

the selective fishery will occur in an acceptable time and area where wastage can be minimized and target stocks are primarily available.

(3) *Mark selective fisheries.* Fisheries that select for salmon marked with a healed adipose fin clip may be established in the annual management measures as long as they are consistent with guidelines in section 6.5.3.1 of the Pacific Coast Salmon Plan.

(1) * * *

(2) The combined treaty Indian fishing seasons will not be longer than necessary to harvest the allowable treaty Indian catch, which is the total treaty harvest that would occur if the tribes chose to take their total entitlement of the weakest stock in the fishery management area, assuming this level of harvest did not create conservation or allocation problems for other stocks.

* * * * *

(4) If adjustable quotas are established for treaty Indian fishing, they may be subject to inseason adjustment because of unanticipated Chinook or coho hooking mortality occurring during the season, catches in treaty Indian fisheries inconsistent with those unanticipated under Federal regulations, or a need to redistribute quotas to ensure attainment of an overall quota.

* * * * *

(o) *Reporting requirements.* Reporting requirements for commercial fishing may be imposed to ensure timely and accurate assessment of catches in regulatory areas subject to quota management. Such reports are subject to the limitations described herein. Persons engaged in commercial fishing in a regulatory area subject to quota management and landing their catch in another regulatory area open to fishing may be required to transmit a brief report prior to leaving the first regulatory area. The regulatory areas subject to these reporting requirements, the contents of the reports, and the entities receiving the reports will be specified annually.

■ 6. In § 660.409, revise paragraph (b)(2) introductory text to read as follows:

§ 660.409 Inseason actions.

* * * * *

(b) * * *

(2) Fishery managers must determine that any inseason adjustment in management measures is consistent with fishery regimes established by the U.S.-Canada Pacific Salmon Commission, conservation objectives and ACLs, conservation of the salmon resource, any adjudicated Indian fishing rights, and the ocean allocation scheme in the fishery management plan. All

inseason adjustments will be based on consideration of the following factors:

* * * * *

■ 7. Revise § 660.410 to read as follows:

§ 660.410 Conservation objectives, ACLs, and de minimis control rules.

(a) *Conservation objectives.* Annual management measures will be consistent with conservation objectives described in Table 3–1 of the Salmon FMP or as modified through the processes described below, except where the ACL escapement level for a stock is higher than the conservation objective, in which case annual management measures will be designed to ensure that the ACL for that stock is met, or where the de minimis control rules described in paragraph (c) of this section apply.

(1) *Modification of conservation objectives.* NMFS is authorized, through an action issued under § 660.411, to modify a conservation objective if—

(i) A comprehensive technical review of the best scientific information available provides conclusive evidence that, in the view of the Council, the Scientific and Statistical Committee, and the Salmon Technical Team, justifies modification of a conservation objective or

(ii) Action by a Federal court indicates that modification of a conservation objective is appropriate.

(2) *ESA-listed species.* The annual specifications and management measures will be consistent with NMFS consultation standards or NMFS recovery plans for species listed under the Endangered Species Act (ESA). Where these standards differ from those described in FMP Table 3–1, NMFS will describe the ESA-related standards for the upcoming annual specifications and management measures in a letter to the Council prior to the first Council meeting at which the development of those annual management measures occurs.

(b) *Annual Catch Limits.* Annual management measures will be designed to ensure escapement levels at or higher than ACLs determined through the procedures set forth in the FMP.

(c) *De minimis control rules.* Klamath River fall Chinook and Sacramento River fall Chinook salmon have the same form of *de minimis* control rule described in the FMP, which allows for limited fishing impacts when abundance falls below S_{MSY} . The control rule describes maximum allowable exploitation rates at any given level of abundance. The annual management measures may provide for lower exploitation rates as needed to address uncertainties or other year-specific

circumstances. The *de minimis* exploitation rate in a given year must also be determined in consideration of the following factors:

(1) The potential for critically low natural spawner abundance, including considerations for substocks that may fall below crucial genetic thresholds;

(2) Spawner abundance levels in recent years;

(3) The status of co-mingled stocks;

(4) Indicators of marine and freshwater environmental conditions;

(5) Minimal needs for tribal fisheries;

(6) Whether the stock is currently in an approaching overfished condition;

(7) Whether the stock is currently overfished;

(8) Other considerations as appropriate.

(9) Exploitation rates, including *de minimis* exploitation rates, must not jeopardize the long-term capacity of the stock to produce maximum sustained yield on a continuing basis. NMFS expects that the control rule and associated criteria will result in decreasing harvest opportunity as abundance declines and little or no opportunity for harvest at abundance levels less than half of MSST.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111220788–1785–02]

RIN 0648–XA855

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2011 and 2012 Harvest Specifications for Groundfish

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

ACTION: Final rule; closures.

