

1999 PSC limitation listed in Table 10 is reached.

The Council at its November meeting recommended that prohibited species

caught by listed catcher/processors and listed catcher vessels while fishing for pollock accrue against either the

midwater pollock or the pollock/Atka mackerel/other species fishery categories (see Table 6).

TABLE 10.—PROPOSED PSC LIMITS FOR CATCHER/PROCESSOR VESSELS DESCRIBED UNDER SECTION 208(E) OF THE AMERICAN FISHERIES ACT ^{1,2}

PSC species	1995–1997			1999 PSC available to trawl C/Ps	1999 C/P limit ⁴
	PSC catch	Total PSC	ratio ³		
Halibut mortality	955	11,325	0.084	3,492	294
Herring	62	5,137	0.012	1,685	20
Red king crab	7,641	473,750	0.016	185,000	2,984
C. bairdi:					
Zone 1	385,978	2,750,000	0.140	693,750	97,372
Zone 2	406,860	8,100,000	0.050	1,737,150	87,256
C. opilio	2,323,731	15,139,178	0.153	4,162,500	638,907

¹ The AFA specifies the manner in which the BSAI pollock TAC must be allocated among industry components and also prohibits catcher/processors listed under paragraphs 1–20 of section 208(e) from exceeding the historical harvest percentages of prohibited species by such catcher/processors and those listed under section 209 relative to the total available in the offshore component in BSAI groundfish fisheries in 1995, 1996, and 1997.

² Amounts are in metric tons.

³ The ratio is calculated by dividing the PSC catch by the total PSC available.

⁴ The 1999 prohibited species catch limit is calculated by multiplying the historic ratio by the PSC available to listed catcher/processors in 1999.

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under E.O. 12866.

Pursuant to section 7 of the Endangered Species Act, NMFS has completed a consultation on the effects of the pollock and Atka mackerel fisheries on listed and candidate species, including the Steller sea lion, and designated critical habitat. The biological opinion prepared for this consultation, dated December 3, 1998, concludes that the pollock fisheries in the BSAI and the GOA jeopardize the continued existence of Steller sea lions and adversely modify their designated critical habitat. The biological opinion contains reasonable and prudent alternatives (RPAs) to mitigate the adverse impacts of the pollock fisheries on Steller sea lions. Specific measures necessary to implement the RPAs will be discussed at the December Council meeting and will be implemented by NMFS through emergency rulemaking prior to the start of the 1999 BSAI pollock fishery.

NMFS has also initiated consultation on the effects of the 1999 BSAI groundfish fisheries on listed and candidate species, including the Steller sea lion and listed seabirds, and on designated critical habitat. This consultation will be concluded prior to the start of fishing, under the 1999 interim specifications. Pending determinations under this consultation, NMFS may initiate emergency rulemaking to mitigate any adverse impacts resulting from the BSAI

groundfish fisheries on listed and candidate species and designated critical habitat.

NMFS prepared an initial regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (RFA) that describes the impact this proposed specification, if adopted, may have on small entities. This action is necessary to establish harvest limits for the BSAI groundfish fisheries for the 1999 fishing year. The groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR 679 that require NMFS, after consultation with the Council, to publish and solicit public comments on proposed annual TACs, PSC allowances, and seasonal allowances of the TACs. Based on the number of vessels that caught groundfish in 1996, the number of fixed gear and trawl catcher vessels expected to be operating as small entities in the 1999 BSAI groundfish fishery is 302. There are six small organizations, Community Development Quota (CDQ) groups, 56 small governmental jurisdictions with direct involvement in groundfish CDQ fisheries that are within the RFA definition of small entities. There are no recordkeeping and reporting requirements with this proposed action. NMFS is not aware of any other Federal rules which duplicate, overlap or conflict with the proposed specifications.

Significant alternatives that would minimize any significant economic impact of this action on small entities were considered. The establishment of differing compliance or reporting

requirements or timetables, the use of performance rather than design standards, or exempting affected small entities from any part of this action would not be appropriate because of the nature of this action.

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

Dated: December 23, 1998.

