

and should be deemed qualified to participate in the JWOD Program?

(2) Are there additional criteria that should be used, or substituted for the above, to evaluate evidence of good governance practices by nonprofit agencies in the Program?

(3) Should accreditation by one or more state or national organizations be recognized as evidence of a nonprofit agency adhering to good governance practices without further review by the Committee?

(4) Should different benchmarks be used for nonprofit agencies that are state, county, or local government agencies, or should they be exempt from any Committee regulations in this area?

(5) Should the size and/or the annual revenue of the nonprofit agency be a factor or factors in assessing appropriate governance practices?

(6) What is the best way to ensure that only qualified central nonprofit agencies and nonprofit agencies, with an internal structure that minimizes opportunities for impropriety, participate in the JWOD Program?

(7) What if any enforcement mechanisms should be adopted to ensure only the qualified central nonprofit agencies and nonprofit agencies participate in the JWOD Program?

(8) What steps will the nonprofit agencies and central nonprofit agencies need to take to avoid conflicts of interest among its board members?

(9) What steps will the nonprofit agencies and central nonprofit agencies have to take to demonstrate financial responsibility?

#### **Effect of Executive Compensation on Fair Market Price Determinations**

Board involvement in setting the compensation of the CEO/President and other highly compensated employees is one of the benchmarks of effective nonprofit governance practices. In furtherance of assessing information used to set the initial fair market price for products and services added to the Procurement List, and then periodic adjustments to the price thereafter, the Committee is seeking information on the following:

(1) What is the threshold beyond which the compensation paid to the executives in a JWOD-participating nonprofit agency should be considered as influencing a proposed fair market price determination? For example, if the agency receives more than a certain percentage of its total revenue from sales through the JWOD Program, is there a compensation level (total dollars paid or total dollars paid as a percentage of total revenue) at and above which fair

market price impact would be deemed to occur?

(2) Conversely, is there a point below which executive compensation, regardless of the dollar amount paid, would not be considered as influencing a recommended fair market price? Is such a *de minimis* test appropriate for large diversified nonprofits where total JWOD sales represent only a small percentage of total revenue?

(3) Without regard to any analysis of JWOD-related revenue, is there an established benchmark or absolute dollar threshold above which compensation would be deemed as influencing a proposed fair market price?

(4) Should receipt of documentation to support a "rebuttable presumption of reasonableness" serve to demonstrate that executive compensation does not by itself influence a proposed fair market price or any adjustment thereto?

(5) To what extent should there be a relationship between the pay and compensation of line workers and highly compensated individuals?

(6) At what point would be appropriate to begin a review of an executive compensation package even if the proposed price for a product or service would fall within a range that it could be considered as a fair market price?

(7) What approaches are available to identify and monitor nonprofit agencies executive compensation that would provide such information to the Committee routinely but without placing an undue burden on agencies?

#### *Definitions of Terms in Quotation Marks Above*

(1) A "financial expert" is a director that must understand GAAP and financial statements, have the ability to assess the general application of such principles in connection with the accounting for estimates, accruals and reserves, have experience preparing, auditing, analyzing or evaluating financial statements that present a breadth and level of complexity of accounting issues that are generally comparable to the breadth and complexity of issues that can reasonably be expected to be raised by the registrant's financial statements, or experience actively supervising one or more persons engaged in such activities, have an understanding of internal controls and the procedures for financial reporting, and have an understanding of audit committee functions.

(2) A "rebuttable presumption of reasonableness" requires the maintaining a board of independent

members, requires the Board of Directors to approve compensation arrangements for highly paid executives and individuals using independent comparative salary data gathered from similar organizations for similar executive positions, and documents all data used in decision making for compensation packages including all annual compensation, incentive compensation plans, long-term incentive plans, supplemental retirement plans, wrap-around Section 401K plans, deferred compensation arrangements and benefits.

(3) A "highly compensated individual" is an individual:

(i) With a year's compensation in excess of \$90,000.00; or

(ii) Who had compensation within the previous year which was in excess of \$90,000.00; or

(iii) At the election of the employer had compensation in excess of \$90,000.00 and was in the top 20 percent of employees by compensation for any year.

(4) "Undue influence" is prohibited and occurs when an officer, director, or employee of the agency directly or indirectly takes any action to coerce, manipulate, mislead, or fraudulently influence the agencies' audit committee, Directors, CEO/President or any individual that has authority or power to influence the preceding persons.

(5) A "management letter" is a technical letter, which is prepared by an auditor or audit committee.

**Patrick Rowe,**

*Deputy Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 679**

[Docket No. 051205324-5324-01; I.D. 112805B]

#### **Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; 2006 and 2007 Proposed Harvest Specifications for Groundfish**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes 2006 and 2007 harvest specifications and prohibited species catch (PSC) allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits for groundfish during the 2006 and 2007 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Comments must be received by January 17, 2006.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Lori Durall. Comments may be submitted by:

- Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments;
- Mail to P.O. Box 21668, Juneau, AK 99802;
- Hand Delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, AK;
- E-mail to [2006AKgroundfish.tacspeccs@noaa.gov](mailto:2006AKgroundfish.tacspeccs@noaa.gov) and include in the subject line the document identifier: 2006 Proposed Specifications (E-mail comments, with or without attachments, are limited to 5 megabytes); or
- Fax to 907-586-7557.

Copies of the draft Environmental Assessment/Initial Regulatory Flexibility Analysis (EA/IRFA) prepared for this action are available from NMFS at the addresses above or from the Alaska Region Web site at <http://www.fakr.noaa.gov>. Copies of the final 2004 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2004, are available from the North Pacific Fishery Management Council (Council), West 4th Avenue, Suite 306, Anchorage, AK 99510-2252, 907-271-2809, or from its Web site at <http://www.fakr.noaa.gov/npfmc>.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228, or e-mail at [mary.furuness@noaa.gov](mailto:mary.furuness@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

## Background

Federal regulations at 50 CFR part 679 implement the FMP and govern the groundfish fisheries in the BSAI. The Council prepared the FMP and NMFS approved it under the Magnuson-Stevens Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and the "other species" category, the sum of which must be within the optimum yield range of 1.4 million to 2.0 million metric tons (mt) (see § 679.20(a)(1)(i)). Regulations at § 679.20(c)(1) further require NMFS to publish proposed harvest specifications in the **Federal Register** and solicit public comment on proposed annual TACs and apportionments thereof, PSC allowances and prohibited species quota (PSQ) reserves established by § 679.21, seasonal allowances of pollock, Pacific cod and Atka mackerel TAC, including pollock Community Development Quota (CDQ), and CDQ reserve amounts established by § 679.20(b)(1)(iii). The proposed harvest specifications set forth in Tables 1 through 13 of this action satisfy these requirements.

Under § 679.20(c)(3), NMFS will publish the final harvest specifications for 2006 and 2007 after (1) considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its December 2005 meeting, and (3) considering new information presented in the EA and the final 2005 SAFE reports prepared for the 2006 and 2007 groundfish fisheries.

## Other Rules Affecting the 2006 and 2007 Harvest Specifications

When possible, this proposed rule identifies proposals that are under consideration by the Council that, if approved by the Secretary of Commerce (Secretary), could change the final harvest specifications. The 2006 harvest specifications will be updated in early 2006, when final harvest specifications for 2006 and new harvest specifications for 2007 are implemented.

The Council is reviewing Amendment 85, which may revise the BSAI Pacific cod sector allocation and apportion the Pacific cod acceptable biological catch (ABC) or TAC by Bering Sea subarea and Aleutian Islands (AI) subarea separately instead of by the entire BSAI management area. The Council is also reviewing Amendment 84, which may modify current regulations for managing incidental catch of chinook and chum

salmon. The Council may consider separating some rockfish species from the "other rockfish" species category so individual overfishing levels (OFLs), ABCs, and TACs may be established for some rockfish species. The Council may pursue a change to the start date for the BSAI pollock "A" season fishery. An earlier start date would allow the fleet more flexibility to harvest pollock when roe content is optimal.

## Proposed ABC and TAC Harvest Specifications

The proposed ABC levels 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. In general, the development of ABCs and OFLs involves sophisticated statistical analyses of fish populations and is based on a successive series of six levels, or tiers, of reliable information available to fishery scientists. Tier one represents the highest level of data quality available and tier six the lowest level of data quality available.

Appendix A to the final SAFE report for the 2005 BSAI groundfish fisheries dated November 2004 (see **ADDRESSES**) sets forth the best information currently available. Information on the status of stocks will be updated with the 2005 survey results and reconsidered by the Plan Team in November 2005 for the 2005 SAFE report. The 2006 and 2007 final harvest specifications will be based on the 2005 SAFE report.

