

Under this final rule, CDQ groups will continue to receive 7.5 percent of all PSC limits, which, since the overall limits will be reduced, will result in reduced Prohibited Species Quota (PSQ) allocations to CDQ groups. These reductions constitute an added incentive to improve techniques for minimizing bycatch. The reductions are small in proportion to the total PSQ allocations, but it is possible that they could result in some loss of CDQ groundfish. This could happen if a group reached one of its PSQ allocations before it otherwise would have, and was required to stop fishing for CDQ groundfish species.

#### List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: May 10, 2000.

#### Penelope D. Dalton,

Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons discussed in the preamble, 50 CFR part 679 is amended to read 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 § 679.2, the definition of “*fishing trip*”, paragraph (1) is amended by redesignating paragraph (1)(iv) as paragraph (1)(v), adding a new paragraph (1)(iv), and removing the final word, “*or*,” from paragraph (1)(iii), to read as follows:

#### § 679.2 Definitions.

\* \* \* \* \*

*Fishing trip* means:

(1) \* \* \*

(iv) The vessel begins fishing with different type of authorized fishing gear; or

\* \* \* \* \*

3. In § 679.7, paragraph (a)(14) is revised to read as follows:

#### § 679.7 Prohibitions.

\* \* \* \* \*

(a) \* \* \*

(14) *Trawl gear performance standard*—(i) *BSAI*. Use a vessel to participate in a non-CDQ directed fishery for pollock using trawl gear and have on board the vessel, at any particular time, 20 or more crabs of any species that have a carapace width of more than 1.5 inches (38 mm) at the widest dimension.

(ii) *GOA*. Use a vessel to participate in a directed fishery for pollock using trawl gear when directed fishing for pollock with nonpelagic trawl gear is closed and have on board the vessel, at any particular time, 20 or more crabs of any species that have a carapace width of more than 1.5 inches (38 mm) at the widest dimension.

\* \* \* \* \*

4. In § 679.20, paragraph (a)(5)(i)(B) is removed and paragraph (a)(5)(i)(C) is redesignated as paragraph (a)(5)(i)(B).

5. In § 679.21, paragraphs (e)(1)(ii)(A) through (C), (e)(1)(iii)(A) through (B), (e)(1)(iv)(A) through (C), and (e)(1)(v) are revised to read as follows:

#### § 679.21 Prohibited species bycatch management.

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(ii) \* \* \*

(A) When the number of mature female red king crabs is at or below the threshold of 8.4 million mature crabs or the effective spawning biomass is less than or equal to 14.5 million lb (6,577 mt), the Zone 1 PSC limit will be 32,000 red king crabs.

(B) When the number of mature female red king crabs is above the threshold of 8.4 million mature crabs and the effective spawning biomass is greater than 14.5 million lb but less than 55 million lb (24,948 mt), the Zone 1 PSC limit will be 97,000 red king crabs.

(C) When the number of mature female red king crabs is above the threshold of 8.4 million mature crabs and the effective spawning biomass is equal to or greater than 55 million lb, the Zone 1 PSC limit will be 197,000 red king crabs.

(iii) \* \* \*

(A) *Zone 1*. When the total abundance of *C. bairdi* crabs is:

(1) 150 million animals or less, the PSC limit will be 0.5 percent of the total abundance, minus 20,000 animals.

(2) Over 150 million to 270 million animals, the PSC limit will be 730,000 animals.

(3) Over 270 million to 400 million animals, the PSC limit will be 830,000 animals.

(4) Over 400 million animals, the PSC limit will be 980,000 animals.

(B) *Zone 2*. When the total abundance of *C. bairdi* crabs is:

(1) 175 million animals or less, the PSC limit will be 1.2 percent of the total abundance, minus 30,000 animals.

(2) Over 175 million to 290 million animals, the PSC limit will be 2,070,000 animals.

(3) Over 290 million to 400 million animals, the PSC limit will be 2,520,000 animals.

(4) Over 400 million animals, the PSC limit will be 2,970,000 animals.

(iv) \* \* \*

(A) *PSC Limit*. The PSC limit will be 0.1133 percent of the total abundance, minus 150,000 *C. opilio* crabs, unless:

(B) *Minimum PSC Limit*. If 0.1133 percent multiplied by the total abundance is less than 4.5 million, then the minimum PSC limit will be 4.350 million animals; or

(C) *Maximum PSC Limit*. If 0.1133 percent multiplied by the total abundance is greater than 13 million, then the maximum PSC limit will be 12,850 million animals.