Andrew A. Rosenberg,

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

[Docket No. 981222314–8314–01; I.D. 121098B]

Groundfish Fishery of the Gulf of Alaska; Fisheries of the Exclusive Economic Zone; Gulf of Alaska; Proposed 1999 Harvest Specifications for Groundfish

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

ACTION: Proposed 1999 specifications for groundfish and associated management measures; request for comments.

SUMMARY: NMFS proposes 1999 harvest specifications, reserves, and

apportionments, for groundfish; Pacific halibut prohibited species catch (PSC) limits; and associated management measures for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits and associated management measures for groundfish during the 1999 fishing year. The intended effect of this action is to conserve and manage the groundfish resources in the GOA and to provide an opportunity for public participation in the annual groundfish specification process.

DATES: Comments must be received by January 25, 1999.

ADDRESSES: Comments must be sent to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

The preliminary 1999 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1998, is available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252 (907-271-2809).

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) govern the groundfish fisheries in the GOA. The North Pacific Fishery Management Council (Council) prepared the FMP, which was then approved by NMFS, under the Magnuson-Stevens Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and for the "other species" category, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (§ 679.20 (a)(1)(ii)). Regulations under § 679.20(c)(1) further require NMFS to publish annually, and solicit public comment on, proposed annual TACs, halibut PSC amounts, seasonal allowances of pollock, and inshore/offshore Pacific cod. The proposed specifications set forth in Tables 1 to 6 of this document satisfy these requirements. For 1999, the sum of the

proposed TAC amounts is 327,046 mt. Under 679.20(c)(3), NMFS will publish the final specifications for 1999 after considering: (1) comments received within the comment period (see DATES), and (2) consultations with the Council at its December 1998 meeting.

Regulations at § 679.20(c)(2)(i) provide that one-fourth of each proposed TAC and apportionment thereof (not including the reserves and the first seasonal allowance of pollock), one-fourth of the proposed halibut PSC amounts, and the proposed first seasonal allowance of pollock will become effective 0001 hours, Alaska local time (A.l.t.) January 1, on an interim basis and remain in effect until superseded by the final harvest specifications, which will be published in the **Federal Register**.

Prior to January 1, 1999, NMFS will publish, in the **Federal Register**, the interim TAC specifications and apportionments thereof for the 1999 fishing year. These interim specifications are scheduled to become effective 0001 hours, A.l.t. January 1, 1999, and remain in effect until superseded by the final 1999 harvest specifications.

Proposed Acceptable Biological Catch (ABC) and TAC Specifications

The proposed ABC and TAC for each species are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the GOA at their meetings in October 1998. This information was compiled by the Council's GOA Plan Team and is presented in the preliminary 1999 SAFE report for the GOA groundfish fisheries, dated September 1998. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species category. The preliminary 1999 SAFE

report will be updated to include new information collected during 1998. Revised stock assessments will be included in the final 1999 SAFE report.

Until updated information becomes available at its December 1998 meeting, the Council has recommended that the 1998 overfishing levels and ABC amounts be rolled over (Table 1).

Specification and Apportionment of TAC Amounts and Reserves

The Council adopted the AP's proposals for the 1999 GOA TAC amounts. The proposed 1999 TAC amounts equal the 1998 TAC amounts for each species. NMFS finds that the recommended proposed TAC amounts are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 116,000 to 800,000 mt.

The reserves for the GOA (under § 679.20(b)(2)) are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish target species categories, and "other species." The GOA groundfish TAC amounts have been fully utilized by the respective domestic target species categories since 1987, and NMFS expects the same to occur in 1999. NMFS proposes apportionment of all the reserves to the respective target species categories except Pacific cod. The Pacific cod fishery in the GOA has become increasingly difficult to manage. The increased number of participants, unexpected increases in harvest rates, and unexpected shifts to other management areas and target species in the GOA have resulted in overharvests of Pacific cod in some areas. Therefore, NMFS proposes initially to reserve 20 percent of the Pacific cod TACs in the GOA as a management buffer to prevent exceeding the Pacific cod TAC.