In October 2005, the Scientific and Statistical Committee (SSC), Advisory Panel, and the Council reviewed the Plan Team's preliminary projections as the basis for the 2006 and 2007 proposed ABC, OFL, and TAC amounts. The SSC concurred in the Plan Team's recommendations which, for stocks in tiers 1-3, used 2005 estimated fishing mortality rates in stock projection models to estimate OFLs and ABCs for 2006. The estimated 2006 TACs were derived based on ABC constraints and past Council actions. The estimated 2006 TACs were treated as the projected 2006 fishing mortality rates to derive estimates of OFLs and ABCs for 2007. For stocks in tiers 4-6, for which there are no population projection models, the OFL and ABC amounts from 2005 were used for 2006 and 2007. The Council adopted the OFL and ABC amounts recommended by the SSC (Table 1). The Council recommended that the 2006 proposed TACs be set equal to the 2006 TACs the Council adopted and the Secretary approved in 2005 for the 2006 final specifications

(70 FR 8979, February 24, 2005). The Council recommended that the 2007 proposed TACs be set equal to the proposed ABCs, except for decreases for Aleutian Islands and Bogoslof pollock, arrowtooth flounder, Alaska plaice, and other species. The Council recommended using the 2005 and 2006 PSC allowances for the 2006 and 2007 proposed allowances. The Council will reconsider the OFL, ABC, TAC, and PSC

amounts in December 2005 after the Plan Team incorporates new status of groundfish stocks information into a final 2005 SAFE report for the 2006 and 2007 BSAI groundfish fishery. None of the Council's recommended proposed TACs for 2006 or 2007 exceeds the recommended 2006 or 2007 proposed ABC for any species category. NMFS finds the Council's recommended proposed 2006 and 2007 OFLs, ABCs,

and TACs are consistent with the best available information on the biological condition of the groundfish stocks.

Table 1 lists the 2006 and 2007 proposed OFL, ABC, and TAC, initial TAC (ITAC) and CDQ amounts for groundfish in the BSAI. The proposed apportionment of TAC amounts among fisheries and seasons is discussed below.

TABLE 1.—2006 AND 2007 PROPOSED OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI<sup>1</sup>  
 [Amounts are in metric tons]

Species	Area	2006					2007				
		OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>	OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>
Pollock <sup>4</sup>	BS <sup>2</sup>	1,966,100	1,636,800	1,487,756	1,338,980	148,776	1,487,100	1,223,200	1,100,880	122,320	
	AI <sup>2</sup>	39,100	29,400	19,000	17,100	1,900	39,100	29,400	17,100	1,900	
	Bogoslof	39,600	2,570	10	10	n/a	39,600	2,570	11	n/a	
Pacific cod	BSAI	250,700	195,000	195,000	165,750	14,625	222,000	172,200	146,370	12,915	
Sablefish <sup>5</sup>	BS	3,085	2,556	2,310	982	318	2,880	2,400	1,020	44,490	
	AI	3,315	2,744	2,480	527	419	3,120	2,600	553	49	
Atka mackerel	BSAI	126,700	107,000	63,000	53,550	4,725	106,900	90,800	77,180	6,810	
	WAI	n/a	40,230	20,000	17,000	1,500	n/a	28,825	24,501	2,162	
	CAI	n/a	45,580	35,500	30,175	2,663	n/a	51,165	43,490	3,837	
	EAI/BS	n/a	21,190	7,500	6,375	563	n/a	10,810	9,189	811	
Yellowfin sole	BSAI	139,500	117,700	90,000	76,500	6,750	130,000	109,600	93,160	8,220	
Rock sole	BSAI	145,100	121,700	42,000	35,700	3,150	138,400	116,100	98,685	8,708	
Greenland turbot	BSAI	18,100	11,400	3,500	2,975	263	16,900	10,500	8,925	788	
	BS	n/a	7,590	2,500	2,125	188	n/a	7,500	6,375	563	
	AI	n/a	3,410	1,000	850	75	n/a	3,000	2,550	225	
Arrowtooth flounder	BSAI	128,500	104,200	12,000	10,200	900	125,800	102,100	33,235	2,933	
Flathead sole	BSAI	65,900	54,900	20,000	17,000	1,500	60,800	50,600	43,010	3,795	
Other flatfish <sup>6</sup>	BSAI	28,500	21,400	3,000	2,550	225	28,500	21,400	18,190	1,605	
Alaska plaice	BSAI	231,000	183,400	10,000	8,500	750	224,400	178,100	55,250	4,875	
Pacific ocean perch	BSAI	17,600	14,900	12,600	10,710	945	17,900	15,100	12,835	1,133	
	BS	n/a	3,000	1,400	1,190	105	n/a	1,678	1,426	126	
	WAI	n/a	5,450	5,085	4,322	381	n/a	6,096	5,182	457	
	CAI	n/a	3,252	3,035	2,580	228	n/a	3,637	3,091	273	
	EAI	n/a	3,298	3,080	2,618	231	n/a	3,689	3,136	277	
Northern rockfish	BSAI	9,800	8,200	5,000	4,250	375	9,700	8,200	6,970	615	
Shortraker rockfish	BSAI	794	596	596	507	45	794	596	507	45	
Roughye rockfish	BSAI	298	223	223	190	17	298	223	190	17	
Other rockfish <sup>7</sup>	BS	1,122	810	460	391	35	1,122	810	689	61	
	AI	748	590	590	502	44	748	590	502	44	
Squid	BSAI	2,620	1,970	1,275	1,084	n/a	2,620	1,970	1,675	n/a	
Other species <sup>8</sup>	BSAI	87,920	57,870	29,200	24,820	2,190	87,920	57,870	42,500	3,750	
Total		3,306,102	2,675,629	2,000,000	1,772,778	187,953	2,746,602	2,196,929	1,759,437	180,673	

<sup>1</sup> These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.  
<sup>2</sup> Except for pollock and the portion of the sablefish TAC allocated to hook-and-line and pot gear, 15 percent of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.  
<sup>3</sup> Except for pollock, squid and the hook-and-line or pot gear allocation of sablefish, one half of the amount of the TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (see §§ 679.20(b)(1)(iii) and 679.31).  
<sup>4</sup> Under § 679.20(a)(5)(i)(A)(1), the annual Bering Sea pollock TAC after subtraction for the CDQ directed fishing allowance—10 percent and the ICA—3.5 percent, is further allocated by sector for a directed pollock fishery as follows: inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(ii)(B)(2)(i) and (j), the annual AI pollock TAC, after subtraction for the CDQ directed fishing allowance—10 percent and the ICA—1,800 mt, is allocated to the Aleut Corporation for a directed pollock fishery.  
<sup>5</sup> The ITAC for sablefish reflected in Table 1 is for trawl gear only. Regulations at § 679.20(b)(1) do not provide for the establishment of an ITAC for the hook-and-line and pot gear allocation for sablefish. Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear and 7.5 percent of the sablefish TAC allocated to trawl gear is reserved for use by CDQ participants (see § 679.20(b)(1)(iii)).  
<sup>6</sup> "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder and Alaska plaice.  
<sup>7</sup> "Other rockfish" includes all *Sebastes* and *Sebastes/lobus* species except for Pacific ocean perch, northern, shortraker, and roughye rockfish.  
<sup>8</sup> "Other species" includes sculpins, sharks, skates and octopus. Forage fish, as defined at § 679.2, are not included in the "other species" category.

### Reserves and the Incidental Catch Allowance (ICA) for Pollock

Regulations at § 679.20(b)(1)(i) require placement of 15 percent of the TAC for each target species or species group, except for pollock and the hook-and-line and pot gear allocation of sablefish, in a non-specified reserve. Regulations at § 679.20(b)(1)(iii) further require the allocation of one half of each TAC amount that is placed in the non-specified reserve (7.5 percent), with the exception of squid, to the groundfish CDQ reserve, and the allocation of 20 percent of the hook-and-line and pot gear allocation of sablefish to the fixed gear sablefish CDQ reserve. Regulations at §§ 679.20(a)(5)(i)(A) and 679.31(a) also require the allocation of 10 percent of the BSAI pollock TACs to the pollock CDQ directed fishing allowance. The entire Bogoslof District pollock TAC is allocated as an ICA (see § 679.20(a)(5)(ii)). With the exception of the hook-and-line and pot gear sablefish CDQ reserve, the regulations do not further apportion the CDQ reserves by gear. Regulations at § 679.21(e)(1)(i) also require withholding of 7.5 percent of each PSC limit, with the exception of herring, as a PSQ reserve for the CDQ fisheries. Sections 679.30 and 679.31 set forth the regulations governing the management of the CDQ and PSQ reserves.

Under regulations at § 679.20(a)(5)(i)(A)(1), NMFS allocates a pollock ICA of 3.5 percent of the Bering Sea pollock TAC after subtraction of the 10 percent CDQ reserve. This allowance is based on NMFS' examination of the incidental catch of pollock in target fisheries other than pollock from 1999 through 2004. During this 6-year period, the incidental catch of pollock ranged from a low of 2 percent in 2003 to a high of 5 percent in 1999, with a 6-year average of 3.5 percent. Because these

incidental percentages are contingent on the relative amounts of other groundfish TACs, NMFS will be better able to assess the ICA amount when the Council makes final ABC and TAC amount recommendations in December. Under regulations at § 679.20(a)(5)(iii)(B)(2)(i) and (ii), NMFS recommends setting a 1,800 mt ICA for AI subarea pollock after a subtraction of the 10 percent CDQ directed fishing allowance.

The regulations do not designate the remainder of the non-specified reserve by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing (see § 679.20(b)(1)(ii)).

### Allocations of Pollock TAC Under the American Fisheries Act (AFA)

Regulations at § 679.20(a)(5)(i)(A) require that the pollock TAC apportioned to the Bering Sea subarea, after subtraction of the 10 percent for the CDQ program and the 3.5 percent for the ICA, will be allocated as a directed fishing allowance (DFA) as follows: 50 percent to the inshore sector, 40 percent to the catcher/processor sector, and 10 percent to the mothership sector. In the Bering Sea subarea, the A season (January 20–June 10) is allocated 40 percent of the DFA and the B season (June 10–November 1) is allocated 60 percent of the DFA. The AI directed pollock fishery allocation to the Aleut Corporation equals the AI subarea pollock TAC after subtracting first the 10 percent for the CDQ DFA (1,900 mt) and second the ICA (1,800 mt). In the AI subarea, 40 percent of the ABC is allocated to the A season and the remainder of the directed pollock fishery is allocated to the B season.