SUMMARY: NMFS publishes revisions to the final 2011 and 2012 harvest specifications and prohibited species catch allowances for the groundfish fisheries of the Gulf of Alaska (GOA) that are required by the final rule implementing Amendment 83 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). This action is necessary to establish harvest limits for Pacific cod at the beginning of the 2012 fishing year consistent with the new Pacific cod

sector allocations implemented by Amendment 83 and to accomplish the goals and objectives of the FMP. 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.

DATES: The final 2011 and 2012 harvest specifications and associated apportionment of reserves are effective at 0001 hrs, Alaska local time (A.l.t.), January 1, 2012, until the effective date of the final 2012 and 2013 harvest specifications for GOA groundfish, which will be published in the **Federal Register**.

ADDRESSES: Copies of the Final Alaska Groundfish Harvest Specifications Environmental Impact Statement (EIS), 2011 Supplemental Information Report to the EIS, and the Final Regulatory Flexibility Analysis (FRFA) prepared for the final 2011 and 2012 harvest specifications, as well as the Environmental Assessment (EA), Regulatory Impact Review, and FRFA prepared for Amendment 83 to the FMP, may be obtained from the NMFS Alaska Region Web site at <http://www.alaskafisheries.noaa.gov>. Copies of the 2011 Stock Assessment and Fishery Evaluation report for the groundfish resources of the GOA, dated November 2011, are available from the North Pacific Fishery Management Council at <http://www.alaskafisheries.noaa.gov/npfmc>.

FOR FURTHER INFORMATION CONTACT: Obren Davis, (907) 586-7228.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR parts 679 and 680 implement the FMP and govern the groundfish fisheries in the GOA. The North Pacific Fishery Management Council (Council) prepared the FMP, and NMFS approved it under the Magnuson-Stevens Fishery Conservation and Management Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The final rule implementing Amendment 83 to the FMP was published in the **Federal Register** on December 1, 2011 (76 FR 74670) and is effective January 1, 2012. Amendment 83 to the FMP allocates the Western and Central GOA Pacific cod total allowable catch (TAC) limits among various gear and operational sectors. Sector-level allocations will limit the annual amount of Pacific cod that each sector is allowed to harvest. A complete description of the purpose and background of Amendment 83 is in the proposed rule published for that action (76 FR 44700, July 26, 2011), as well as in the final rule noted above.

Amendment 83 to the Gulf of Alaska FMP

Amendment 83 was adopted by the Council in December 2009 to supersede the current inshore/offshore processing allocation of Western and Central GOA Pacific cod. Under the inshore/offshore management regime, 90 percent of the Western, Central, and Eastern TAC is allocated to vessels catching Pacific cod for processing by the inshore component and 10 percent to vessels catching Pacific cod for processing by the offshore component. The inshore component is composed of three types of processors: (1) Shoreside plants, (2) stationary floating processors, and (3) vessels with catcher/processor (C/P) endorsements less than 125 ft (45.7 m) in length overall (LOA) that process less than 126 mt (round weight) per week of inshore pollock and Pacific cod, combined. Catcher vessels operating inshore component use a variety of gear types, and vary widely in size. The offshore component is comprised of C/Ps, which catch and process fish, and motherships, which take deliveries of fish from catcher vessels. The Council recognized that competition among participants in the Western and Central GOA Pacific cod fisheries has intensified in recent years. Because the TACs are not divided among gear or operation types, there is a derby-style race for fish and competition among the various gear types for shares of the Pacific cod TACs.

Amendment 83 divides the Western and Central GOA Pacific cod TACs among various gear and operation types, based primarily on historical dependency and use by each sector, while also considering the needs of fishing communities. Amendment 83 does not establish sector allocations in the Eastern GOA. Historically, the Pacific cod TAC is much smaller in the Eastern GOA management area. In recent years, only a small proportion of the annual TAC has been harvested. Fishing sector characteristics also are different, as fishing with trawl gear is prohibited in the Southeast Outside district of the Eastern GOA. The changes implemented under Amendment 83 are intended to enhance stability in the fishery by enabling operators within each sector to plan harvesting or processing activity during a fishing year, reduce competition among sectors, and preserve the historical division of catch among sectors, while providing opportunities for new entrants in these fisheries.

Revisions to the Final 2011 and 2012 Harvest Specifications for the Gulf of Alaska

Based on the approval of Amendment 83 and its implementing regulations at 50 CFR part 679 (effective January 1, 2012), NMFS is revising the final 2011 and 2012 specifications for Pacific cod in the GOA. In the Central GOA, the annual Pacific cod TAC must be apportioned between vessels using jig gear, catcher vessels (CVs) less than 50 feet length overall using hook-and-line gear, CVs equal to or greater than 50 feet length overall using hook-and-line gear, catcher/processors (C/Ps) using hook-and-line gear, CVs using trawl gear, C/Ps using trawl gear, and vessels using pot gear. In the Western GOA, the Pacific cod TAC must be apportioned between vessels using jig gear, CVs using hook-and-line gear, C/Ps using hook-and-line gear, CVs using trawl gear, and vessels using pot gear. In the Eastern GOA, the 2012 Pacific cod TAC will still be apportioned seasonally between the inshore and offshore components.