Table 1 lists the proposed 1999 ABC, TAC, initial TAC amounts (for Pacific cod only), overfishing levels, and initial apportionments of groundfish in the GOA. The apportionment of TAC amounts among fisheries is discussed in the following tables. These proposed specifications are subject to change as a result of public comment, analysis of the current biological condition of the groundfish stocks, new information regarding the fishery, and consultation with the Council at its December 1998 meeting.

TABLE 1.—PROPOSED 1999 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND-FISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA

[Values are in metric tons]

Species	Area ¹	ABC	TAC	Initial TAC	Overfishing
Pollock ²					
Shumagin	(610)	29,790	29,790	.....	.....
Chirikof	(620)	50,045	50,045	.....	.....
Kodiak	(630)	39,315	39,315	.....	.....
Subtotal	W/C	119,150	119,150	.....	170,500
.....	E	10,850	5,580	.....	15,600
Total .....	.....	130,000	124,730	.....	186,100
Pacific cod ³	W	27,260	23,170	18,536	.....
.....	C	49,080	41,720	33,376	.....
.....	E	1,560	1,170	936	.....
Total .....	.....	77,900	66,060	52,848	141,000
Flatfish ⁴ (deep-water)	W	340	340	.....	.....
.....	C	3,690	3,690	.....	.....
.....	E	3,140	3,140	.....	.....
Total .....	.....	7,170	7,170	.....	9,440
Rex sole ⁴	W	1,190	1,190	.....	.....
.....	C	5,490	5,490	.....	.....
.....	E	2,470	2,470	.....	.....
Total .....	.....	9,150	9,150	.....	11,920
Flathead sole	W	8,440	2,000	.....	.....
.....	C	15,630	5,000	.....	.....
.....	E	2,040	2,040	.....	.....
Total .....	.....	26,110	9,040	.....	34,010
Flatfish ⁵ (shallow-water)	W	22,570	4,500	.....	.....
.....	C	19,260	12,950	.....	.....
.....	E	1,320	1,180	.....	.....
Total .....	.....	43,150	18,630	.....	59,540
Arrowtooth flounder	W	33,010	5,000	.....	.....
.....	C	149,640	25,000	.....	.....
.....	E	25,690	5,000	.....	.....
Total .....	.....	208,340	35,000	.....	295,970
Sablefish ⁶	W	1,840	1,840	.....	.....
.....	C	6,320	6,320	.....	.....
.....	E	5,960	298	(Trawl only)	.....
.....	WYK	.....	2,175	(H&L only)	.....
.....	SEO	.....	3,487	(H&L only)	.....
Total .....	.....	14,120	14,120	.....	23,450
Pacific ⁷ ocean perch	W	1,810	1,810	.....	2,550
.....	C	6,600	6,600	.....	9,320
.....	E	4,410	2,366	.....	6,220
Total .....	.....	12,820	10,776	.....	18,090
Short raker/rougheye ⁸	W	160	160	.....	.....
.....	C	970	970	.....	.....
.....	E	460	460	.....	.....
Total .....	.....	1,590	1,590	.....	2,740
Other rock-fish ^{9,10,11}	W	20	20	.....	.....
.....	C	650	650	.....	.....
.....	E	4,590	1,500	.....	.....
Total .....	.....	5,260	2,170	.....	7,560
Northern Rockfish ¹¹	W	840	840	.....	.....
.....	C	4,150	4,150	.....	.....
.....	E	10	10	.....	.....
Total .....	.....	5,000	5,000	.....	9,420
Pelagic shelf rockfish ¹²	W	620	620	.....	.....
.....	C	3,260	3,260	.....	.....

TABLE 1.—PROPOSED 1999 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND-FISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are in metric tons]

Species	Area ¹	ABC	TAC	Initial TAC	Overfishing
Thornyhead rockfish	E	1,000	1,000	.....	.....
	Total	4,880	4,880	.....	8,040
	W	250	250	.....	.....
	C	710	710	.....	.....
	E	1,040	1,040	.....	.....
Demersal shelf rockfish ¹³	Total	2,000	2,000	.....	2,840
Atka mackerel	SEO	560	560	.....	950
	GW	600	600	.....	6,200
Other ¹⁴ species	GW	N/A ¹⁵	15,570	.....	.....
Total ¹⁶	.....	548,770	327,046	.....	817,270