Table 2 lists these 2006 and 2007 proposed amounts.

The regulations also include several specific requirements regarding pollock and pollock allocations under § 679.20(a)(5)(i)(A)(4). First, 8.5 percent of the pollock allocated to the catcher/processor sector will be available for harvest by AFA catcher vessels with catcher/processor sector endorsements, unless the Regional Administrator receives a cooperative contract that provides for the distribution of harvest among AFA catcher/processors and AFA catcher vessels in a manner agreed to by all members. Second, AFA catcher/processors not listed in the AFA are limited to harvesting not more than 0.5 percent of the pollock allocated to the catcher/processor sector. Table 2 lists the 2006 and 2007 proposed allocations of pollock TAC. Tables 8 through 13 list other provisions of the AFA, including inshore pollock cooperative allocations and listed catcher/processor and catcher vessel harvesting sideboard limits.

Table 2 also lists seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest within the SCA, as defined at § 679.22(a)(7)(vii), is limited to 28 percent of the DFA until April 1. The remaining 12 percent of the 40 percent of the annual DFA allocated to the A season may be taken outside the SCA before April 1 or inside the SCA after April 1. If the 28 percent of the annual DFA is not taken inside the SCA before April 1, the remainder will be available to be taken inside the SCA after April 1. The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector's allocated percentage of the DFA. Table 2 lists by sector these 2006 and 2007 proposed amounts.

TABLE 2.—2006 AND 2007 PROPOSED ALLOCATIONS OF POLLOCK TACs TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)<sup>1</sup>

[Amounts are in metric tons]

Area and sector	2006 allocations	2006 A season <sup>1</sup>		2006 B season <sup>1</sup>	2007 allocations	2007 A season <sup>1</sup>		2007 B season
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bering Sea subarea .....	1,487,756	n/a	n/a	n/a	1,223,200	n/a	n/a	n/a
CDQ DFA .....	148,776	59,510	41,657	89,265	122,320	48,928	34,250	73,392
ICA <sup>1</sup> .....	46,864	n/a	n/a	n/a	38,531	n/a	n/a	n/a
AFA Inshore .....	646,058	258,423	180,896	387,635	531,175	212,470	148,729	318,705
AFA Catcher/Processors <sup>3</sup>	516,846	206,739	144,717	310,108	424,940	169,976	118,983	254,964
Catch by C/Ps .....	472,914	189,166	n/a	283,749	388,820	155,528	n/a	233,292
Catch by CVs <sup>3</sup> .....	43,932	17,573	n/a	26,359	36,120	14,448	n/a	21,672
Unlisted C/P Limit <sup>4</sup> .....	2,584	1,034	n/a	1,551	2,125	850	n/a	1,275
AFA Motherships .....	129,212	51,685	36,179	77,527	106,235	42,494	29,746	63,741
Excessive Harvesting Limit <sup>5</sup> .....	226,120	n/a	n/a	n/a	185,911	n/a	n/a	n/a

TABLE 2.—2006 AND 2007 PROPOSED ALLOCATIONS OF POLLOCK TACs TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)<sup>1</sup>—Continued

[Amounts are in metric tons]

Area and sector	2006 allocations	2006 A season <sup>1</sup>		2006 B season <sup>1</sup>	2007 allocations	2007 A season <sup>1</sup>		2007 B season
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Excessive Processing Limit <sup>6</sup> .....	387,635	n/a	n/a	n/a	318,705	n/a	n/a	n/a
Total Bering Sea DFA .....	1,487,756	576,357	403,450	864,535	1,223,200	473,868	331,707	710,802
Aleutian Islands subarea <sup>1</sup> .....	19,000	n/a	n/a	n/a	19,000	n/a	n/a	n/a
CDQ DFA .....	1,900	760	n/a	1,140	1,900	760	n/a	1,140
ICA .....	1,800	1,000	n/a	800	1,800	1,000	n/a	800
Aleut Corporation .....	15,300	10,000	n/a	5,300	15,300	10,000	n/a	5,300
Bogoslof District ICA <sup>7</sup> .....	10	n/a	n/a	n/a	11	n/a	n/a	n/a

<sup>1</sup> Under § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock after subtraction for the CDQ DFA—10 percent and the ICA—3.5 percent, the pollock TAC is allocated as a DFA as follows: Inshore component—50 percent, catcher/processor component—40 percent, and mothership component—10 percent. In the Bering Sea subarea, the A season, January 20–June 10, is allocated 40 percent of the DFA and the B season, June 10–November 1 is allocated 60 percent of the DFA. The Aleutian Islands (AI) AI directed pollock fishery allocation to the Aleut Corporation remains after subtraction for the CDQ DFA—10 percent and the ICA—1,800 mt. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the directed pollock fishery.

<sup>2</sup> In the Bering Sea subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1. The remaining 12 percent of the annual DFA allocated to the A season may be taken outside of SCA before April 1 or inside the SCA after April 1. If 28 percent of the annual DFA is not taken inside the SCA before April 1, the remainder is available to be taken inside the SCA after April 1.

<sup>3</sup> Under § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

<sup>4</sup> Under § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

<sup>5</sup> Under § 679.20(a)(5)(i)(A)(6) NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the pollock DFAs.

<sup>6</sup> Under § 679.20(a)(5)(i)(A)(7) NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the pollock DFAs.

<sup>7</sup> The Bogoslof District is closed by the proposed harvest specifications to directed fishing for pollock. The amounts specified are for ICA only, and are not apportioned by season or sector.

**Allocation of the Atka Mackerel TAC**

Under § 679.20(a)(8)(i), up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea Atka mackerel ITAC may be allocated to jig gear. The amount of this allocation is determined annually by the Council based on several criteria, including the anticipated harvest capacity of the jig gear fleet. The Council recommended and NMFS proposes that 1 percent of the Atka mackerel ITAC in the Eastern Aleutian District and the Bering Sea

subarea be allocated to jig gear in 2006 and 2007. Based on the 2006 ITAC of 6,375 mt, the jig gear allocation is 64 mt for 2006. Based on the 2007 ITAC of 9,189 mt, the jig gear allocation is 92 mt for 2007.

Regulations at § 679.20(a)(8)(ii)(A) apportion the Atka mackerel ITAC into two equal seasonal allowances. After subtraction of the jig gear allocation, the first allowance is made available for directed fishing from January 1 (January 20 for trawl gear) to April 15 (A season), and the second seasonal allowance is

made available from September 1 to November 1 (B season) (Table 3).

Under § 679.20(a)(8)(ii)(C)(1), the Regional Administrator establishes a harvest limit area (HLA) limit of no more than 60 percent of the seasonal TAC for the Western and Central Aleutian Districts. A lottery system is used for the HLA Atka mackerel directed fisheries to reduce the amount of daily catch in the HLA by about half and to disperse the fishery over two districts (see § 679.20(a)(8)(iii)).

TABLE 3.—2006 AND 2007 PROPOSED SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, AND CDQ RESERVE OF THE BSAI ATKA MACKEREL TAC<sup>1</sup>

[Amounts are in metric tons]

Subarea and component	2006 TAC	2006 CDQ reserve	2006 CDQ reserve HLA limit <sup>4</sup>	2006 ITAC	2006 Seasonal allowances <sup>2</sup>			
					A season <sup>3</sup>		B season <sup>3</sup>	
					Total	HLA limit <sup>4</sup>	Total	HLA limit <sup>4</sup>
Western AI District .....	20,000	1,500	900	17,000	8,500	5,100	8,500	5,100
Central AI District .....	35,500	2,663	1,598	30,175	15,088	9,053	15,088	9,053
EAI/BS subarea <sup>5</sup> .....	7,500	563	n/a	6,375	n/a	n/a	n/a	n/a
Jig (1%) <sup>6</sup> .....	n/a	n/a	n/a	64	n/a	n/a	n/a	n/a
Other gear (99%) .....	n/a	n/a	n/a	6,311	3,156	n/a	3,156	n/a
Total .....	63,000	4,725	n/a	53,550	26,743	n/a	26,743	n/a

Subarea and component	2007 TAC	2007 CDQ reserve	2007 CDQ reserve HLA limit <sup>4</sup>	2007 ITAC	Seasonal allowances <sup>2</sup>			
					A season <sup>3</sup>		B season <sup>3</sup>	
					Total	HLA limit <sup>4</sup>	Total	HLA limit <sup>4</sup>
Western AI District .....	28,825	2,162	1,297	24,501	12,251	7,350	12,251	7,350
Central AI District .....	51,165	3,837	2,302	43,490	21,745	13,047	21,745	13,047
EAI/BS subarea <sup>5</sup> .....	10,810	811	n/a	9,189	n/a	n/a	n/a	n/a
Jig (1%) <sup>6</sup> .....	n/a	n/a	n/a	92	n/a	n/a	n/a	n/a
Other gear (99%) .....	n/a	n/a	n/a	9,097	4,549	n/a	4,548	n/a
<b>Total .....</b>	<b>90,800</b>	<b>6,810</b>	<b>n/a</b>	<b>77,180</b>	<b>38,544</b>	<b>n/a</b>	<b>38,544</b>	<b>n/a</b>

<sup>1</sup> Regulations at §§ 679.20(a)(8)(ii) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

<sup>2</sup> The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

<sup>3</sup> The A season is January 1 (January 20 for trawl gear) to April 15 and the B season is September 1 to November 1.