With this final rule, NMFS revises those sections of the text and the tables in the final 2011 and 2012 harvest specifications for groundfish in the GOA (76 FR 11111, March 1, 2011) that change as the result of the final rule implementing Amendment 83. This includes Tables 8, 15, and 18 originally published in the final 2011 and 2012 harvest specifications for the GOA (available at the NMFS, Alaska Region Web site:

<http://www.alaskafisheries.noaa.gov/frules/76fr11111.pdf>). This final rule uses the same table numbers that were used in the final 2011 and 2012 harvest specifications. This action also adds a new table, Table 26, for the new halibut prohibited species catch (PSC) apportionment between hook-and-line CVs and hook-and-line C/Ps that was established as part of Amendment 83.

This final rule is necessary to ensure that appropriate allocations will be in effect for the beginning of the 2012 fishing year for those fishery participants affected by the Pacific cod sector allocations established under Amendment 83. These allocations also will be incorporated in future harvest specification for the Alaska groundfish fisheries.

Allocation of the Pacific Cod TAC

This action revises the Pacific cod allocations in Table 8 by incorporating the sector splits established for the various gear and operational modes in the Western and Central GOA. It eliminates the inshore and offshore

sector allocations, with the exception of the Eastern GOA. The Pacific cod TAC in the Eastern GOA will continue to be apportioned to vessels catching Pacific cod for processing by the inshore (90 percent) and offshore (10 percent) components as required by § 679.20(a)(6)(ii).

The Pacific cod TAC for the Western and Central GOA is divided as follows.

First, the jig sector receives 1.5 percent of the annual Pacific cod TAC in the Western GOA and 1.0 percent of the annual Pacific cod TAC in the Central GOA, as required by § 679.20(c)(7). This annual allocation is further apportioned between the A season (60 percent) and B season (40 percent) as required by § 679.20(a)(12)(i). NMFS allocates the

remainder of the annual Pacific cod TAC based on gear type, operation type, and vessel length overall in the Western and Central GOA seasonally as required by § 679.20(a)(i)(12)(A) and (B). Table 8 lists the seasonal apportionments and allocations of the 2012 GOA Pacific cod TACs.

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Table 8 - Final 2012 Seasonal Apportionments and Allocation of Pacific Cod Total Allowable Catch Amounts in the GOA; Allocations for the Western GOA and Central GOA Sectors and the Eastern GOA Inshore and Offshore Processing Components

(Values are rounded to the nearest metric ton; seasonal allowances may not total precisely to annual allocation amount)

Regulatory Area and Sector	Annual Allocation (mt)	A Season		B Season	
		Sector % of Annual Non-Jig TAC	Seasonal Allowances (mt)	Sector % of Annual Non-Jig TAC	Seasonal Allowances (mt)
Western GOA					
Jig (1.5 % of TAC)	308	N/A	185	N/A	123
Hook-and-line CV	283	0.70	142	0.70	142
Hook-and-line C/P	4,004	10.90	2,204	8.90	1,800
Trawl CV	7,764	27.70	5,601	10.70	2,164
Trawl C/P	485	0.90	182	1.50	303
All Pot CV and Pot C/P	7,684	19.80	4,004	18.20	3,680
Total	20,528	60.00	12,317	40.00	8,211
Central GOA					
Jig (1.0% of TAC)	364	N/A	218	N/A	146
Hook-and-line < 50 CV	5,257	9.32	3,354	5.29	1,903
Hook-and-line ≥ 50 CV	2,414	5.61	2,019	1.10	395
Hook-and-line C/P	1,838	4.11	1,478	1.00	359
Trawl CV	14,970	21.13	7,609	20.45	7,361
Trawl C/P	1,511	2.00	721	2.19	790
All Pot CV and Pot C/P	10,010	17.83	6,419	9.97	3,591
Total	36,363	60.00	21,818	40.00	14,545
Eastern GOA		Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	
	1,760		1,584		176

BILLING CODE 3510-22-C

Non-Exempt American Fisheries Act Catcher Vessel Harvest Limits

This action revises the final 2012 GOA non-exempt American Fisheries Act (AFA) CV groundfish harvest sideboard limits, also known as sideboards. These limits are established

by § 679.64. Sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA from those fishermen and processors who receive exclusive harvesting and processing privileges under the AFA, typically by limiting access to non-pollock groundfish fisheries. AFA CVs

are subject to harvesting sideboards unless exempted from such limits through the criteria established in § 679.64(b)(2). Thus, the vessels to which sideboards do apply are known as “non-exempt AFA CVs.”

