

Because of this certification, an Initial Regulatory Flexibility Analysis was not prepared.

These proposed specifications have been determined to be not significant for purposes of E.O. 12866.

NMFS reinitiated consultation on the Atlantic tuna fishery under section 7 of the Endangered Species Act on September 25, 1996. This consultation considered new information concerning the status of the northern right whale. On May 29, 1997, NMFS issued a biological opinion, which concluded that: Continued operation of the longline and purse seine component may adversely affect but is not likely to jeopardize the continued existence of any endangered or threatened species under NMFS jurisdiction, and continued operation of the hand gear fisheries is not likely to adversely affect the continued existence of any endangered or threatened species under NMFS jurisdiction. The biological opinion was amended August 29, 1997 by the identification of a reasonable and prudent alternative regarding the driftnet component of the swordfish and tuna fisheries, and therefore is not relevant to the Atlantic bluefin tuna fishery. NMFS has determined that proceeding with these proposed specifications would not result in any irreversible and irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures to reduce adverse impacts on protected resources. These proposed specifications would implement effort controls (time period quotas and restricted-fishing days) and implement a domestic quota equal to that of 1997, with minor quota adjustments to individual category quotas to account for underharvest in 1997, and therefore would not likely increase fishing effort nor shift activities to new fishing areas. Therefore, the proposed specifications are not expected to increase endangered species or marine mammal interaction rates.

Dated: March 27, 1998.

**David L. Evans,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 032698A]

RIN 0648-AJ99

#### Fisheries of the Exclusive Economic Zone Off Alaska; Gear Allocation of Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea

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

**ACTION:** Notice of availability, request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 53 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) for Secretarial review. This amendment would allocate shortraker rockfish and rougheye rockfish (SR/RE) in the Aleutian Islands subarea (AI) between vessels using trawl gear and vessels using non-trawl gear. This action is necessary to prevent SR/RE bycatch in trawl fisheries from causing closure of non-trawl fisheries and is intended to further the objectives of the FMP.

**DATES:** Comments on Amendment 53 must be submitted by June 1, 1998.

**ADDRESSES:** Comments on the FMP amendment should be submitted to Susan Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendment 53, the environmental assessment and the regulatory impact review prepared for the proposed action are available from

NMFS, at the above address, or by calling the Alaska Region, NMFS at 907-586-7228.

**FOR FURTHER INFORMATION CONTACT:** Alan Kinsolving, NMFS, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, after receiving a fishery management plan or amendment, immediately publish a document in the **Federal Register** that the fishery management plan or amendment is available for public review and comment. This action constitutes such notice for Amendment 53 to the FMP.

Amendment 53 was adopted by the Council at its February 1998 meeting. If approved by NMFS, this amendment would allocate 30 percent of the total allowable catch of SR/RE in the Aleutian Islands subarea to non-trawl gear and 70 percent to trawl gear. This action is necessary to prevent SR/RE bycatch in the Atka mackerel and Pacific ocean perch trawl fisheries from closing non-trawl fisheries in which SR/RE are also taken.

NMFS will consider the public comments received during the comment period in determining whether to approve the proposed amendment. A proposed rule to implement Amendment 53 has been submitted for Secretarial review and approval. The proposed rule to implement this amendment is scheduled to be published within 15 days of this document. Public comments on the proposed rule must be received by the end of the comment period on the FMP/amendment to be considered in the approval/disapproval decision on the FMP/amendment.

Dated: March 27, 1998.

**Gary C. Matlock,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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