

Dated: March 5, 1997.

Gary C. Matlock,

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

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50 CFR Part 679

[Docket No. 961220363-7038-02; I.D.
120296B]

RIN 0648-A165

Fisheries of the Exclusive Economic Zone Off Alaska; Maximum Retainable Bycatch Percentages

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

ACTION: Final rule.

SUMMARY: NMFS implements a
regulatory amendment to reduce
maximum retainable bycatch
percentages for sablefish in the Gulf of
Alaska (GOA) groundfish trawl fisheries
and to allow the use of GOA arrowtooth
flounder as a basis species for the
retention of bycatch amounts of pollock
and Pacific cod when either of these two
species is closed to directed fishing.
This action is necessary to slow the
harvest rate of GOA sablefish and to
provide for fuller utilization of pollock
and Pacific cod incidentally taken in the
arrowtooth flounder fishery. This action
is intended to further the objectives of
the Fishery Management Plan for
Groundfish of the Gulf of Alaska (FMP).

EFFECTIVE DATE: April 10, 1997.

ADDRESSES: Copies of the environmental
assessment/regulatory impact review
prepared for this action may be obtained
from the Fisheries Management
Division, Alaska Region, NMFS, P.O.
Box 21668, Juneau, AK 99802, Attn:
Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Sue
Salveson, 907-586-7228.

SUPPLEMENTARY INFORMATION: Fishing
for groundfish by U.S. vessels in the

exclusive economic zone of the GOA is
managed by NMFS according to the
FMP. The FMP was prepared by the
North Pacific Fishery Management
Council (Council) under authority of the
Magnuson-Stevens Fishery
Conservation and Management Act
(Magnuson-Stevens Act). Fishing by
U.S. vessels is governed by regulations
implementing the FMP at subpart H of
50 CFR part 600 and 50 CFR part 679.

Regulations at § 679.20(e) establish
maximum retainable bycatch (MRB)
percentages for groundfish species or
species groups. These MRB percentages
establish the amount of a species that is
closed to directed fishing that may be
retained on board a vessel, relative to
amounts of other retained species open
to directed fishing.

At the Council's September 1996
meeting, the Council requested that
NMFS initiate rulemaking to change
several MRB percentages. This request
was in response to (1) concerns about
the extent to which some existing MRB
percentages allow vessel operators to
top off their retained catch of bycatch
species up to the MRB amount and (2)
testimony that a limited fishery for GOA
arrowtooth flounder exists and that this
species should be allowed as a basis
species for the retention of pollock and
Pacific cod. A proposed rule to
implement the Council's recommended
changes was published in the Federal
Register on January 6, 1997 (62 FR 724).
No comments were received within the
public comment period that ended
February 5, 1997.

This final rule implements the
following changes to the MRB
percentages established for GOA
groundfish:

1. The MRB percentage for sablefish
relative to deep water species is reduced
from 15 percent to 7 percent; and
2. The use of GOA arrowtooth
flounder is allowed as a basis species for
the retention of pollock and Pacific cod.
An MRB of 5 percent of each these
species relative to arrowtooth flounder
is established.

Further justification of these changes
is discussed in the preamble to the
proposed rule.

Changes from the proposed rule

NMFS clarifies § 679.20(f)(2) so that
regulatory constraints to using
arrowtooth flounder as a basis to
calculate retained amounts of other
groundfish species are consistent with
the allowances provided under the final
rule for GOA pollock and Pacific cod.

Classification

The Assistant General Counsel for
Legislation and Regulation of the
Department of Commerce certified to
the Chief Counsel for Advocacy of the
Small Business Administration that this
rule would not have a significant
economic impact on a substantial
number of small entities. The reasons
were published in the Federal Register
with the proposed rule (62 FR 724,
January 6, 1997). No comments were
received regarding this certification. As
a result, a regulatory flexibility analysis
was not prepared.

This proposed rule has been
determined to be not significant for
purposes of E.O. 12866.

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and
recordkeeping requirements.

Dated: March 3, 1997.

Nancy Foster,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the
preamble, 50 CFR part 679 is amended
as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679
continues to read as follows:

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

2. In part 679, Table 10 is revised to
read as follows:

TABLE 10 TO PART 679.—CURRENT GULF OF ALASKA RETAINABLE PERCENTAGES

	Pollock	Pacific cod	Deep flatfish	Rex sole	Bycatch species ¹				Aggre- gated rock- fish ²	DSR SEEO ⁴	Atka mack- erel	Other species
					Flathead sole	Shallow flatfish	Arrowtooth	Sable- fish				
Basis Species:												
Pollock	³ na	20	20	20	20	20	35	1	5	10	20	20
Pacific cod	20	³ na	20	20	20	20	35	1	5	10	20	20
Deep flatfish	20	20	³ na	20	20	20	35	7	15	1	20	20
Rex sole	20	20	20	³ na	20	20	35	7	15	1	20	20
Flathead sole	20	20	20	20	³ na	20	35	7	15	1	20	20
Shallow flatfish	20	20	20	20	20	³ na	35	1	5	10	20	20
Arrowtooth	5	5	0	0	0	0	³ na	0	0	0	0	0
Sablefish	20	20	20	20	20	20	35	³ na	15	1	20	20
Pacific Ocean perch	20	20	20	20	20	20	35	7	15	1	20	20
Shortraker/rougheye	20	20	20	20	20	20	35	7	15	1	20	20

TABLE 10 TO PART 679.—CURRENT GULF OF ALASKA RETAINABLE PERCENTAGES—Continued

	Pollock	Pacific cod	Deep flatfish	Rex sole	Bycatch species ¹				Aggregated rockfish ²	DSR SEEO ⁴	Atka mackerel	Other species
					Flathead sole	Shallow flatfish	Arrowtooth	Sablefish				
Other rockfish	20	20	20	20	20	20	35	7	15	1	20	20
Northern rockfish	20	20	20	20	20	20	35	7	15	1	20	20
Pelagic rockfish	20	20	20	20	20	20	35	7	15	1	20	20
DSR-SEEO	20	20	20	20	20	20	35	7	15	³ na	20	20
Thornyhead	20	20	20	20	20	20	35	7	15	1	20	20
Atka mackerel	20	20	20	20	20	20	35	1	5	10	³ na	20
Other species	20	20	20	20	20	20	35	1	5	10	20	³ na
Aggregated amount non-groundfish species	20	20	20	20	20	20	35	1	5	10	20	20

¹For definition of species, see Table 1 of the Gulf of Alaska groundfish specifications.

²Aggregated rockfish means rockfish of the genera *Sebastes* and *Sebastolobus* except in the southeast Outside District where demersal shelf rockfish (DSR) is a separate category.

³na=not applicable.

⁴SEEO=Southeast Outside District.

3. In § 679.20, paragraph (f)(2) is revised to read as follows:

§ 679.20 General limitations.

* * * * *

(f) * * *

(2) *Retainable amounts.* Except as provided in Table 10 to this part, arrowtooth flounder, or any groundfish species for which directed fishing is closed, may not be used to calculate

retainable amounts of other groundfish species.

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