This action revises the Pacific cod sideboards in Table 15 of the final 2011 and 2012 harvest specifications (76 FR

11111, March 1, 2011). The Pacific cod sideboards are revised by combining the Western and Central GOA inshore and offshore apportionments into a single apportionment, further divided by season. This reduces the number of non-exempt AFA CV sideboards in these two areas to four sideboards, rather than eight prior to Amendment 83. The Eastern GOA Pacific cod sideboards are not revised.

These sideboard revisions are based on changes implemented under Amendment 83. The Council recommended sideboard allocations for the non-exempt AFA CVs and non-AFA crab vessels that now supersede the inshore/offshore processing sideboards

established under the AFA and Crab Rationalization Program. These sideboards are calculated annually as part of the harvest specification process. Non-exempt AFA CV sideboards are now calculated as area-specific sideboard accounts, rather than inshore and offshore sideboards in each respective Western and Central GOA regulatory areas. The Council recognized that in recent years the offshore sideboard allocations have not been fully harvested, while inshore allocations are typically fully caught. The intent of combining the two sideboard categories into a single sideboard for each regulatory area is to make the offshore sideboard allocation

available to the CVs historically associated with the inshore processing components. The new, combined sideboard amounts will continue to be apportioned seasonally. This action revises only the Pacific cod sideboards in Table 15; however, the entire suite of species and sideboards in the table are re-published in order to eliminate potential confusion that the other sideboards specified in Table 15 are no longer effective.

The following Table 15 replaces Table 15 in the final 2011 and 2012 GOA harvest specifications (76 FR 11111, March 1, 2011).

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Table 15 - Final 2012 GOA Non-Exempt AFA CV Groundfish Harvest Sideboard Limitations
(Values are rounded to nearest metric ton)

Species	Apportionments by season/gear	Area/component	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2012 TAC	2012 non-exempt AFA CV sideboard limit
Pollock	A Season January 20 - March 10	Shumagin (610)	0.6047	6,186	3,741
		Chirikof (620)	0.1167	15,374	1,794
		Kodiak (630)	0.2028	5,783	1,173
	B Season March 10 - May 31	Shumagin (610)	0.6047	6,185	3,740
		Chirikof (620)	0.1167	18,392	2,146
		Kodiak (630)	0.2028	2,765	561
	C Season August 25 - October 1	Shumagin (610)	0.6047	11,280	6,821
		Chirikof (620)	0.1167	7,262	847
		Kodiak (630)	0.2028	8,803	1,785
	D Season October 1 - November 1	Shumagin (610)	0.6047	11,280	6,821
		Chirikof (620)	0.1167	7,262	847
		Kodiak (630)	0.2028	8,803	1,785
	Annual	WYK (640)	0.3495	3,024	1,057
SEO (650)		0.3495	9,245	3,231	
Pacific cod	A Season ¹ January 1 - June 10	W	0.1331	12,317	1,639
		C	0.0692	21,818	1,510
	B Season ² September 1 - December 31	W	0.1331	8,211	1,093
		C	0.0692	14,545	1,007
	Annual	E inshore	0.0079	1,583	13
		E offshore	0.0078	176	1
Sablefish	Annual, trawl gear	W	0.0000	297	0
		C	0.0642	869	56
		E	0.0433	226	10
Flatfish, Shallow-water	Annual	W	0.0156	4,500	70
		C	0.0587	13,000	763
		E	0.0126	1,228	15
Flatfish, deep-water	Annual	W	0.0000	541	0
		C	0.0647	3,004	194
		E	0.0128	2,144	27
Rex sole	Annual	W	0.0007	1,490	1
		C	0.0384	6,184	237
		E	0.0029	853	2
Arrowtooth flounder	Annual	W	0.0021	8,000	17
		C	0.0280	30,000	840
		E	0.0002	2,500	1