(v) *Halibut*. The PSC limit of halibut caught while conducting any trawl fishery for groundfish in the BSAI during any fishing year is an amount of halibut equivalent to 3,675 mt of halibut mortality.

\* \* \* \* \*

6. In § 679.24, paragraph (b)(4) is added to read as follows:

#### § 679.24 Gear limitations.

\* \* \* \* \*

(b) \* \* \*

(4) *BSAI pollock nonpelagic trawl prohibition*. No person may use nonpelagic trawl gear to engage in directed fishing for non-CDQ pollock in the BSAI.

\* \* \* \* \*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 990720198-9307-02; I.D. 070799B]

#### RIN 0648-AM36

### Fisheries of the Exclusive Economic Zone Off Alaska; Maximum Retainable Bycatch Percentages, Gulf of Alaska; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains a correction to the final rule for maximum retainable bycatch (MRB) percentages for the Gulf of Alaska (GOA), which was published in the *Federal Register* on December 6, 1999.

**DATES:** Effective January 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907-586-7008.

**SUPPLEMENTARY INFORMATION:****Background**

A final rule was published in the **Federal Register** on December 6, 1999 (64 FR 68054), to revise MRB percentages for the GOA. A new column added to Table 10 to 50 CFR part 679 and two of its footnotes were revised to clarify the intent of the North Pacific Fishery Management Council. But some of the data contained in the cells of the new column have been misinterpreted by management and enforcement officials, the State of Alaska Department of Fish and Game, and the fishing industry.

In Table 10 as published December 6, 1999, if a value appears in the "SR/RE ERA" column, it was intended to indicate that when calculating the retainable incidental catch for the basis species of interest, the SR/RE=7 percentage value would be added to the aggregated rockfish category percentage value and under that circumstance the SR/RE would not be included also in the aggregated rockfish value. If no value "na" appears in the SR/RE column, it was intended to indicate that SR/RE may not be calculated separately for the basis species but rather is included in the aggregated rockfish value. The "na" was also used in Table 10 to indicate that the combination of basis species and incidental catch species was not applicable since the same species appeared in both places.

Confusion from the two meanings of the term "na" in Table 10 eventually resulted in the interpretation that "na"

in the "SR/RE ERA" column meant "zero." Zero retention means that no quantities of SR/RE could be retained when calculating incidental catch for a basis species. The result of this interpretation was that NMFS Enforcement and U.S. Coast Guard required that any incidental SR/RE brought in by fishermen with any basis species be discarded (and therefore wasted) and also issued a citation to the fisherman for retaining a species illegally. The fisherman in question suffered a possible fine plus loss of income from the SR/RE. In addition, the fisherman held the correct interpretation of SR/RE retention and suffered also the frustration and aggravation of doing the correct action supported by regulations and being penalized for it by NMFS.

Footnote "(?)" stated that "SR/RE rockfish is a separate category for the deep water complex only." Because deep water complex was not defined in Table 10, it was not clear that deep water complex meant those basis species that had values=7 in the column "SR/RE ERA."

**Need for Correction**

Because the abbreviated form of "not applicable" appearing in certain cells of the added column SE/RE, Table 10, has been misinterpreted and caused unnecessary industry costs and incorrect enforcement of SR/RE retention, it must be corrected.

**Correction**

1. In the final rule Revisions to Gulf of Alaska Retainable Bycatch

Percentages published in 64 FR 68054, December 6, 1999, FR Doc. 99-31555, on page 68055, under TABLE 10 TO Part 679.—GULF OF ALASKA RETAINABLE PERCENTAGES, in the eleventh column under the heading Incidental Catch Species, under the column subheading "SR/RE ERA<sup>3</sup>" on the following lines: first, second, sixth, sixteenth, seventeenth, and eighteenth line, remove the abbreviation "na<sup>6</sup>" and in its place add "(?)".

2. From Footnote "(?)" remove the text "Aggregated rockfish means rockfish defined at § 679.2 except: in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category and in the Eastern Regulatory Area where shortraker/rougheye is a separate category for the deep water complex only" and in its place add "Aggregated rockfish means rockfish defined at § 679.2 except: in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category and in the Eastern Regulatory Area where shortraker/rougheye (SR/RE) rockfish is a separate category for those species marked with a numerical percentage."

Add footnote "(?)" to read "(?)" where numerical percentage is not indicated, the retainable percentage of SR/RE is included under Aggregated Rockfish."

Dated: May 10, 2000.

**Penelope D. Dalton,**

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