<sup>4</sup> Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see § 679.2). In 2006 and 2007, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

<sup>5</sup> Eastern Aleutian District and the Bering Sea subarea.

<sup>6</sup> Regulations at § 679.20(a)(8)(i) require that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea ITAC be allocated to jig gear. The proposed amount of this allocation is 1 percent. The jig gear allocation is not apportioned by season.

### Allocation of the Pacific Cod TAC

Under § 679.20(a)(7)(i)(A), 2 percent of the Pacific cod ITAC is allocated to vessels using jig gear, 51 percent to vessels using hook-and-line or pot gear, and 47 percent to vessels using trawl gear. Under regulations at § 679.20(a)(7)(i)(B), the portion of the Pacific cod ITAC allocated to trawl gear is further allocated 50 percent to catcher vessels and 50 percent to catcher/processors. Under regulations at § 679.20(a)(7)(i)(C)(1), a portion of the Pacific cod ITAC allocated to hook-and-line or pot gear is set aside as an ICA of Pacific cod in directed fisheries for groundfish using these gear types. Based on anticipated incidental catch in these fisheries, the Regional Administrator proposes an ICA of 500 mt. The remainder of Pacific cod is further allocated to vessels using hook-and-line or pot gear as the following DFAs: 80 percent to hook-and-line catcher/processors, 0.3 percent to hook-and-line

catcher vessels, 3.3 percent to pot catcher processors, 15 percent to pot catcher vessels, and 1.4 percent to catcher vessels under 60 feet (18.3 m) length overall (LOA) using hook-and-line or pot gear.

Due to concerns about the potential impact of the Pacific cod fishery on Steller sea lions and their critical habitat, the apportionment of the ITAC disperses the Pacific cod fisheries into seasonal allowances (see §§ 679.20(a)(7)(iii)(A) and 679.23(e)(5)). For pot and most hook-and-line gear, the first seasonal allowance of 60 percent of the ITAC is made available for directed fishing from January 1 to June 10, and the second seasonal allowance of 40 percent of the ITAC is made available from June 10 (September 1 for pot gear) to December 31. No seasonal harvest constraints are imposed on the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is January

20 to April 1 and is allocated 60 percent of the ITAC. The second season, April 1 to June 10, and the third season, June 10 to November 1, are each allocated 20 percent of the ITAC. The trawl catcher vessel allocation is further allocated as 70 percent in the first season, 10 percent in the second season, and 20 percent in the third season. The trawl catcher/processor allocation is allocated 50 percent in the first season, 30 percent in the second season, and 20 percent in the third season. For jig gear, the first and third seasonal allowances are each allocated 40 percent of the ITAC and the second seasonal allowance is allocated 20 percent of the ITAC. Table 4 lists the 2006 and 2007 proposed allocations and seasonal apportionments of the Pacific cod ITAC. In accordance with § 679.20(a)(7)(ii)(D) and (a)(7)(iii)(B), any unused portion of a seasonal Pacific cod allowance will become available at the beginning of the next seasonal allowance.



**Sablefish Gear Allocation**

Regulations at § 679.20(a)(4)(iii) and (iv) require the allocation of sablefish TACs for the Bering Sea and AI subareas between trawl and hook-and-line or pot gear. Gear allocations of the TACs for the Bering Sea subarea are 50 percent for trawl gear and 50 percent for hook-and-line or pot gear and for the AI subarea are 25 percent for trawl gear and 75 percent for hook-and-line or pot gear. Regulations at § 679.20(b)(1)(iii)(B) require apportionment of 20 percent of the hook-and-line and pot gear

allocation of sablefish to the CDQ reserve. Additionally, regulations at § 679.20(b)(1)(iii)(A) require apportionment of 7.5 percent of the trawl gear allocation of sablefish (one half of the reserve) to the CDQ reserve. Under regulations at § 679.20(c)(1)(iv), the harvest specifications for the hook-and-line gear and pot gear sablefish IFQ fisheries will be limited to the 2006 fishing year to ensure those fisheries are conducted concurrent with the halibut IFQ fishery. Having sablefish IFQ fisheries concurrent with the halibut IFQ fishery would reduce the potential

for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries would remain closed at the beginning of each fishing year until the final harvest specifications for the sablefish IFQ fisheries are in effect. The trawl sablefish fishery would be managed using harvest specifications for a 2-year period concurrent with the remaining target species in the BSAI. Table 5 lists the 2006 and 2007 proposed gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 5.—2006 AND 2007 PROPOSED GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2006 Share of TAC	2006 ITAC <sup>1</sup>	2006 CDQ reserve	2007 Share of TAC	2007 ITAC	2007 CDQ reserve
<b>Bering Sea.</b>							
Trawl <sup>2</sup> .....	50	1,115	982	87	1,200	1,020	90
Hook-and-line/pot gear <sup>3</sup> .....	50	1,115	n/a	231	n/a	n/a	n/a
<b>Total</b> .....	<b>100</b>	<b>2,310</b>	<b>982</b>	<b>318</b>	<b>1,200</b>	<b>1,020</b>	<b>90</b>
<b>Aleutian Islands.</b>							
Trawl <sup>2</sup> .....	25	620	527	47	650	553	49
Hook-and-line/pot gear <sup>3</sup> .....	75	1,860	n/a	372	n/a	n/a	n/a
<b>Total</b> .....	<b>100</b>	<b>2,480</b>	<b>527</b>	<b>419</b>	<b>650</b>	<b>553</b>	<b>49</b>

<sup>1</sup> Except for the sablefish hook-and-line or pot gear allocation, 15 percent of TAC is apportioned to the reserve. The ITAC is the remainder of the TAC after the subtraction of these reserves.

<sup>2</sup> For the portion of the sablefish TAC allocated to vessels using trawl gear, one half of the reserve (7.5 percent of the specified TAC) is reserved for the CDQ program.

<sup>3</sup> For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. Regulations in § 679.20(b)(1) do not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear.

**Allocation of PSC Limits for Halibut, Crab, Salmon, and Herring**

Section 679.21(e) sets forth the halibut PSC limits. The BSAI halibut mortality limits are 3,675 mt for trawl fisheries and 900 mt for the non-trawl fisheries. Regulations at § 679.21(e)(1)(vii) specify 29,000 fish as the 2006 and 2007 proposed chinook salmon PSC limit for the Bering Sea subarea pollock fishery. Regulations at § 679.21(e)(1)(i) allocate 7.5 percent, or 2,175 chinook salmon, as the proposed PSQ for the CDQ program and allocate the remaining 26,825 chinook salmon to the non-CDQ fisheries. Regulations at § 679.21(e)(1)(ix) specify 700 fish as the 2006 and 2007 proposed chinook salmon PSC limit for the AI subarea pollock fishery. Regulations at § 679.21(e)(1)(i) allocate 7.5 percent, or 53 chinook salmon, as the proposed PSQ for the CDQ program and allocate the remaining 647 chinook salmon to the non-CDQ fisheries. Regulations at § 679.21(e)(1)(viii) specify 42,000 fish as the 2006 and 2007 proposed non-chinook salmon PSC limit. Regulations

at § 679.21(e)(1)(i) allocate 7.5 percent, or 3,150 non-chinook salmon, as the proposed PSQ for the CDQ program and allocate the remaining 38,850 non-chinook salmon to the non-CDQ fisheries. PSC limits for crab and herring are specified annually based on abundance and spawning biomass. Due to the lack of new information in October 2005 regarding PSC limits and apportionments in October 2005, the Council recommended using the halibut, crab, and herring 2005 and 2006 PSC amounts for the proposed 2006 and 2007 amounts. The Council will reconsider these amounts in December 2005, based on recommendations by the Plan Team and the SSC.

The red king crab mature female abundance is estimated from the 2004 survey data as 35.4 million king crab and the effective spawning biomass is estimated as 61.9 million pounds (28,077 mt). Based on the criteria set out at § 679.21(e)(1)(ii), the 2006 and 2007 proposed PSC limit of red king crab in Zone 1 for trawl gear is 197,000 animals as a result of the mature female abundance being above 8.4 million king

crab and of the effective spawning biomass estimate being greater than 55 million pounds (24,948 mt).

Regulations at § 679.21(e)(3)(ii)(B) establish criteria under which NMFS must specify an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS). The regulations limit the bycatch limit within the RKCSS to up to 35 percent of the trawl bycatch allowance specified for the rock sole/flathead sole/"other flatfish" fishery category and is based on the need to optimize the groundfish harvest relative to red king crab bycatch. The Council recommended, and NMFS proposes, a red king crab bycatch limit equal to 35 percent of the trawl bycatch allowance specified for the rock sole/flathead sole/"other flatfish" fishery category within the RKCSS.

Based on 2004 survey data, Tanner crab *Chionoecetes bairdi* abundance is estimated as 437.41 million animals. Given the criteria set out at § 679.21(e)(1)(iii), the 2006 and 2007 proposed *C. bairdi* crab PSC limit for trawl gear is 980,000 animals in Zone 1 and 2,970,000 animals in Zone 2 as a

result of the *C. bairdi* crab abundance estimate of over 400 million animals.