Flathead sole	Annual	W	0.0036	2,000	7
		C	0.0213	5,000	107
		E	0.0009	2,125	2
Pacific ocean perch	Annual	W	0.0023	2,665	6
		C	0.0748	9,884	739
		E	0.0466	1,845	86
Northern rockfish	Annual	W	0.0003	2,446	1
		C	0.0277	2,168	60
Shortraker rockfish	Annual	W	0.0000	134	0
		C	0.0218	325	7
		E	0.0110	455	5
Other rockfish	Annual	W	0.0034	212	1
		C	0.1699	507	86
		E	0.0000	275	0
Pelagic shelf rockfish	Annual	W	0.0001	570	0
		C	0.0000	2,850	0
		E	0.0067	380	3
Rougheye rockfish	Annual	W	0.0000	81	0
		C	0.0237	868	21
		E	0.0124	363	5
Demersal shelf rockfish	Annual	SEO	0.0020	300	1
Thornyhead rockfish	Annual	W	0.0280	425	12
		C	0.0280	637	18
		E	0.0280	708	20
Atka mackerel	Annual	Gulfwide	0.0309	2000	62
Big skates	Annual	W	0.0063	598	4
		C	0.0063	2,049	13
		E	0.0063	681	4
Longnose skates	Annual	W	0.0063	81	0
		C	0.0063	2,009	13
		E	0.0063	762	5
Other skates	Annual	Gulfwide	0.0063	2,093	13
Squids	Annual	Gulfwide	0.0063	1,148	7
Sharks	Annual	Gulfwide	0.0063	6,197	39
Octopuses	Annual	Gulfwide	0.0063	954	6
Sculpins	Annual	Gulfwide	0.0063	5,496	35

¹ The Pacific cod A season for trawl gear does not open until January 20.

² The Pacific cod B season for trawl gear closes November 1.

BILLING CODE 3510-22-C

Non-AFA Crab Vessel Groundfish Harvest Sideboard Limits

This action also revises the final 2012 GOA non-AFA crab vessel groundfish harvest limits. Such limits preclude vessels that benefit from exclusive crab

harvesting privileges under the Bering Sea and Aleutian Islands Crab Rationalization Program from expanding their participation in the GOA groundfish fisheries. This action revises the Pacific cod sideboards in Table 18 of the final 2011 and 2012 harvest specifications (76 FR 11111; March 1,

2011). Under Amendment 83 (76 FR 74670, December 1, 2011), the non-AFA crab vessel sideboards for the inshore and offshore components in the Western and Central GOA were combined. These combined sideboards must then be allocated to sectors as required by the final rule implementing Amendment 83.

Thus, NMFS must specify revised non-AFA crab vessel sideboard limits in the Western and Central GOA.

The non-AFA crab vessel Pacific cod sideboards are revised by apportioning the Pacific cod sideboards for the Western and Central GOA among gear and operational sectors, as well as seasons. This change eliminates the inshore and offshore area and seasonal apportionments, and replaces them with sector-level area and seasonal apportionments. The Eastern GOA Pacific cod sideboards are not revised,

and continue to be apportioned between the inshore and offshore components.

The basis for these sideboard limits is described in detail in the final rules implementing the Crab Rationalization Program (70 FR 10174, March 2, 2005) and Amendment 83 (76 FR 74670, December 1, 2011). Table 18 lists the revised 2012 groundfish sideboard limitations for non-AFA crab vessels. It replaces Table 18 in the final 2011 and 2012 GOA harvest specifications (76 FR 11131–11132, March 1, 2011). All targeted or incidental catch of sideboard

species made by non-AFA crab vessels or associated License Limitation Program groundfish licenses will be deducted from these sideboard limits. This action revises only the Pacific cod sideboards in Table 18; however, the entire suite of species and sideboards in the table are re-published in order to eliminate potential confusion that the other groundfish sideboards specified in Table 18 are no longer effective.

BILLING CODE 3510-22-P

Table 18 - Final 2012 GOA Non-American Fisheries Act Crab Vessel Groundfish Harvest Sideboard Limits
(Values are rounded to nearest metric ton)

Species	Season/gear	Area/component	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	2012 TAC	2012 non-AFA crab vessel sideboard limit
Pollock	A Season January 20 - March 10	Shumagin (610)	0.0098	6,186	61
		Chirikof (620)	0.0031	15,374	48
		Kodiak (630)	0.0002	5,783	1
	B Season March 10 - May 31	Shumagin (610)	0.0098	6,185	61
		Chirikof (620)	0.0031	18,393	57
		Kodiak (630)	0.0002	2,765	1
	C Season August 25 - October 1	Shumagin (610)	0.0098	11,280	111
		Chirikof (620)	0.0031	7,262	23
		Kodiak (630)	0.0002	8,803	2
	D Season October 1 - November 1	Shumagin (610)	0.0098	11,280	111
		Chirikof (620)	0.0031	7,262	23
		Kodiak (630)	0.0002	8,803	2
	Annual	WYK (640)	0.0000	3,024	0
		SEO (650)	0.0000	9,245	0
Pacific cod	A Season ¹ January 1 - June 10	W Jig CV	0.0000	12,317	0
		W Hook-and-line CV	0.0003	12,317	4
		W Hook-and-line C/P	0.0015	12,317	18
		W Pot CV	0.0816	12,317	1,005
		W Pot C/P	0.0064	12,317	79
		W Trawl CV	0.0060	12,317	74
		C Jig CV	0.0000	21,818	0
		C Hook-and-line CV	0.0001	21,818	2
		C Hook-and-line C/P	0.0000	21,818	0
		C Pot CV	0.0354	21,818	772
		C Pot C/P	0.0092	21,818	201
		C Trawl CV	0.0010	21,818	22
		B Season ² September 1 - December 31	W Jig CV	0.0000	8,211
	W Hook-and-line CV		0.0003	8,211	2
	W Hook-and-line C/P		0.0015	8,211	12
	W Pot CV		0.0816	8,211	670
	W Pot C/P		0.0064	8,211	53
	W Trawl CV		0.0060	8,211	49