1. Regulatory areas and districts are defined at § 679.2.
2. Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area (Table 3), each of which is further divided into three seasonal allowances. In the Eastern Regulatory Area, pollock is not divided into seasonal allowances.
3. Pacific cod is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Component allocations are shown in Table 4.
4. "Deep water flatfish" means Dover sole, Greenland turbot, and deepsea sole.
5. "Shallow water flatfish" means flatfish not including "deep water flatfish", flathead sole, rex sole, or arrowtooth flounder.
6. Sablefish is allocated to trawl and hook-and-line gears (Table 2).
7. "Pacific ocean perch" means *Sebastes alutus*.
8. "Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).
9. "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District means Slope rockfish.
10. "Slope rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvertail), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), and *S. reedi* (yellowmouth).
11. "Northern rockfish" means *Sebastes polyspinis*.
12. "Pelagic shelf rockfish" means *Sebastes ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).
13. "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).
14. "Other species" means sculpins, sharks, skates, squid, and octopus. The TAC for "other species" equals 5 percent of the TACs of target species.
15. N/A means not applicable.
16. The total ABC is the sum of the ABCs for target species.

Proposed Apportionment of the Sablefish TAC Amounts to Users of Hook-and-Line and Trawl Gear

Under § 679.20(a)(4)(i) and (ii), sablefish TAC amounts for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Central and Western Regulatory Areas, 80 percent of the TAC amounts is allocated to vessels using hook-and-line gear and 20 percent is

allocated to vessels using trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is assigned to vessels using hook-and-line gear and 5 percent is assigned to vessels using trawl gear. Additionally, the Eastern Regulatory Area hook-and-line allocation of sablefish is apportioned to the West Yakutat and Southeast Outside Districts. In the Eastern Regulatory Area, the trawl allocation is not apportioned by district although regulations at 679.7(b) prohibit

the use of trawl gear east of 140° W long. The trawl gear allocation in the Eastern Regulatory Area may only be used as bycatch to support directed fisheries for other trawl target species. Sablefish caught in the GOA with gear other than hook-and-line or trawl must be treated as prohibited species and may not be retained. Table 2 shows the assignments of the proposed 1999 sablefish TAC amounts between vessels using hook-and-line and trawl gears.

TABLE 2.—PROPOSED 1999 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ALLOCATIONS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR

[Values are in metric tons]

Area/District	TAC	Hook-and-line apportionment	Trawl apportionment
Western	1,840	1,472	368
Central	6,320	5,056	1,264
Eastern	5,960		298
West Yakutat		2,175	
Southeast Outside		3,487	
Total	14,120	12,190	1,930

Proposed Apportionments of Pollock and Pacific Cod TAC Amounts

In the GOA, pollock is apportioned by area and season. Regulations at § 679.20(a)(5)(ii)(A) require that the TAC for pollock in the combined Western/Central (W/C) Regulatory Areas be apportioned among statistical areas Shumagin (610), Chirikof (620), and Kodiak (630) in proportion to known distribution of the pollock biomass. This measure was intended to provide spatial distribution of the pollock harvest as a sea lion protection measure. Under regulations at § 679.20(a)(5)(ii)(B), the pollock TAC for the W/C Regulatory Areas is apportioned into three seasonal allowances of 25, 35, and 40 percent, respectively. As established under § 679.23(d)(2), the first, second, and third seasonal allowances of the W/C Regulatory Area pollock TAC amounts are available on January 1, June 1, and

September 1, respectively. Within any fishing year, any unharvested amount of any seasonal allowance of pollock TAC is added in equal proportions to all subsequent seasonal allowances, resulting in a sum for each allowance not to exceed 150 percent of the initial seasonal allowance. Similarly, harvests in excess of a seasonal allowance of TAC are deducted in equal proportions from the remaining seasonal allowances of that fishing year. The Eastern Regulatory Area proposed TAC of 5,580 mt is not allocated among smaller areas or seasonally.

