

Written comments may now be submitted until July 17, 1997 to the Service office in the **ADDRESSES** section.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 9, 1997.

Thomas J. Dwyer,

Acting Regional Director, Region 1.

[FR Doc. 97-15807 Filed 6-16-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 120996A]

Magnuson Act Provisions; Essential Fish Habitat (EFH); Public Meetings

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

ACTION: Public meeting.

SUMMARY: The National Marine Fisheries Service (NMFS) will hold a public meeting in San Francisco, CA, to provide an additional opportunity on the west coast for public input on the proposed rule to implement the essential fish habitat (EFH) provisions of the Magnuson Act.

DATES: The meeting is scheduled to be held on July 2, 1997, from 1 p.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Holiday Inn North, 275 South Airport Boulevard, South San Francisco, CA. Requests for special accommodations should be addressed to Office of Habitat Conservation, Attention: EFH, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282; telephone: 301/713-2325.

FOR FURTHER INFORMATION CONTACT: Lee Crockett, NMFS, 301/713-2325.

SUPPLEMENTARY INFORMATION:

Background

NMFS issued proposed regulations containing guidelines for the description and identification of EFH in fishery management plans, adverse impacts on EFH, and actions to conserve and enhance EFH on April 23, 1997 (62 FR 19723). Notices to extend the comment period were published in the **Federal Register** on May 19, 1997, (62 FR 27214) and again on June 12, 1997 (62 FR 32071). The regulations would

also provide a process for NMFS to coordinate and consult with Federal and state agencies on activities that may adversely affect EFH. The guidelines are required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The purpose of the rule is to assist fishery management councils in fulfilling the requirements set forth by the Magnuson-Stevens Act to amend their FMPs to describe and identify EFH, minimize adverse effects on EFH, and identify other actions to conserve and enhance EFH. The purpose of the coordination and consultation provisions is to specify procedures for adequate consultation with NMFS on activities that may adversely affect EFH.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Lee Crockett (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: June 12, 1997.

James P. Burgess,

Director, Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 97-15873 Filed 6-16-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 970520118-7118-01; I.D. 050197A]

RIN 0648-AJ00

Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Standard Allowances for Ice and Slime

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would establish standard allowances for ice and slime found on unwashed Pacific halibut and sablefish landed in the Individual Fishing Quota (IFQ) fisheries for these species and incorporate them into the conversion factors for halibut and product recovery rates for sablefish used by NMFS to debit IFQ accounts. This action is necessary to correct inaccuracies in the

accounting process for landed IFQ product that are currently occurring because up to 15 percent of the industry participants have been adjusting the "initial accurate weight of . . . product obtained at the time of landing" by up to 9 percent to account for ice and slime. Such adjustments are not allowed under the existing regulations. The proposed rule would maintain the requirement that all processors must report the actual scale weight at the time of landing with no adjustments, but would revise the conversion factors and recovery rates used by NMFS for debiting IFQ accounts to include a standard allowance for ice and slime found on landed IFQ product.

DATES: Comments must be received by July 17, 1997.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel. Copies of the Environmental Assessment/Regulatory Impact Review for this action may be obtained from the above address.

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

SUPPLEMENTARY INFORMATION:

Background

The U.S. groundfish fisheries of the Gulf of Alaska and the Bering Sea and Aleutian Islands in the exclusive economic zone are managed by NMFS pursuant to the fishery management plans (FMPs) for groundfish in the respective management areas. The FMPs were prepared by the North Pacific Fishery Management Council (Council) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, and are implemented by regulations for the U.S. fisheries at 50 CFR part 679. The Northern Pacific Halibut Act of 1982 (Halibut Act), 16 U.S.C. 773 *et seq.*, authorizes the Council to develop, and NMFS to implement, regulations applicable in Convention waters to allocate halibut fishing privileges among U.S. fishermen.