		C Jig CV	0.0000	14,546	0
		C Hook-and-line CV	0.0001	14,546	1
		C Hook-and-line C/P	0.0000	14,546	0
		C Pot CV	0.0354	14,546	515
		C Pot C/P	0.0092	14,546	134
		C Trawl CV	0.0010	14,546	15
	Annual	E inshore	0.0110	1,583	17
		E offshore	0.0000	176	0
Sablefish	Annual, trawl gear	W	0.0000	297	0
		C	0.0000	869	0
		E	0.0000	226	0
Flatfish, shallow-water	Annual	W	0.0059	23,681	140
		C	0.0001	29,999	3
		E	0.0000	2,562	0
Flatfish, deep-water	Annual	W	0.0035	541	2
		C	0.0000	3,004	0
		E	0.0000	2,941	0
Rex sole	Annual	W	0.0000	1,490	0
		C	0.0000	6,184	0
		E	0.0000	1,722	0
Arrowtooth flounder	Annual	W	0.0004	33,975	14
		C	0.0001	143,119	14
		E	0.0000	33,933	0
Flathead sole	Annual	W	0.0002	17,960	4
		C	0.0004	28,938	12
		E	0.0000	3,693	0
Pacific ocean perch	Annual	W	0.0000	2,665	0
		C	0.0000	9,884	0
		E	0.0000	3,638	0
Northern rockfish	Annual	W	0.0005	2,446	1
		C	0.0000	2,168	0
Shortraker rockfish	Annual	W	0.0013	134	0
		C	0.0012	325	0
		E	0.0009	455	0
Other rockfish	Annual	W	0.0035	224	1
		C	0.0033	566	2
		E	0.0000	3,052	0
Pelagic shelf rockfish	Annual	W	0.0017	558	1
		C	0.0000	2,791	0

		E	0.0000	998	0
Rougheye shelf rockfish	Annual	W	0.0067	81	1
		C	0.0047	868	4
		E	0.0008	363	0
		SEO	0.0000	300	0
Demersal shelf rockfish	Annual	SEO	0.0000	300	0
Thornyhead rockfish	Annual	W	0.0047	425	2
		C	0.0066	637	4
		E	0.0045	708	3
Atka mackerel	Annual	Gulfwide	0.0000	4,700	0
Big skate	Annual	W	0.0392	598	23
		C	0.0159	2,049	33
		E	0.0000	681	0
Longnose skate	Annual	W	0.0392	81	3
		C	0.0159	2,009	32
		E	0.0000	762	0
Other skates	Annual	Gulfwide	0.0176	2,093	37
Squids	Annual	Gulfwide	0.0176	1,148	20
Sharks	Annual	Gulfwide	0.0176	6,197	109
Octopuses	Annual	Gulfwide	0.0176	954	17
Sculpins	Annual	Gulfwide	0.0176	5,496	97

¹ The Pacific cod A season for trawl gear does not open until January 20.

² The Pacific cod B season for trawl gear closes November 1.

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Changes to Halibut PSC Apportionments

Section 679.21(d) establishes annual halibut PSC limit apportionments for trawl and hook-and-line gear. The trawl gear apportionment is further divided seasonally and between the deep-water and shallow-water species categories. The hook-and-line gear apportionment is divided seasonally, and also between the demersal shelf rockfish (DSR) fishery and the remaining groundfish fisheries. This action revises the annual hook-and-line gear “other than DSR” halibut PSC limit to the “other hook-and-line fisheries” by dividing the annual halibut PSC limit between the hook-and-line CV and C/P sectors.

This change is intended to increase the ability of each hook-and-line sector to plan its fishing operations and harvest its respective Pacific cod allocation. Apportioning the halibut PSC limit to hook-and-line CV and C/P sectors will prevent one sector from preempting the other sector’s fishing season by taking a greater proportion of the

hook-and-line halibut PSC limit than expected. These PSC apportionments also will apply to hook-and-line CVs and C/Ps operating in the Eastern GOA; however, the halibut PSC limit apportionments only are derived from Pacific cod TAC allocations to the Western and Central GOA. Annually, NMFS will calculate the halibut PSC limit apportionments for the entire GOA to hook-and-line CVs and C/Ps.