Under § 679.21(e)(1)(iv), the PSC limit for snow crab *C. opilio* is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit is set at 0.1133 percent of the Bering Sea abundance index. Based on the 2004 survey estimate of 4.421 billion animals, the calculated limit is 5,008,993 animals. Under § 679.21(e)(1)(iv)(B), the 2006 and 2007 proposed *C. opilio* crab PSC limit is 5,008,993 million animals minus 150,000 animals, which results in a limit of 4,858,993 animals.

Under § 679.21(e)(1)(vi), the proposed PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. The best estimate of 2005 and 2006 herring biomass is 201,180 mt. This amount was derived using 2004 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game. Therefore, the proposed herring PSC limit for 2006 and 2007 is 2,012 mt.

Under § 679.21(e)(1)(i), 7.5 percent of each PSC limit specified for crab and halibut is allocated as a PSQ reserve for use by the groundfish CDQ program. Regulations at § 679.21(e)(3) require the apportionment of each trawl PSC limit into PSC bycatch allowances for seven

specified fishery categories. Regulations at § 679.21(e)(4)(ii) authorize the apportionment of the non-trawl halibut PSC limit into PSC bycatch allowances for five fishery categories. Table 6 lists the proposed fishery bycatch allowances for the trawl and non-trawl fisheries.

Regulations at § 679.21(e)(4)(ii) authorize exemption of specified non-trawl fisheries from the halibut PSC limit. As in past years, NMFS, after consultation with the Council, proposes to exempt pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions because: (1) The pot gear fisheries experience low halibut bycatch mortality, (2) halibut mortality for the jig gear fleet cannot be estimated because these vessels do not carry observers, and (3) the sablefish and halibut Individual Fishing Quota (IFQ) program (subpart D of 50 CFR part 679) requires legal-sized halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ. In 2005, total groundfish catch for the pot gear fishery in the BSAI was approximately 16,971 mt, with an associated halibut bycatch mortality of about 4 mt. The 2005 groundfish jig gear fishery harvested about 123 mt of groundfish. Most vessels in the jig gear fleet are less than

60 ft (18.3 m) LOA and are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. However, a negligible amount of halibut bycatch mortality is assumed because of the selective nature of this gear type and the likelihood that halibut caught with jig gear have a high survival rate when released.

Regulations at § 679.21(e)(5) authorize NMFS, after consultation with the Council, to establish seasonal apportionments of PSC amounts in order to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors to be considered are: (1) Seasonal distribution of prohibited species, (2) seasonal distribution of target groundfish species, (3) PSC bycatch needs on a seasonal basis relevant to prohibited species biomass, (4) expected variations in bycatch rates throughout the year, (5) expected start of fishing effort, and (6) economic effects of seasonal PSC apportionments on industry sectors. The Council recommended seasonal PSC apportionments to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC based on the above criteria. NMFS proposes the Council's recommendations listed in Table 6.

TABLE 6.—2006 AND 2007 PROPOSED PROHIBITED SPECIES BY CATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

Trawl fisheries	Prohibited species and zone					
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red king Crab (animals) Zone 1 <sup>1</sup>	C. opilio (animals) COBLZ <sup>1</sup>	C. bairdi (animals)	
					Zone 1 <sup>1</sup>	Zone 2 <sup>1</sup>
Yellowfin sole .....	886	183	33,843	3,101,915	340,844	1,788,459
January 20–April 1 .....	262	.....	.....	.....	.....	.....
April 1–May 21 .....	195	.....	.....	.....	.....	.....
May 21–July 1 .....	49	.....	.....	.....	.....	.....
July 1–December 31 .....	380	.....	.....	.....	.....	.....
Rock sole/other flat/flathead sole <sub>2,6</sub> .....	779	27	121,413	1,082,528	365,320	596,154
January 20–April 1 .....	448	.....	.....	.....	.....	.....
April 1–July 1 .....	164	.....	.....	.....	.....	.....
July 1–December 31 .....	167	.....	.....	.....	.....	.....
Turbot/arrowtooth/sablefish <sup>3</sup> .....	.....	12	.....	44,946	.....	.....
Rockfish .....	.....	.....	.....	.....	.....	.....
July 1–December 31 .....	69	10	.....	44,945	.....	10,988
Pacific cod .....	1,434	27	26,563	139,331	183,112	324,176
Midwater trawl pollock .....	.....	1,562	.....	.....	.....	.....
Pollock/Atka mackerel/other <sup>4</sup> .....	232	192	406	80,903	17,224	27,473
Red King Crab Savings Subarea <sup>6</sup> .....	.....	.....	42,495	.....	.....	.....
(non-pelagic trawl) .....	.....	.....	.....	.....	.....	.....
<b>Total trawl PSC .....</b>	<b>3,400</b>	<b>2,012</b>	<b>182,225</b>	<b>4,494,569</b>	<b>906,500</b>	<b>2,747,250</b>
<b>Non-trawl fisheries</b>						
Pacific cod—Total .....	775	.....	.....	.....	.....	.....
January 1–June 10 .....	320	.....	.....	.....	.....	.....
June 10–August 15 .....	0	.....	.....	.....	.....	.....
August 15–December 31 .....	455	.....	.....	.....	.....	.....
Other non-trawl—Total .....	58	.....	.....	.....	.....	.....
May 1–December 31 .....	58	.....	.....	.....	.....	.....

TABLE 6.—2006 AND 2007 PROPOSED PROHIBITED SPECIES BY CATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES—Continued

Trawl fisheries	Prohibited species and zone					
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red king Crab (animals) Zone 1 <sup>1</sup>	C. opilio (animals) COBLZ <sup>1</sup>	C. bairdi (animals)	
					Zone 1 <sup>1</sup>	Zone 2 <sup>1</sup>
Groundfish pot and jig .....	exempt	.....	.....	.....	.....	.....
Sablefish hook-and-line .....	exempt	.....	.....	.....	.....	.....
Total non-trawl PSC .....	833	.....	.....	.....	.....	.....
PSQ reserve <sup>5</sup> .....	342	.....	14,775	364,424	73,500	222,750
PSC grand total .....	4,575	2,012	197,000	4,858,993	980,000	2,970,000

<sup>1</sup> Refer to § 679.2 for definitions of areas.

<sup>2</sup> "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Greenland turbot, rock sole, yellowfin sole, and arrowtooth flounder.

<sup>3</sup> Greenland turbot, arrowtooth flounder, and sablefish fishery category.

<sup>4</sup> Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

<sup>5</sup> With the exception of herring, 7.5 percent of each PSC limit is allocated to the CDQ program as PSQ reserve. The PSQ reserve is not allocated by fishery, gear, or season.

<sup>6</sup> In October 2005, the Council recommended that red king crab bycatch for trawl fisheries within the RKCSS be limited to 35 percent of the total allocation to the rock sole/flathead sole/"other flatfish" fishery category (see § 679.21(e)(3)(ii)(B)).

**Halibut Discard Mortality Rates**

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator will use observed halibut bycatch rates, assumed discard mortality rates (DMR), and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. The DMRs are based on the best information available, including information contained in the annual SAFE report.

The Council recommended and NMFS proposes that the recommended halibut DMRs developed by staff of the International Pacific Halibut Commission (IPHC) for the 2005 and 2006 BSAI groundfish fisheries be used for monitoring halibut bycatch allowances established for the 2006 and 2007 groundfish fisheries (see Table 7). The IPHC developed these DMRs using the 10-year mean DMRs for the BSAI non-CDQ groundfish fisheries. Plots of annual DMRs against the 10-year mean indicated little change since 1990 for most fisheries. DMRs were more variable for the smaller fisheries that typically take minor amounts of halibut bycatch. The IPHC will analyze observer data annually and recommend changes to the DMRs where a fishery DMR shows large variation from the mean. The IPHC has been calculating the CDQ fisheries DMRs since 1998, and a 10-year mean is not yet available. The justification for the proposed DMRs is discussed in Appendix A to the final SAFE report dated November 2004. The proposed DMRs listed in Table 7 are

subject to change pending the results of an updated analysis on halibut DMRs in the groundfish fisheries that IPHC staff is scheduled to present to the Council at its December 2005 meeting.

TABLE 7.—2006 AND 2007 PROPOSED ASSUMED PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI FISHERIES

Fishery	Mortality rates (percent)
<b>Hook-and-line gear fisheries:</b>	
Greenland turbot .....	15
Other species .....	11
Pacific cod .....	11
Rockfish .....	16
<b>Trawl gear fisheries:</b>	
Atka mackerel .....	78
Flathead sole .....	67
Greenland turbot .....	72
Non-pelagic pollock .....	76
Pelagic pollock .....	85
Other flatfish .....	71
Other species .....	67
Pacific cod .....	68
Rockfish .....	74
Rock sole .....	77
Sablefish .....	49
Yellowfin sole .....	78
<b>Pot gear fisheries:</b>	
Other species .....	8
Pacific cod .....	8
<b>CDQ trawl fisheries:</b>	
Atka mackerel .....	85
Flathead sole .....	67
Non-pelagic pollock .....	85
Pelagic pollock .....	90
Rockfish .....	74
Yellowfin sole .....	84
<b>CDQ hook-and-line fisheries:</b>	
Greenland turbot .....	15
Pacific cod .....	10

TABLE 7.—2006 AND 2007 PROPOSED ASSUMED PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI FISHERIES—Continued

Fishery	Mortality rates (percent)
CDQ pot fisheries:	
Pacific cod .....	8
Sablefish .....	33

**Bering Sea Subarea Inshore Pollock Allocations**

Regulations at § 679.4(l) set forth procedures for AFA inshore catcher vessel pollock cooperatives to apply for and receive cooperative fishing permits and inshore pollock allocations. For 2006, NMFS received applications from seven inshore catcher vessel cooperatives. Table 8 lists the proposed pollock allocations to the seven inshore catcher vessel pollock cooperatives based on applications for membership in the cooperatives received by NMFS for 2006. This membership is assumed to remain unchanged for 2007. For 2006 and 2007, the sum of the member vessel's official catch histories increased as revised catch history became available. Allocations for cooperatives and open access vessels are not made for the AI subarea because the Consolidated Appropriations Act of 2004 requires the non-CDQ directed pollock fishery to be fully allocated to the Aleut Corporation. The Bering Sea subarea allocations may be revised pending adjustments to the pollock TACs.