Under these authorities, the Council developed the IFQ program, a limited access management system for the fixed gear Pacific halibut and sablefish fisheries. NMFS approved the IFQ program in November 1993 and fully implemented the program beginning in March 1995. The Magnuson-Stevens Act and the Halibut Act authorize the Council and NMFS to make regulatory changes to the IFQ program that are consistent with the FMPs and that are

necessary to conserve and manage the fixed gear Pacific halibut and sablefish fisheries.

Rationale for Establishing Standard Allowances for Ice and Slime

Accurately accounting for the harvest of IFQ species is one of the important features of the IFQ program. This action is being proposed to prevent inaccurate accounting of harvests caused by up to 15 percent of the industry adjusting by up to 9 percent the "initial accurate weight of . . . product obtained at the time of landing" they are required to report to NMFS to account for ice and slime on unwashed Pacific halibut and sablefish managed under the IFQ program. The present regulations neither establish standard allowances for ice and slime nor allow participants to adjust the weights for reporting purposes to account for ice and slime.

NMFS believes that allowances for ice and slime should be made when it debits an IFQ account and proposes to apply uniform allowances for unwashed product. To ensure that NMFS can determine the actual amount of Pacific halibut and sablefish harvested by participants, deductions cannot be allowed to vary from 0 to 9 percent as anecdotal information from the industry suggests and must be applied to all product containing ice and slime.

Further, anecdotal reports from the industry indicate that some purchasers of IFQ halibut and IFQ sablefish have used deductions as a method to induce participants to deliver their harvest to them. For instance, if a purchaser of IFQ product uses a larger percentage deduction for ice and slime, a smaller amount of IFQ halibut or IFQ sablefish is reported for debiting a participant's IFQ account. This method of "capturing" a participant's business is unfair to other purchasers of IFQ halibut and sablefish who do not make any adjustment or who at least use a smaller, more accurate percentage for the deduction, and could harm the resource, a portion of which is being harvested but not accounted for, because it is reported as "ice and slime" by the purchaser. Establishing standard allowances for ice and slime and having NMFS apply them for all participants would "level the playing field" for IFQ purchasers and participants.

This proposed rule would incorporate in the conversion factors used by NMFS when debiting halibut IFQ accounts a standard allowance for ice and slime for unwashed IFQ halibut product of 2 percent. This allowance is based on long-standing industry convention. For example, the Canadian Department of Fisheries and Oceans, uses a 2-percent

allowance for ice and slime on its Halibut Validation Log. This allowance has been accepted by the International Pacific Halibut Commission, the international body entrusted with the primary responsibility for managing Pacific halibut. Processors in the United States have also used a 2-percent allowance for ice and slime when purchasing unwashed Pacific halibut.

This proposed rule also would incorporate in the product recovery rates used by NMFS when debiting sablefish IFQ accounts, a 2-percent allowance for ice and slime. While a 2-percent allowance was proposed by members of the fishing industry, relatively little data exist on the proportion of ice and slime in sablefish landings, since sablefish is a newly exploited fishery resource when compared to Pacific halibut. NMFS particularly requests comments on the appropriateness of a 2-percent deduction for ice and slime for unwashed IFQ sablefish.

Management Action That Would Establish Standard Allowances for Ice and Slime for IFQ Halibut and Sablefish Products Landed Unwashed

This proposed rule would revise the conversion factors and product recovery rates used by NMFS when debiting IFQ accounts to provide a 2-percent allowance to account for ice and slime on IFQ halibut and IFQ sablefish products landed unwashed. The conversion factors and recovery rates would not be used for IFQ halibut or IFQ sablefish products landed washed since ice and slime would be removed by washing before weighing. Because conversion factors and product recovery rates are applied by NMFS by product code, the following new product codes would be established and codified: Product code 51—Whole fish/food fish with ice and slime (sablefish only); product code 54—Gutted only with ice and slime (Pacific halibut and sablefish); product code 55—Headed and gutted with ice and slime (Pacific halibut only); product code 57—Headed and gutted, Western cut, with ice and slime (sablefish only); and product code 58—Headed and gutted, Eastern cut, with ice and slime (sablefish only). The IFQ landing report regulations would continue to require that the participants accurately report the scale weight actually measured at time of landing without any adjustments. Recording any amount on the IFQ landing report that is different from the scale weight actually measured at time of landing would be a violation subject to penalty.