On October 29, 1998, NMFS published a proposed rule for public review and comment that would implement Amendment 51 to the FMP (63 FR 57996). Amendment 51 would allocate 100 percent of the pollock TAC and 90 percent of the Pacific cod TAC to vessels catching pollock and Pacific cod for processing by the inshore

component. Ten percent of the Pacific cod TAC would be allocated to vessels catching Pacific cod for processing by the offshore component. The proposed distribution of pollock within the combined W/C Regulatory Areas is shown in Table 3, except that the allocation to the inshore and offshore components is not shown. Proposed inshore and offshore component allocations of the proposed 52,846 mt initial TAC for Pacific cod for each regulatory area are shown in Table 4.

Beginning in 1997, the Council recommended a GOA Pacific cod TAC that is 15 percent lower than the ABC for Pacific cod to account for removals from the state waters Pacific cod fishery. The Pacific cod TAC could be further reduced for 1999 pending State action to increase the state waters harvest of Pacific cod from 15 to 20 percent of the ABC.

TABLE 3.—PROPOSED DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (W/C GOA); BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND SEASONAL ALLOWANCES

Statistical area	Biomass percent	1999 ABC=TAC	Seasonal allowances		
			First (25%)	Second (35%)	Third (40%)
Shumagin (610)	25	29,790	7,450	10,425	11,915
Chirikof (620)	42	50,045	12,510	17,515	20,020
Kodiak (630)	33	39,315	9,830	13,760	15,725
Total	100	119,150	29,790	41,705	47,655

Note: Allowances. ABC for the W/C GOA is 119,150 metric tons (mt). Biomass distribution is based on 1996 survey data. TACs are equal to ABC. Pollock is allocated 100 percent to the inshore component. ABCs and TACs are rounded to the nearest 5 mt.

TABLE 4.—PROPOSED 1999 ALLOCATION (METRIC TONS) OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS

Regulatory area	Initial TAC	Component allocation	
		Inshore (90%)	Offshore (10%)
Western	18,536	16,682	1,854
Central	33,376	30,038	3,338
Eastern	936	842	94
Total	52,848	47,562	5,286

“Other Species” TAC

The FMP specifies that amounts for the “other species” category are calculated as 5 percent of the combined TAC amounts for target species. The GOA-wide “other species” TAC is calculated as 15,570 mt, which is 5 percent of the sum of combined TAC amounts for the target species.

Proposed Halibut PSC Mortality Limits

Under § 679.21(d), annual Pacific halibut PSC mortality limits are established for trawl and hook-and-line

gear and may be established for pot gear. At its October meeting, the Council recommended that NMFS re-establish the PSC limits of 2,000 mt for the trawl fisheries and 300 mt for the hook-and-line fisheries, with 10 mt of the hook-and-line limit allocated to the demersal shelf rockfish (DSR) fishery in the Southeast Outside District and the remainder to the remaining hook-and-line fisheries. Regulations at § 679.21(d)(4) authorize exemption of specified nontrawl fisheries from the halibut PSC limit. As in 1996, 1997, and

1998, the Council has recommended that pot gear, and the hook-and-line sablefish fishery, be exempt from the nontrawl halibut limit for 1999. The Council has recommended these exemptions because the halibut bycatch mortality experienced in the pot gear fisheries is low (17 mt in 1996, 13 mt in 1997, and 13 mt in 1998) and because the halibut and sablefish Individual Fishing Quota (IFQ) program, implemented in 1995, allows retention of legal-sized halibut in the sablefish

fishery by persons holding IFQ permits for halibut.

Under § 679.21(d)(5), NMFS seasonally apportions the halibut PSC limits based on recommendations from the Council. The FMP requires that the following information be considered by the Council in recommending seasonal apportionments of halibut PSC limits: (1) Seasonal distribution of halibut, (2) seasonal distribution of target groundfish species relative to halibut distribution, (3) expected halibut

bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catches of target groundfish species, (4) expected bycatch rates on a seasonal basis, (5) expected changes in directed groundfish fishing seasons, (6) expected actual start of fishing effort, and (7) economic effects of establishing of the target groundfish industry.