TABLE 8.—2006 AND 2007 PROPOSED BERING SEA SUBAREA INSHORE COOPERATIVE ALLOCATIONS  
[Amounts are in metric tons]

Cooperative name and member vessels	Sum of member vessel's official catch histories <sup>1</sup> (mt)	Percentage of inshore sector allocation	2006 Annual cooperative allocation (mt)	2007 Annual cooperative allocation (mt)
Akutan Catcher Vessel Association .....	.....	31.145	201,215	165,434
Arctic Enterprise Association .....	.....	1.146	7,402	6,086
Northern Victor Fleet Cooperative .....	.....	8.412	54,350	44,684
Peter Pan Fleet Cooperative .....	.....	2.876	18,582	15,279
Unalaska Cooperative .....	.....	12.191	78,758	64,753
UniSea Fleet Cooperative .....	.....	25.324	163,609	134,516
Westward Fleet Cooperative .....	.....	18.906	122,142	100,423
Open access AFA vessels .....	.....	0	0	0
<b>Total inshore allocation .....</b>	<b>875,572</b>	<b>100</b>	<b>646,058</b>	<b>531,175</b>

<sup>1</sup> According to regulations at § 679.62(e)(1), the individual catch history for each vessel is equal to the vessel's best 2 of 3 years inshore pollock landings from 1995 through 1997 and includes landings to catcher/processors for vessels that made 500 or more mt of landings to catcher/processors from 1995 through 1997.

Section 679.20(a)(5)(i)(A)(3) further divides the inshore sector allocation into separate allocations for cooperative and open access fishing. In addition, according to § 679.22(a)(7)(vii), NMFS must establish harvest limits inside the SCA and provide a set-aside so that catcher vessels less than or equal to 99 ft (30.2 m) LOA have the opportunity to

operate entirely within the SCA until April 1. Accordingly, Table 9 lists the proposed Bering Sea subarea inshore pollock allocation to the cooperative and open access sectors and establishes a cooperative-sector SCA set-aside for AFA catcher vessels less than or equal to 99 ft (30.2 m) LOA. The SCA set-aside for catcher vessels less than or equal to

99 ft (30.2 m) LOA that are not participating in a cooperative will be established inseason based on actual participation levels and is not included in Table 9. These proposed allocations may be revised pending final review and approval of 2006 and 2007 pollock TACs.

TABLE 9.—2006 AND 2007 PROPOSED BERING SEA SUBAREA POLLOCK ALLOCATIONS TO THE COOPERATIVE AND OPEN ACCESS SECTORS OF THE INSHORE POLLOCK FISHERY  
[Amounts are in metric tons]

Sector	2006 A season TAC	2006 A season SCA harvest limit <sup>1</sup>	2006 B season TAC	2007 A season TAC	2007 A season SCA harvest limit <sup>1</sup>	2007 B season TAC
Inshore cooperative sector .....	.....	.....	.....	.....	.....	.....
Vessels >99 ft .....	n/a	155,400	n/a	n/a	127,767	n/a
Vessels ≤99 ft .....	n/a	25,496	n/a	n/a	20,962	n/a
Total .....	258,423	180,896	387,635	212,470	148,729	318,705
Open access sector .....	0	0 <sup>2</sup>	0	0	0 <sup>2</sup>	0
<b>Total inshore sector .....</b>	<b>258,423</b>	<b>180,896</b>	<b>387,635</b>	<b>212,470</b>	<b>148,729</b>	<b>318,705</b>

<sup>1</sup> The Steller sea lion conservation area (SCA) established at § 679.22(a)(7)(vii).

<sup>2</sup> The SCA limitations for vessels less than or equal to 99 ft LOA that are not participating in a cooperative will be established on an inseason basis in accordance with § 679.22(a)(7)(vii)(C)(2) which specifies that the Regional Administrator will prohibit directed fishing for pollock by vessels greater than 99 ft (30.2 m) LOA, catching pollock for processing by the inshore component before reaching the inshore SCA harvest limit before April 1 to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA until April 1.

**Listed AFA Catcher/Processor Sideboard Limits**

According to § 679.64(a), the Regional Administrator will restrict the ability of listed AFA catcher/processors to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery

cooperatives in the directed pollock fishery. The basis for these sideboard limits is described in detail in the final rule implementing major provisions of the AFA (67 FR 79692, December 30, 2002). Table 10 lists the 2006 and 2007 proposed catcher/processor sideboard limits.

All groundfish other than pollock that are harvested by listed AFA catcher/

processors, whether as targeted catch or incidental catch, will be deducted from the proposed sideboard limits in Table 10. However, groundfish other than pollock that are delivered to listed catcher/processors by catcher vessels will not be deducted from the 2006 and 2007 proposed sideboard limits for the listed catcher/processors.

TABLE 10.—2006 AND 2007 PROPOSED LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Target species	Area	1995–1997			2006 Proposed ITAC available to trawl C/Ps	2006 Proposed C/P sideboard limit	2007 Proposed ITAC available to trawl C/Ps	2007 Proposed C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Pacific cod trawl .....	BSAI .....	12,424	48,177	0.258	38,951	10,049	40,467	10,440
Sablefish trawl .....	BS .....	8	497	0.016	982	16	1,020	16
	AI .....	0	145	0.000	527	0	553	0
Atka mackerel .....	Western AI							
	A season <sup>1</sup> ..	n/a	n/a	0.200	8,500	1,700	12,251	2,450
	HLA limit <sup>2</sup> ..	n/a	n/a	n/a	5,100	1,020	7,351	1,470
	B season ....	n/a	n/a	0.200	8,500	1,700	12,251	2,450
	HLA limit ....	n/a	n/a	n/a	5,100	1,020	7,351	1,470
	Central AI							
	A season <sup>1</sup> ..	n/a	n/a	0.115	15,088	1,735	21,745	2,501
	HLA limit ....	n/a	n/a	n/a	9,053	1,041	13,047	1,500
	B season ....	n/a	n/a	0.115	15,088	1,735	21,745	2,501
	HLA limit ....	n/a	n/a	n/a	9,053	1,041	13,047	1,500
Yellowfin sole .....	BSAI .....	100,192	435,788	0.230	76,500	17,595	93,160	21,427
Rock sole .....	BSAI .....	6,317	169,362	0.037	35,700	1,321	98,685	3,651
Greenland turbot .....	BS .....	121	17,305	0.007	2,125	15	6,375	45
	AI .....	23	4,987	0.005	850	4	2,550	13
Arrowtooth flounder .....	BSAI .....	76	33,987	0.002	10,200	20	33,235	66
Flathead sole .....	BSAI .....	1,925	52,755	0.036	17,000	612	43,010	1,548
Alaska plaice .....	BSAI .....	14	9,438	0.001	8,500	9	55,250	55
Other flatfish .....	BSAI .....	3,058	52,298	0.058	2,550	148	18,190	1,055
Pacific ocean perch .....	BS .....	12	4,879	0.002	1,190	2	1,426	3
	Western AI	54	13,598	0.004	4,322	17	5,182	21
	Central AI ...	3	5,698	0.001	2,580	3	3,091	3
	Eastern AI ..	125	6,179	0.020	2,618	52	3,136	63
Northern rockfish .....	BSAI .....	91	13,040	0.007	4,250	30	6,970	49
Shortraker rockfish .....	BSAI .....	50	2,811	0.018	507	9	507	9
Rougeye rockfish .....	BSAI .....	50	2,811	0.018	190	3	190	3
Other rockfish .....	BS .....	18	621	0.029	391	11	689	20
	AI .....	22	806	0.027	502	14	502	14
Squid .....	BSAI .....	73	3,328	0.022	1,084	24	1,675	37
Other species .....	BSAI .....	553	68,672	0.008	24,820	199	42,500	340

<sup>1</sup> The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual TAC specified for the Western Aleutian District, and 11.5 percent of the annual TAC specified for the Central Aleutian District.

<sup>2</sup> Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see § 679.2). In 2006 and 2007, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

Section 679.64(a)(5) establishes a formula for PSC sideboard limits for listed AFA catcher/processors. These amounts are equivalent to the percentage of PSC amounts taken in the groundfish fisheries other than pollock by the AFA catcher/processors listed in subsection 208(e) and section 209 of the AFA from 1995 through 1997 (see Table 10). These amounts were used to calculate the relative amount of PSC that was caught by pollock catcher/processors shown in Table 10. That

relative amount of PSC was then used to determine the PSC sideboard limits for listed AFA catcher/processors in the 2006 and 2007 groundfish fisheries other than pollock.