Other Changes That Would Be Made by This Action

The following changes would be made to the regulatory text found at 50 CFR 679.5(l)(1)(iv) and 50 CFR 679.42(c) to clarify ambiguities concerning IFQ program requirements and deducted amounts.

First, the information required by 50 CFR 679.5(l)(1)(iv) to be reported by IFQ landing reports would be clarified by changing the words "fish product weight of sablefish and halibut landed" to "the scale weight actually measured at the time of landing of the halibut or sablefish product."

Second, the requirement to "sign any required fish ticket" in § 679.42(c)(3) would be separated from the requirement to sign the IFQ landing report. Separating those requirements would clarify that the IFQ landing report is the exclusive source of data used by NMFS to debit an IFQ account. This was always the case, notwithstanding the confusion caused by the two requirements being combined in the current regulations. Deductions to an IFQ account would continue to be calculated by NMFS using the scale weight actually measured at the time of landing and reported on the IFQ landing report and, if halibut, multiplying by the appropriate conversion factor, or if sablefish, dividing it by the appropriate product recovery rate based on the product code reported in the IFQ landing report. The scale weight actually measured at the time of landing (referred to in the current regulations as initial accurate scale weight of the [halibut or sablefish] product obtained at the time of landing) and reported in the IFQ landing report would continue to be the exclusive source used by NMFS to make all other IFQ calculations (e.g., underages and the 10-percent adjustment policy).

Third, the regulatory text in § 679.42(c)(3) (i) and (ii) explaining exactly what amount for debit against an IFQ account must be reported to NMFS would be eliminated, since that will now appear in 50 CFR 679.5(l)(1)(iv), the remaining language in § 679.42(c)(3) (i) and (ii) would be moved to § 679.42(c)(2), and new language would be added to § 679.42(c)(2) specifying that the IFQ landings report will be the only source of data used by NMFS for debiting an account.

Because time and locality are critical elements to the landing process, existing 50 CFR 679.5(l)(1)(ii)(A) requires landing reports to be submitted to NMFS within 6 hours after fish are offloaded and prior to shipment or

departure of the delivery vessel from the landing site, whichever occurs first. Therefore, the scale measurement must be made during that period and before the IFQ halibut or IFQ sablefish are shipped. That means that a scale measurement must occur prior to moving the IFQ halibut or IFQ sablefish away from the landing site.

Classification

Section 304(b) of the Magnuson-Stevens Act requires NMFS, upon transmittal by the Council of proposed regulations prepared under section 303(c), to immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the fishery management plan, plan amendment, the Magnuson-Stevens Act, and other applicable laws. Within 15 days of initiating such evaluation, NMFS shall make a determination. If that determination is affirmative, NMFS must publish such regulations in the **Federal Register**, with such technical changes as may be necessary for clarity and an explanation of those changes, for a comment period of 15 to 60 days. If that determination is negative, NMFS must notify the Council in writing of the inconsistencies and provide recommendations on revisions that would make the proposed regulations consistent with the fishery management plan, plan amendment, the Magnuson-Stevens Act, and other applicable laws. Furthermore, the Northern Pacific Halibut Act authorizes the Secretary of Commerce to promulgate regulations concerning halibut proposed by the Council that are in addition to, and not in conflict with regulations adopted by the International Pacific Halibut Commission. This proposed rule was determined to be consistent with the applicable fishery management plan and all 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 proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities as follows:

This proposed rule, by establishing standard allowances for ice and slime found on Pacific halibut and sablefish managed under the IFQ program, is intended to account more accurately for the actual weight of IFQ halibut and sablefish landed by IFQ program participants. Although the implementation of standard allowances for ice and slime on IFQ halibut and sablefish is likely to affect a substantial number of small entities (i.e., all small entities that harvest

and deliver fresh IFQ halibut or IFQ sablefish, and all small entities that receive fresh IFQ halibut or IFQ sablefish), the action would not result in any adverse impacts. Presently, no adjustment for ice and slime is allowed or made. A standard 2-percent allowance for unwashed halibut and sablefish would provide a benefit to all IFQ fisherman delivering unwashed halibut or sablefish by increasing their annual gross revenues by an estimated 2 percent with no change in their production or compliance costs. Establishing these allowances would not affect the revenues or costs of small entities that receive fresh IFQ halibut or fresh IFQ sablefish.