This action adds Table 26 to the final 2011 and 2012 harvest specifications to specify new halibut PSC limits by each hook-and-line sector and by season as required by § 679.21(d)(4)(iii)(B). These changes reflect the halibut PSC allocation revisions made under Amendment 83 (76 FR 74670, December 1, 2011), which modified the “other than DSR” hook-and-line halibut PSC apportionment to the “other hook-and-line fisheries” by dividing it between the two hook-and-line sectors. The halibut PSC limit apportioned to the trawl gear sector was not changed by Amendment 83. Comprehensive changes to GOA halibut PSC limits and

apportionments currently are under development and consideration by the Council.

A comprehensive description and example of the calculations necessary to apportion the “other than DSR” hook-and-line halibut PSC limit to the “other hook-and-line fisheries” between the hook-and-line CV and C/P sectors was included in the final rule to implement Amendment 83 (76 FR 74670, December 1, 2011) and is not repeated here. For 2012, NMFS is apportioning halibut PSC limits of 167 mt and 123 mt to the hook-and-line CV and hook-and-line C/P sectors, respectively. In addition, these annual limits are divided into three seasonal apportionments, using seasonal percentages of 86 percent, 2 percent, and 12 percent. These annual limits and seasonal apportionments are shown in Table 26, which augments Table 10 in the final GOA harvest specifications (76 FR 11111, March 1, 2011). Table 26 lists the 2012 annual and seasonal halibut PSC apportionments between the hook-and-line sectors in the GOA.

Table 26 - Apportionments of the “other hook-and-line fisheries” annual Halibut PSC allowance between the hook-and-line gear catcher vessel and catcher/processor sectors.
(Values are in metric tons)

“Other than DSR” Allowance	Hook-and-Line Sector	Percent of annual amount	Sector annual amount	Season	Seasonal Percentage	Sector Seasonal Amount
290	Catcher Vessel	57.6%	167	January 1 - June 10	86%	144
				June 10 - September 1	2%	3
				September 1 - December 31	12%	20
	Catcher Processor	42.4%	123	January 1 - June 10	86%	106
				June 10 - September 1	2%	2
				September 1 - December 31	12%	15

Directed Fishing Closures

Section 680.22 provides for the management of non-AFA crab vessel sideboards using directed fishing closures in accordance with § 680.22(e)(2) and (3). The Regional Administrator has determined that the non-AFA crab vessel sideboards listed in Table 18 are insufficient to support a directed fishery and has set the sideboard directed fishing allowance at zero, with the exception of the Pacific cod pot CV sector limits in the Western and Central Regulatory Areas. Therefore, NMFS is prohibiting directed fishing by non-AFA crab vessels in the GOA for all species and species groups listed in Tables 17 and 18, with the exception of Pacific cod sideboard limits established for the pot CV sector in the Western and Central Regulatory Areas.

Small Entity Compliance Guide

The following information is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule is necessary to revise final 2012 Pacific cod harvest specifications and halibut PSC limits for the groundfish fishery of the GOA so that these amounts are consistent with new fishery allocations and limitations established under Amendment 83. This action affects all fishermen who participate in the Pacific cod fishery in the GOA. The specific amounts of TAC limits and PSC amounts, and respective allocations thereof, are provided in tabular form to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and in

information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

Classification

NMFS determined that these revisions to the final 2011 and 2012 harvest specifications are necessary for the conservation and management of the Alaska groundfish fisheries and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

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

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA) finds good cause to waive prior notice and opportunity for public comment on this action as notice and comment is unnecessary. Through this action, NOAA seeks to revise the final 2011 and 2012 GOA harvest specifications consistent with the final rules implementing Amendment 83 to the FMP and to ensure that the Pacific cod allocations and halibut PSC limits implemented under Amendment 83 will be effective at the beginning of the 2012 fishing year. Prior notice and opportunity for public comment on this action is unnecessary because the revisions being made by this action merely update the 2011 and 2012 GOA harvest specifications to reflect allocations and limitations implemented and required by Amendment 83, and which have already been subject to notice and comment.

This action does not revise the final 2011 and 2012 GOA harvest specifications in any substantive manner not previously the subject of

notice and comment during the development of Amendment 83. The Pacific cod fisheries in the Western and Central GOA are intensive, fast-paced fisheries. U.S. fishing vessels have demonstrated the capacity to catch the Pacific cod TAC allocations in these fisheries. Any delay in allocating the Pacific cod TACs under Amendment 83 would cause confusion to the industry and potential economic harm through unnecessary discards. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries and causing them to close at an accelerated pace.

In fisheries subject to declining sideboards, a failure to implement the updated sideboards before initial season’s end could preclude the intended economic protection to the non-sideboarded sectors. Conversely, in fisheries with increasing sideboards, economic benefit could be precluded to the sideboarded sectors.