Halibut and crab PSC, listed in Table 11, that are caught by listed AFA catcher/processors participating in any groundfish fishery other than pollock will accrue against the 2006 and 2007 proposed PSC sideboard limits for the listed AFA catcher/processors. Section 679.21(e)(3)(v) authorizes NMFS to close directed fishing for groundfish

other than pollock for listed AFA catcher/processors once a 2006 or 2007 proposed PSC sideboard limit listed in Table 11 is reached.

Crab or halibut PSC caught by listed AFA catcher/processors while fishing for pollock will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/other species/ fishery categories according to regulations at § 679.21(e)(3)(iv).

TABLE 11.—2006 AND 2007 PROPOSED BSAI AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS <sup>1</sup>

PSC species	1995–1997			2006 and 2007 Proposed PSC available to trawl vessels	2006 and 2007 Proposed C/P sideboard limit
	PSC catch	Total PSC	Ratio of PSC catch to total PSC		
Halibut mortality .....	955	11,325	0.084	3,400	286
Red king crab .....	3,098	473,750	0.007	182,225	1,276
<i>C. opilio</i> .....	2,323,731	15,139,178	0.153	4,494,569	687,669
<i>C. bairdi</i>					
Zone 1 <sup>2</sup> .....	385,978	2,750,000	0.140	906,500	126,910
Zone 2 <sup>2</sup> .....	406,860	8,100,000	0.050	2,747,250	137,363

<sup>1</sup> Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.  
<sup>2</sup> Refer to § 679.2 for definitions of areas.

**AFA Catcher Vessel Sideboard Limits**

Under § 679.64(b), the Regional Administrator restricts the ability of AFA catcher vessels to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery

cooperatives in the directed pollock fishery. Section 679.64(b) establishes formulas for setting AFA catcher vessel groundfish and PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rule implementing major provisions of the AFA (67 FR 79692, December 30, 2002). Tables 12 and 13 list the 2006

and 2007 proposed catcher vessel sideboard limits.

All harvests of groundfish sideboard species made by non-exempt AFA catcher vessels, whether as targeted catch or as incidental catch, will be deducted from the 2006 and 2007 proposed sideboard limits listed in Table 12.

TABLE 12.—2006 AND 2007 PROPOSED BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS  
 [Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2006 Proposed initial TAC	2006 Proposed catcher vessel sideboard limits	2007 Proposed initial TAC	2007 Proposed catcher vessel sideboard limits
Pacific cod .....	BSAI					
	Jig gear .....	0.0000	3,315	0	3,444	0
	Hook-and-line CV					
	Jan 1–Jun 10 .....	0.0006	151	0	157	0
	Jun 10–Dec 31 .....	0.0006	101	0	105	0
	Pot gear CV					
	Jan 1–Jun 10 .....	0.0006	7,563	5	7,859	5
	Sept 1–Dec 31 .....	0.0006	5,042	3	5,239	3
	CV < 60 feet LOA using hook-and-line or pot gear	0.0006	1,176	1	1,223	1
	Trawl gear CV					
Jan 20–Apr 1 .....	0.8609	27,266	23,473	28,327	24,387	
Apr 1–Jun 10 .....	0.8609	3,895	3,353	4,047	3,484	
Jun 10–Nov 1 .....	0.8609	7,790	6,706	8,093	6,967	
Sablefish .....	BS trawl gear .....	0.0906	982	89	1,020	92
	AI trawl gear .....	0.0645	527	34	553	36
Atka mackerel .....	Eastern AI/BS					
	Jig gear .....	0.0031	64	0	92	0
	Other gear					
	Jan 1–Apr 15 .....	0.0032	3,155	10	4,548	15
	Sept 1–Nov 1 .....	0.0032	3,155	10	4,548	15
	Central AI					
	Jan–Apr 15 .....	0.0001	15,088	2	21,745	2
	HLA limit .....	0.0001	9,053	1	13,047	1
	Sept 1–Nov 1 .....	0.0001	15,088	2	21,745	2
	HLA limit .....	0.0001	9,053	1	13,047	1
Western AI						
Jan–Apr 15 .....	0.0000	8,500	0	12,251	0	
HLA limit .....	n/a	5,100	0	7,351	0	
Sept 1–Nov 1 .....	0.0000	8,500	0	12,251	0	
HLA limit .....	n/a	5,100	0	7,351	0	
Yellowfin sole .....	BSAI .....	0.0647	76,500	4,950	93,160	6,027
Rock sole .....	BSAI .....	0.0341	35,700	1,217	98,685	3,365
Greenland Turbot .....	BS .....	0.0645	2,125	137	6,375	411
	AI .....	0.0205	850	17	2,550	52
Arrowtooth flounder ....	BSAI .....	0.0690	10,200	704	33,235	2,293

TABLE 12.—2006 AND 2007 PROPOSED BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS—  
Continued

[Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2006 Proposed initial TAC	2006 Proposed catcher vessel sideboard limits	2007 Proposed initial TAC	2007 Proposed catcher vessel sideboard limits
Alaska plaice .....	BSAI .....	0.0441	8,500	375	55,250	2,437
Other flatfish .....	BSAI .....	0.0441	2,550	112	18,190	802
Pacific ocean perch ...	BS .....	0.1000	1,190	119	1,426	143
	Eastern AI .....	0.0077	2,618	20	3,136	24
	Central AI .....	0.0025	2,580	6	3,091	8
	Western AI .....	0.0000	4,322	0	5,182	0
Northern rockfish .....	BSAI .....	0.0084	4,250	36	6,970	59
Shortraker rockfish ....	BSAI .....	0.0037	507	2	507	2
Rougheye rockfish ....	BSAI .....	0.0037	190	1	190	1
Other rockfish .....	BS .....	0.0048	391	2	689	3
	AI .....	0.0095	502	5	502	5
Squid .....	BSAI .....	0.3827	1,084	415	1,675	641
Other species .....	BSAI .....	0.0541	24,820	1,343	42,500	2,299
Flathead Sole .....	BS trawl gear .....	0.0505	17,000	859	43,010	2,172

The AFA catcher vessel PSC limits for halibut and crab species in the BSAI for which a trawl bycatch limit has been established will be a portion of the PSC limit equal to the ratio of aggregate retained groundfish catch by AFA catcher vessels in each PSC target category from 1995 through 1997, relative to the retained catch of all vessels in that fishery from 1995 through 1997. Table 13 lists the 2006

and 2007 proposed PSC sideboard limits for AFA catcher vessels.

Halibut and crab PSC, listed in Table 13, that are caught by AFA catcher vessels participating in any groundfish fishery other than pollock will accrue against the 2006 and 2007 proposed PSC sideboard limits for the AFA catcher vessels. Sections 679.21(d)(8) and (e)(3)(v) authorize NMFS to close directed fishing for groundfish other

than pollock for AFA catcher vessels once a 2006 and 2007 proposed PSC sideboard limit listed in Table 13 is reached. The PSC caught by AFA catcher vessels, while fishing for pollock in the BSAI, will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/“other species” fishery categories under regulations at § 679.21(e)(3)(iv).

TABLE 13.—2006 AND 2007 PROPOSED BSAI AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS <sup>1</sup>

[Amounts are in metric tons]

PSC species	Target fishery category <sup>2</sup>	Ratio of 1995–1997 AFA catcher vessel retained catch to total retained catch	2006 and 2007 Proposed PSC limit	2006 and 2007 Proposed AFA catcher vessel PSC sideboard limit
Halibut .....	Pacific cod trawl .....	0.6183	1,434	887
	Pacific cod hook-and-line or pot .....	0.0022	775	2
	Yellowfin sole			
	January 20–April 1 .....	0.1144	262	30
	April 1–May 21 .....	0.1144	195	22
	May 21–July 5 .....	0.1144	49	6
	July 5–December 31 .....	0.1144	380	43
	Rock sole/flathead sole/other flatfish <sup>5</sup>			
	January 20–April 1 .....	0.2841	448	127
	April 1–July 5 .....	0.2841	164	47
	July 5–December 31 .....	0.2841	167	47
	Turbot/Arrowtooth/Sablefish .....	0.2327	0	0
	Rockfish (July 1–December 31) .....	0.0245	69	2
	Pollock/Atka mackerel/other species .....	0.0227	232	5
Red King Crab .....	Pacific cod .....	0.6183	26,563	16,424
	Yellowfin sole .....	0.1144	33,843	3,872
	Rock sole/flathead sole/other flatfish <sup>5</sup> .....	0.2841	121,413	34,493
Zone 1 <sup>4</sup> .....	Pollock/Atka mackerel/other species .....	0.0227	406	9
	Pacific cod .....	0.6183	139,331	86,148
<i>C. opilio</i> .....	Yellowfin sole .....	0.1144	3,101,915	354,859
	Rock sole/flathead sole/other flatfish <sup>5</sup> .....	0.2841	1,082,528	307,546
	Pollock/Atka mackerel/other species .....	0.0227	80,903	1,836
	Rockfish .....	0.0245	44,945	1,101
	Turbot/Arrowtooth/Sablefish .....	0.2327	44,946	10,459
<i>C. bairdi</i> .....	Pacific cod .....	0.6183	183,112	113,218

TABLE 13.—2006 AND 2007 PROPOSED BSAI AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS <sup>1</sup>—Continued  
[Amounts are in metric tons]

PSC species	Target fishery category <sup>2</sup>	Ratio of 1995–1997 AFA catcher vessel retained catch to total retained catch	2006 and 2007 Proposed PSC limit	2006 and 2007 Proposed AFA catcher vessel PSC sideboard limit
Zone 1 <sup>3</sup>	Yellowfin sole	0.1144	340,844	38,993
	Rock sole/flathead sole/other flatfish <sup>5</sup>	0.2841	365,320	103,787
	Pollock/Atka mackerel/other species	0.0227	17,224	391
<i>C. bairdi</i>	Pacific cod	0.6183	324,176	200,438
	Yellowfin sole	0.1144	1,788,459	204,600
Zone 2 <sup>3</sup>	Rock sole/flathead sole/other flatfish <sup>5</sup>	0.2841	596,154	169,367
	Pollock/Atka mackerel/other species	0.0227	27,473	624
	Rockfish	0.0245	10,988	269

<sup>1</sup> Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

<sup>2</sup> Target fishery categories are defined in regulation at § 679.21(e)(3)(iv).