As a result, a regulatory flexibility analysis was not prepared.

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

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: June 10, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.5, paragraph (l)(1)(iv) is revised to read as follows:

§ 679.5 Recordkeeping and reporting.

* * * * *

(l) * * *

(1) * * *

(iv) *Information required.* Information contained in a complete IFQ landing report shall include: Date, time, and location of the IFQ landing; names and permit numbers of the IFQ card holder and registered buyer; product type landed; product type landed; and the scale weight of the product as actually measured at the time of landing.

* * * * *

3. In § 679.42, paragraph (c) is revised to read as follows:

§ 679.42 Limitation on use of QS and IFQ.

* * * * *

(c) *Requirements and deductions.* (1) Any individual who harvests halibut or sablefish with fixed gear must:

(i) Have a valid IFQ card.

(ii) Be aboard the vessel at all times during the fishing operation.

(iii) Sign any required fish ticket.

(iv) Sign the IFQ landing report required by § 679.5(l)(1)(iv).

(2) The scale weight of the halibut or sablefish product actually measured at the time of landing, required by § 679.5(l)(1)(iv) to be included in the IFQ landing report, shall be the only source of information used by NMFS to debit an IFQ account. An IFQ account will be debited as follows:

(i) For sablefish product, dividing the scale weight actually measured and reported at the time of landing by the product recovery rate found in Table 3 of this part that corresponds to the product code reported in the IFQ landing report; or

(ii) For halibut product, multiplying the scale weight actually reported at the time of landing by the conversion factor listed in paragraph (c)(2)(iii) of this section that corresponds to the product code reported in the IFQ landing report.

(iii) *Halibut conversion factors.*

Product code	Product description	Conversion factor
04	Gutted, head on	0.90
05	Gutted, head off	1.00
54	Gutted, head on, with ice and slime.	0.88
55	Gutted, head off, with ice and slime.	0.98

4. In 50 CFR part 679, Table 1 is amended by adding the following fish product codes/descriptions in numerical order:

TABLE 1 TO PART 679—PRODUCT CODES

Fish product code	Description
	* * * * *
5	<i>Headed and gutted.</i> Pacific halibut only
	* * * * *
51	<i>Whole fish/food fish with ice and slime.</i> Sablefish only.
54	<i>Gutted only with ice and slime.</i> Belly slit and viscera removed. Pacific halibut and sablefish only.
55	<i>Headed and gutted with ice and slime.</i> Pacific halibut only.
57	<i>Headed and gutted, Western cut, with ice and slime.</i> Sablefish only.
58	<i>Headed and gutted, Eastern cut, with ice and slime.</i> Sablefish only.
	* * * * *

5. In 50 CFR part 679, Table 3 is revised by adding new product code columns with the following descriptions and product code numbers between

Column 37 (Butterfly Backbone Removed) and Column 96 (Decomposed Fish) and adding the following product recovery rate values for the listed FMP

species "SABLEFISH" in new columns 51, 54, 57, and 58:

TABLE 3 TO PART 679.—PRODUCT RECOVERY RATES FOR GROUND FISH SPECIES—CONTINUED

FMP species	Species code	Product code			
		Whole fish/food fish with ice and slime	Gutted with ice and slime	H&G western cut with ice and slime	H&G eastern cut with ice and slime
		51	54	57	58
Sablefish	710	1.02	0.91	0.70	0.65
		*	*	*	*

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