The publication of the final 1998 groundfish and PSC specifications (63 FR 12027, March 12, 1998) summarizes

Council findings with respect to each of the FMP considerations set forth above. At this time, the Council's findings are unchanged from those set forth for 1998. Pacific halibut PSC limits, and apportionments thereof, are presented in Table 5. Regulations specify that any overages or shortfalls in a seasonal apportionment of a PSC limit will be deducted from or added to the next respective seasonal apportionment within the 1999 season.

TABLE 5.—FINAL 1998 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS. THE PACIFIC HALIBUT PSC LIMIT FOR HOOK-AND-LINE GEAR IS ALLOCATED TO THE DSR FISHERY AND FISHERIES OTHER THAN DSR.

[Values are in metric tons]

Trawl gear		Hook-and-line gear			
Dates	Amount	Other than DSR		DSR	
		Dates	Amount	Dates	Amount
Jan 1–Mar 31	600 (30%)	Jan 1–May 17	250 (86%)	Jan 1–Dec 31	10(100%)
Apr 1–Jun 30	400 (20%)	May 18–Aug 31	15 (5%)		
Jul 1–Sep 30	600 (30%)	Sep 1–Dec 31	25 (9%)		
Oct 1–Dec 31	400 (20%)				
Total	2,000 (100%)		290 (100%)		10 (100%)

Regulations at § 679.21(d)(3)(iii) authorize the apportionment of the trawl halibut PSC limit to a deep-water species fishery (comprising sablefish, rockfish, deep-water flatfish, rex sole,

and arrowtooth flounder) and a shallow-water species fishery (comprising pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other species"). The proposed

apportionment for these two fishery complexes is presented in Table 6 and is unchanged from 1998.

TABLE 6.—PROPOSED 1999 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX

[Values are in metric tons]

Season	Shallow water	Deep water	Total
Jan. 20–Mar. 31	500	100	600
Apr. 1–Jun. 30	100	300	400
Jul. 1–Sep. 30	200	400	600
Oct. 1–Dec. 31			400
Total	800	800	2,000

Note: Pacific halibut PSC is not apportioned between shallow-water and deep-water fishery categories from October 1 through December 31.

The Council may recommend, or NMFS may make, some changes in the seasonal, gear type, and fishing-complex apportionments of halibut PSC limits for the final 1999 harvest specifications. NMFS considers the following types of information in setting halibut PSC limits as presented by, and summarized from, the preliminary 1999 SAFE Report, or from public comment and testimony.

1. Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is available from data collected by observers during 1998. The calculated halibut bycatch

mortality by trawl, hook-and-line, and pot gear through October 17, 1998, is 1,992 mt, 292 mt, and 13 mt, respectively, for a total halibut mortality of 2,297 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries during the first, second, third, and fourth quarters of the 1998 fishing year. Trawling for the deep-water fishery complex was closed for the first quarter on March 10 (63 FR 12688, March 16, 1998), for the second quarter on April 21 (63 FR 20541, April 27, 1998), for the third quarter on July 28 (63 FR 40839, July 31, 1998), and for the fourth quarter on October 9 (63 FR

55341, October 15, 1998). The shallow-water fishery complex was closed for the second quarter on May 2 (63 FR 24984, May 6, 1998), for the third quarter on August 3 (63 FR 42281, August 7, 1998), and for the fourth quarter on October 9 (63 FR 55341, October 15, 1998). The amount of groundfish that might have been harvested, if halibut had not been seasonally limiting in 1998 is unknown. However, lacking market incentives, some amounts of groundfish will not be harvested, regardless of halibut PSC bycatch availability.

2. Expected Changes in Groundfish Stocks

The proposed 1999 ABC amounts for the species or species groups are unchanged from 1998 amounts.

3. Expected Changes in Groundfish Catch

The total of the proposed 1999 TAC amounts for the GOA is 327,046 mt, which represents 100 percent of the sum of TAC amounts for 1998 (327,046 mt).

4. Current Estimates of Halibut Biomass and Stock Condition

The most recent information on halibut biomass and stock condition may be found in the 1998 preliminary SAFE report, dated September 1998. New information will be incorporated in the final 1999 SAFE report.

