anticipates that the Council will recommend potential regulatory changes in the near future.

The Council's emergency rule recommendation is intended to avoid significant direct economic loss to fishermen who might otherwise benefit in the future as red king crab stocks rebuild to harvestable levels. Public testimony at the Council's January 1996 meeting, indicated that the groundfish trawl fishing industry was concerned about not being able to trawl for yellowfin sole in the closed area, should yellowfin sole be present during the month of April in schooling concentrations as they migrate to more northerly locations in Bristol Bay. Industry members indicated that the amount of time required to complete a tow with trawl gear may be about a 1/2 hour compared to more than 2 hours when yellowfin school stocks are not concentrated. If these vessel operators are not allowed to operate in the closed area, their operating costs (including fuel and crew time) could increase as they fish at lower catch rates where yellowfin sole stocks are not concentrated.

NMFS does not have information to quantify what these increased costs might be, because vessels' operating costs differ. NMFS notes that the locations of the migrating yellowfin sole might even be outside the closed area where they could still be targeted by participating vessels. The actual costs would depend on the ability of these vessel operators to achieve their harvest goals, which will depend on market conditions, catch rates, and possibly premature closures resulting from other regulations.

NMFS anticipates that large numbers of red king crab could be adversely impacted in this area by trawl operations during their softshell period. Therefore, NMFS has determined that a closure to trawling in the area described above is necessary to protect red king crab through June 15 while they are in a softshell condition. Notwithstanding the Council's recommendation that NMFS implement this closure by emergency rule, NMFS is implementing it under the inseason adjustment authority at § 675.20(e). Inseason

adjustments are authorized for a period of 60 days, which would be less than the Council's intended closure period. Regulations at § 675.20(e)(6) authorize closures beyond 60 days if warranted by available data. The available scientific information indicates that the relative distribution and abundance of red king crab in the closure area is high. The Director, Alaska Region, NMFS has determined that this interim closure is based on the best available scientific information concerning the seasonal distribution and abundance of red king crab and the bycatch rates of red king crab associated with groundfish trawl fisheries.

#### Classification

This action is taken under § 672.20(e) and is exempt from review under E.O. 12866.

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

Dated: March 1, 1996.

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

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#### 50 CFR Part 683

[Docket No. 950803202-6040-02; I.D. 070395C]

RIN 0648-AH48

#### Western Pacific Bottomfish Fisheries; Enforcement of Permit and Other Requirements

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule to make minor changes to regulations governing the Bottomfish Fisheries of the Western Pacific Region. In addition to making some technical changes, the rule requires operators of bottomfish vessels to display their official number to enhance enforcement, and fish dealers to make available to authorized officers records of fish landings and sales they are required by state law to maintain to facilitate monitoring of the fishery. These changes are intended to make existing regulations clearer and more effective.

**EFFECTIVE DATE:** April 4, 1996.

**ADDRESSES:** Send comments on the collection-of-information requirement to Ms. Hilda Diaz-Soltero, Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long

Beach, CA 90802-4213 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, ATTN: Paperwork Reduction Project 0648-0306, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Morgan, 310-980-4036; or Alvin Z. Katekaru, 808-973-2985.

**SUPPLEMENTARY INFORMATION:** The Western Pacific Fishery Management Council recommended that NMFS amend the existing regulations governing the bottomfish fishery to make the regulations clearer and more effective. The changes made by this final rule were proposed in the Federal Register on August 18, 1995 (60 FR 43106). The public comment period on the proposed changes ended on October 16, 1995. No comments were received.

The final rule makes the following changes in addition to a number of editorial changes:

1. Adding a prohibition to the prohibitions section of the regulations to clarify that fishing for bottomfish in the Mau Zone of the Northwestern Hawaiian Islands without a permit is unlawful;

2. Adding a requirement that the official number of a bottomfish vessel be prominently displayed; and

3. Adding a requirement that any person, such as fish dealers, make available to authorized officers records of fish landings and sales that are required to be maintained by state law.

**Classification**

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

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid OMB Control Number.

This rule contains a collection of information requirement subject to the PRA, namely the requirement that vessels display their official number in a specified manner. This collection of information has been approved by OMB

under OMB Control Number 0648-0306, which expires September 29, 1998. The burden estimate for compliance is 45 minutes. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden to Hilda Diaz-Soltero, NMFS, or the Office of Information and Regulatory Affairs, OMB (see **ADDRESSES**).

**List of Subjects in 50 CFR Part 683**

Administrative practice and procedure, Fisheries, Reporting and recordkeeping requirements.

Dated: February 29, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 683 is amended as follows:

**PART 683—WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERIES**

1. The authority citation for part 683 continues to read as follows:

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

2. In § 683.2, the definition of "Council" is revised to read as follows:

**§ 683.2 Definitions.**

\* \* \* \* \*

*Council* means the Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1405, Honolulu, HI 96813, 808-522-8220.

\* \* \* \* \*

3. In § 683.4, paragraph (d) is added to read as follows:

**§ 683.4 Recordkeeping and reporting.**

\* \* \* \* \*

(d) Any person who is required by state laws and regulations to maintain records of landings and sales for vessels regulated by this part, shall make those records immediately available for Federal inspection and copying upon request by an authorized officer.

4. In § 683.6, paragraphs (i) and (j) are amended by removing the word "fishing" and replacing it with the word "fish"; and paragraphs (f) through (k) are redesignated as paragraphs (g)

through (l), respectively, and paragraphs (f), (m), and (n) are added to read as follows:

**§ 683.6 Prohibitions.**

\* \* \* \* \*

(f) Fish for bottomfish in the Mau Zone without a permit issued under § 683.21.

\* \* \* \* \*

(m) Fail to affix and maintain vessel markings, as required by § 683.9.

(n) Refuse to make available to an authorized officer for inspection any records that must be made available in accordance with § 681.4.

5. Sections 683.9 and 683.10 are redesignated as §§ 683.10 and 683.11, respectively, and a new § 683.9 is added as follows:

**§ 683.9 Vessel identification.**

(a) *Official number.* Each fishing vessel subject to this part must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft.

(b) *Numerals.* In each of the three locations specified in paragraph (a), the official number must appear in block Arabic numerals at least 18 inches (45.7 cm) in height for fishing vessels of 65 ft (19.8 m) in length or longer, and at least 10 inches (25.4 cm) in height for other vessels. Markings must be legible and of a color that contrasts with the background.

(c) *Duties of operator.* The operator of each fishing vessel subject to this part must:

(1) Keep the displayed official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

**§ 683.29 [Amended]**

6. In § 683.29, paragraph (a) is amended by removing the telephone number "808-955-8831" and adding, in its place "808-973-2939".

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