The AA also finds good cause to waive the 30-day delay in the effective date requirement of 5 U.S.C. 553(d). The waiver of the 30-day delay in effective date requirement of 5 U.S.C. 553(d) is necessary to ensure that the allocations and limitations required under Amendment 83 will be effective at the beginning of the 2012 fishing year and to provide the regulated community

with timely, adequate, and accurate information necessary to allow the industry to plan for the fishing season, to conduct orderly and efficient fisheries, and to avoid potential disruption to the fishing fleet and processors. Per the implementing requirements of Amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), the Pacific cod TAC apportionments between the inshore and offshore components in the Western and Central Management Areas are superseded and replaced by apportionments among various gear and operational sectors. Absent waiver of the 30-day delay in effective date, the Pacific cod fisheries in the Western and Central Management Areas would be subject to obsolete management measures for a several weeks at the onset of the 2012, as the regulations requiring NMFS to apportion the Pacific cod TAC limits in these two areas to the inshore and offshore components (§ 679.20(a)(6)(ii)) no longer exist as of January 1, 2012.

NMFS prepared a Final EIS for the harvest strategy implemented by the annual harvest specifications and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the Final EIS. Copies of the Final EIS and ROD for this action are available (see ADDRESSES). NMFS also prepared an EA in conjunction with Amendment 83 to the GOA FMP (See ADDRESSES).

Two separate final regulatory flexibility analyses (FRFAs) were prepared to evaluate the impacts on small entities resulting from (1) alternative harvest strategies employed in establishing the final 2011 and 2012 harvest specifications and (2) alternatives considered during the development and approval of Amendment 83. Both of these FRFAs met the statutory requirements of the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601–612). A summary of each FRFA was published with its relevant final rule and is not repeated here. The summary of the FRFA supporting the final 2011 and 2012 harvest specifications was published March 1, 2011 (76 FR 11111), and the summary of the FRFA supporting Amendment 83 to the FMP was published December 1, 2011 (76 FR 74670).

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, 3631 *et seq.*; Pub. L. 108–447.

Dated: December 22, 2011.

Samuel D. Rauch III,
*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

RIN 0648–AY53

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Gulf of Alaska; Amendment 83; Correction

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

ACTION: Correction to final rule.

SUMMARY: This document contains one correction to the final rule pertaining to Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Gulf of Alaska published on December 1, 2011. This correction is intended to clarify a regulatory prohibition.

DATES: Effective January 1, 2012.

FOR FURTHER INFORMATION CONTACT: Seanbob Kelly, (907) 586–7228.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the **Federal Register** on December 1, 2011 (76 FR 74670) that revises several sections of regulations that pertain to the management of Pacific cod in the Gulf of Alaska Management Area (GOA). The final rule allocates total allowable catch of Pacific cod to various gear and operational type sectors in the Western and Central GOA Pacific cod fisheries that are managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

Need for Correction

The error is located in a prohibition at § 679.7 that limits access to the Pacific cod parallel fishery for federal fishery participants. This prohibition precludes federally permitted vessels that do not have a properly endorsed license limitation program license from participating in the Western or Central GOA Pacific cod parallel fishery. The error occurred in limiting the scope of the prohibition to vessels that “catch and process” only; thus the regulations

omit vessels that solely directed fish for Pacific cod and do not process. As written, the regulation is inconsistent with the Council’s recommendations under Amendment 83, the environmental analysis, regulatory impact review, final regulatory flexibility analysis, and the preambles to both the proposed and final rules.

The correction will amend § 679.7(b)(6) to replace the words “catch and process” with “directed fish for”. The correction will ensure that the prohibition applies to both catcher and catcher processor vessels, as intended by the Council’s recommendations and the Secretarial action under Amendment 83.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be unnecessary and contrary to the public interest. This error must be corrected immediately to clarify the regulatory prohibition’s application. Left uncorrected, the prohibition purports to apply only to catcher processor vessels fishing for Pacific cod in the GOA, when the prohibition was clearly meant to apply to catcher vessels, too. The correction will ensure that NMFS can enforce the prohibition against both catcher and catcher processors, as intended. If the effective date for these corrections is delayed to solicit prior public comment, this technical error will not be corrected by the effective date of this final rule, thereby undermining the conservation and management objectives of the FMP. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the thirty (30) day delayed effectiveness period for the reasons stated above.

NMFS is correcting this error and is not making substantive changes to the document in rule FR Docket No. 100107012–1689–03 published on December 1, 2011 (76 FR 74670).

Correction

Accordingly, the final rule published on December 1, 2011 (76 FR 74670), to be effective January 1, 2012, is corrected as follows:

§ 679.7 [Corrected]

On page 74687, in § 679.7(b)(6), in the third column of the page, under the paragraph heading “Parallel fisheries.”, correct the reference to “catch and process” to read as “directed fish for”.