<sup>3</sup> Refer to 679.2 for definitions of areas.

<sup>4</sup> In October 2005, the Council recommended that red king crab bycatch for trawl fisheries within the RKCSS be limited to 35 percent of the total allocation to the rock sole/flathead sole/“other flatfish” fishery category (see § 679.21(e)(3)(ii)(B)).

<sup>5</sup> “Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Greenland turbot, rock sole, yellowfin sole, and arrowtooth flounder.

**Classification**

NMFS has determined that the proposed specifications are consistent with the FMP and preliminarily determined that the proposed specifications are consistent with the Magnuson-Stevens Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

An IRFA was prepared to evaluate the impacts of the 2006 and 2007 proposed harvest specifications on directly regulated small entities. This IRFA is intended to meet the statutory requirements of the Regulatory Flexibility Act (RFA). The reason for the action, a statement of the objective of the action and the legal basis are discussed in the preamble and are not repeated here.

The 2006 and 2007 harvest specifications establish harvest limits for the groundfish species and species groups in the BSAI. This action is necessary to allow fishing in 2006 and 2007. Entities directly impacted are those fishing for groundfish in the Exclusive Economic Zone (EEZ), or in parallel fisheries in State waters (in which harvests are counted against the Federal TAC). An estimated 693 small catcher vessels, 18 small catcher/processors, and 6 small private non-profit CDQ groups may be directly regulated by these harvest specifications in the BSAI. The catcher vessel estimate in particular is subject to various uncertainties; it may provide an underestimate since it does not count vessels that fish only within State parallel fisheries; this may be offset by

upward biases introduced by the use of preliminary price estimates (which don't fully account for post-season price adjustments) and by a failure to account for affiliations, other than AFA cooperative affiliations, among entities. For these reasons, the catcher vessel estimate must be considered an approximation.

The IRFA examined the impacts of the preferred alternative on small entities within fisheries reliant on species groups whose TACs might be notably adjusted by the harvest specifications. The IRFA identified the potential for adverse impacts on small fishing operations harvesting pollock and Pacific cod, and on CDQ groups, in the BSAI.

In the BSAI, small Pacific cod fishing operations would experience an estimated 2.3 percent reduction in their gross revenues from all sources in 2006, and an estimated reduction of 6.3 percent in revenues from all sources between 2005 and 2007. The pollock fishery will be the other major fishery to experience large reductions in gross revenues. These are estimated to rise by less than 1 percent in 2006, but to decline by about 11.6 percent from 2005 to 2007. Aside from the CDQ groups, this fishery is dominated by large entities. Targeted pollock fishing by non-CDQ operations is limited to AFA affiliated entities, and one Native Corporation. Operations affiliated with AFA cooperatives are considered to be large entities. The Native Corporation is considered to be a holding company, and, on the basis of estimated gross revenues, is believed to be large. Incidental catch appears to be

concentrated among catcher/processors fishing for flatfish and Pacific cod. A large proportion of these vessels are considered large. However, some small catcher/processor operations taking pollock incidentally in their fishing operations may be adversely affected in 2007. Adverse impacts for catcher/processor vessels in 2007 may be mitigated by increases in TACs for several of their target flatfish species. CDQ groups are considered to be small entities by virtue of their status as non-profit organizations. CDQ group revenues are expected to be almost unchanged in 2006, but to drop by about 15 percent in 2007, due to projected declines in TACs for their key species, pollock.

This analysis examined four alternatives to the preferred alternative. These included alternatives that set TACs to produce fishing rates equal to  $\max F_{ABC}$ ,  $\frac{1}{2} \max F_{ABC}$ , the recent 5 year average F, and zero. Only one of these alternatives, setting TACs to produce fishing rates of  $\max F_{ABC}$ , would potentially have a smaller adverse impact on small entities than the preferred alternative. This alternative is associated with larger gross revenues for the BSAI fisheries in 2006, but with similar gross revenues in 2007. Many of the vessels identified above would share in these gross revenues. However, the  $\max F_{ABC}$  is a fishing rate that may, and often does, exceed ABCs recommended by stock assessment scientists on the basis of circumstances unique to each species. The increases in TACs related to producing fishing rates of  $\max F_{ABC}$  would not be consistent with biologically prudent fishery

management because they do not fall within the scientifically determined ABC. Moreover, in 2006, the sum of the TACs contemplated under Alternative 1 would also exceed the statutorily mandated two million mt optimum yield for the BSAI (it would exceed this by only a small amount in 2007).

A copy of the IRFA is available from NMFS (see **ADDRESSES**).

This regulation does not impose new recordkeeping or reporting requirements on the regulated small entities. This analysis did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action.

**Authority:** 16 U.S.C. 773 *et seq.*; 1540(f); 1801 *et seq.*; 1851 note; and 3631 *et seq.*

Dated: December 12, 2005.

**James W. Balsiger,**

*Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 051201318-5318-01; I.D. 112805A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Proposed 2006 and 2007 Harvest Specifications for Groundfish

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

**ACTION:** Proposed rule; apportionment of reserves; request for comments.

**SUMMARY:** NMFS proposes 2006 and 2007 harvest specifications, reserves and apportionments, and Pacific halibut prohibited species catch (PSC) limits, 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 2006 and 2007 fishing years. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Comments must be received by January 17, 2006.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries

Division, Alaska Region, NMFS, Attn: Lori Durall. Comments may be submitted by:

- Mail to P.O. Box 21668, Juneau, AK 99802;

- Hand Delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, AK;

- E-mail to [2006AKgroundfish.tacspeccs@noaa.gov](mailto:2006AKgroundfish.tacspeccs@noaa.gov) and include in the subject line the document identifier: 2006 Proposed Specifications (E-mail comments, with or without attachments, are limited to 5 megabytes);

- Fax to 907-586-7557; or

- Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments.

Copies of the draft Environmental Assessment/Initial Regulatory Flexibility Analysis (EA/IRFA) prepared for this action are available from NMFS at the address above or from the Alaska Region Web site [www.fakr.noaa.gov](http://www.fakr.noaa.gov). Copies of the final 2004 Stock Assessment and Fishery Evaluation (SAFE) reports, dated November 2004, and the October 2005 Council meeting minutes, are available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK, 99510 or from its home page at <http://www.fakr.noaa.gov/npfmc>.

**FOR FURTHER INFORMATION CONTACT:** Tom Pearson, Sustainable Fisheries Division, Alaska Region, 907-481-1780 or e-mail at [tom.pearson@noaa.gov](mailto:tom.pearson@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

NMFS manages the GOA groundfish fisheries in the exclusive economic zone off Alaska under the Fishery Management Plan for Groundfish of the GOA (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801, *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

These proposed specifications are based on the 2004 SAFE reports. In November 2005, the 2005 SAFE reports will be used to develop the 2006 and 2007 final acceptable biological catch (ABC) amounts. Any anticipated changes in the final specifications from the proposed specification are identified in this notice for public review.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify 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 metric tons (mt) to 800,000 mt. Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on proposed annual TACs, halibut PSC amounts, and seasonal allowances of pollock and inshore/offshore Pacific cod. The proposed specifications set forth in Tables 1 through 16 of this document satisfy these requirements. For 2006, the sum of the proposed TAC amounts is 301,304 mt. For 2007, the sum of the proposed TAC amounts is 281,640 mt. Under § 679.20(c)(3), NMFS will publish the 2006 and 2007 final specifications after (1) considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its December 2005 meeting, and (3) considering new information presented in the EA and the final 2005 SAFE report prepared for the 2006 and 2007 fisheries.

#### Proposed ABC and TAC Specifications

The proposed ABC and TAC for each species or species group are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and revised methods used to calculate stock biomass. The FMP specifies the formulas, or tiers, to be used in computing ABCs and overfishing levels (OFL). The formulas applicable to a particular stock or stock complex are determined by the level of reliable information available to fisheries scientists. This information is categorized into a successive series of six tiers with tier one representing the highest level of information and tier six the lowest level of information.

The Council and its Science and Statistical Committee (SSC) and Advisory Panel (AP) reviewed current biological and harvest information about the condition of groundfish stocks in the GOA in October 2005. Most of the information available to the SSC, AP, and Council was initially compiled by the Council's GOA Groundfish Plan Team and was presented in the final 2004 SAFE report for the GOA groundfish fisheries, dated November 2004 (see **ADDRESSES**). The Plan Team annually produces the SAFE report as the first step in the process of specifying TACs.

The SAFE report contains a review of the latest scientific analyses, estimates of each species' biomass and other biological parameters, summaries of the available information on the GOA ecosystem, and the economic condition