The International Pacific Halibut Commission (IPHC) has added or subtracted the following information to the 1998 preliminary SAFE report relative to the November 1997 SAFE report: (1) Standard errors are reported for all years, using the methodology reviewed by the SSC at the June 1998 Council meeting; (2) Information for 1997 is reported for the first time; (3) Information for the 1995-1997 sablefish IFQ fisheries is not included due to inconsistencies found in the data during the preparation of the preliminary report.

5. Potential Impacts of Expected Fishing for Groundfish on Halibut Stocks and U.S. Halibut Fisheries

The allowable commercial catch of halibut will be adjusted to account for the overall halibut PSC mortality limit established for groundfish fisheries. The 1999 groundfish fisheries are expected to use the entire proposed halibut PSC limit of 2,300 mt. The allowable directed commercial catch is determined by accounting for the recreational catch, waste, and bycatch mortality and then providing the remainder to the directed fishery. Groundfish fishing is not expected to adversely affect the halibut stocks.

6. Methods Available for, and Costs of, Reducing Halibut Bycatch in Groundfish Fisheries

Methods available for reducing halibut bycatch include: (1) Reducing halibut bycatch rates through the Vessel Incentive Program; (2) modifications to gear; (3) changes in groundfish fishing seasons; (4) individual transferable quota programs; and (5) time/area closures.

Reductions in groundfish TAC amounts provide no incentive for fishermen to reduce bycatch rates. Costs

that would be imposed on fishermen as a result of reducing TAC amounts depend on the species and amounts of groundfish foregone.

Trawl vessels carrying observers for purposes of complying with observer coverage requirements (50 CFR 679.50) are subject to the Vessel Incentive Program. This program encourages trawl fishermen to avoid high halibut bycatch rates while conducting groundfish fisheries by specifying bycatch rate standards for various target fisheries.

Current regulations (§ 679.24(b)(1)(ii)) specify requirements for tunnel openings for groundfish pots in order to reduce halibut bycatch. As a result, low bycatch and mortality rates of halibut in pot fisheries have justified exempting pot gear from PSC limits.

The regulations also define pelagic trawl gear in a manner intended to reduce bycatch of halibut by displacing fishing effort off the bottom of the sea floor when certain halibut bycatch levels are reached during the fishing year. The definition provides standards for physical conformation (§ 679.2, see Authorized gear) and performance of the trawl gear in terms of crab bycatch (§ 679.7(b)(3)). Furthermore, all hook-and-line vessel operators are required to employ careful release measures when handling halibut bycatch (§ 679.7(b)(2)). These measures are intended to reduce handling mortality, to increase the amount of groundfish harvested under the available halibut mortality bycatch limits, and to possibly lower overall halibut bycatch mortality in groundfish fisheries.

The sablefish/halibut IFQ program (implemented in 1995) was intended, in part, to reduce the halibut discard mortality in the sablefish fishery.

NMFS and the Council will review the methods available for reducing halibut bycatch, as listed above, to determine their effectiveness, and will initiate changes as appropriate, in response to this review or to public testimony and comment.

Consistent with the goals and objectives of the FMP to reduce halibut bycatch while providing an opportunity to harvest the groundfish OY, NMFS proposes the assignments of 2,000 mt and 300 mt of halibut PSC mortality limits to trawl and hook-and-line gear, respectively. While these limits would reduce the harvest quota for commercial halibut fishermen, NMFS has determined that they would not result in unfair allocation to any particular user group. NMFS recognizes that some halibut bycatch will occur in the groundfish fishery, but the Vessel Incentive Program, required modifications to gear, and

implementation of the halibut/sablefish IFQ program are intended to reduce adverse impacts on halibut fishermen while promoting the opportunity to achieve the OY from the groundfish fishery.

Halibut Discard Mortality Rates

The Council recommended that revised assumed halibut mortality rates developed by staff of the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1999 GOA groundfish fisheries. Most of the IPHC's assumed mortality rates were based on an average of discard mortality rates determined from NMFS-observer data collected during 1996 and 1997. For fisheries where a steady trend from 1993 to 1996 towards increasing or decreasing mortality rates was observed, the IPHC recommended using the most recent year's rate. Rates for 1995 and 1996 were lacking for some fisheries, so rates from the most recent years were used. Most of the assumed mortality rates recommended for 1999 differ slightly from those used in 1998. The recommended rates are lower than those used in 1998 for the longline targeted fisheries of Pacific cod and "other species" and remain the same for rockfish. The recommended rates for longline targeted fisheries range from 9 to 16 percent. The recommended rates for the trawl targeted fisheries are higher for midwater pollock, deep-water flatfish, flathead sole, and sablefish; are lower for rockfish, Pacific cod, rex sole, and "other species"; and the same for shallow-water flatfish, bottom pollock, and Atka mackerel. The recommended rates for the trawl targeted fisheries range from 57 to 73 percent. The recommended 1999 rate of 6 percent for all pot targeted fisheries is lower than those used in 1998. The halibut mortality rates are listed in Table 7. The proposed mortality rates listed in Table 7 are subject to change after the Council considers an updated analysis on halibut mortality rates in the groundfish fisheries that IPHC staff are scheduled to present to the Council at the Council's December 1998 meeting.

TABLE 7.—PROPOSED 1999 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA

[Listed values are percent of halibut bycatch assumed to be dead]

Gear and target	Mortality rate
Hook-and-Line:	
Sablefish

TABLE 7.—PROPOSED 1999 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA—Continued

[Listed values are percent of halibut bycatch assumed to be dead]

Gear and target	Mortality rate
Pacific cod	16
Rockfish	9
Other species	16
Trawl:	
Midwater pollock	76
Rockfish	64
Shallow-water flatfish	71
Pacific cod	66
Deep-water flatfish	66
Flathead sole	74
Rex sole	55
Bottom pollock	73
Atka mackerel	57
Sablefish	71
Other species	66
Pot:	
Pacific cod	6
Other species	6

Note: The hook-and-line sablefish mortality rate will be available for Council review at its December 1998 meeting.

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under E.O. 12866.

Pursuant to section 7 of the Endangered Species Act, NMFS has completed a consultation on the effects of the pollock and Atka mackerel fisheries on listed and candidate species, including the Steller sea lion, and designated critical habitat. The

biological opinion prepared for this consultation, dated December 3, 1998, concludes that the pollock fisheries in the BSAI and the GOA jeopardize the continued existence of Steller sea lions and adversely modify their designated critical habitat. The biological opinion contains reasonable and prudent alternatives (RPAs) to mitigate the adverse impacts of the pollock fisheries on Steller sea lions. Specific measures necessary to implement the RPAs will be discussed at the December Council meeting and will be implemented by NMFS through emergency rulemaking prior to the start of the 1999 GOA pollock fishery.

NMFS has also initiated consultation on the effects of the 1999 GOA groundfish fisheries on listed and candidate species, including the Steller sea lion and listed seabirds, and on designated critical habitat. This consultation will be concluded prior to the start of fishing on January 1, 1999, under the 1999 interim specifications. Pending determinations under this consultation, NMFS may initiate emergency rulemaking to mitigate any adverse impacts resulting from the GOA groundfish fisheries on listed and candidate species and designated critical habitat.

NMFS prepared an initial regulatory flexibility analysis that describes the impact these proposed specifications, if adopted, may have on small entities. This action is necessary to establish harvest limits for the GOA groundfish fisheries for the 1999 fishing year. The groundfish fishery in the GOA is

governed by Federal regulations at 50 CFR 679 that require NMFS, after consultation with the Council, to publish and solicit public comments on proposed annual TACs, PSC allowances, and seasonal allowances of the TACs. Based on the number of vessels that caught groundfish in 1996, the estimated number of fixed gear and trawl catcher vessels expected to be operating as small entities in the 1999 GOA groundfish fishery is 1,492. There are no recordkeeping and reporting requirements with this proposed action. NMFS is not aware of any other Federal rules which duplicate, overlap or conflict with the proposed specifications.

Significant alternatives that would minimize any significant economic impact of this action on small entities were considered. The establishment of differing compliance or reporting requirements or timetables, the use of performance rather than design standards, or exempting affected small entities from any part of this action would not be appropriate because of the nature of this action.

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

Dated: December 24, 1998.

Andrew A. Rosenberg,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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