

Thus, Alternatives 3, 4, and 5 had greater adverse impacts on small entities. Alternative 1 appeared to generate higher values of the gross revenue index for fishing operations in the GOA than Alternative 2. A large part of the Alternative 1 GOA revenue appears to be due to the assumption that the full Alternative 1 TAC would be harvested. Much of the larger revenue is due to increases in flatfish TACs that were much greater for Alternative 1 than for Alternative 2. In recent years, halibut bycatch constraints in these fisheries have kept actual flatfish catches from reaching Alternative 1 levels. Therefore, a large part of the revenues associated with Alternative 1 are unlikely to occur. Also, Alternative 2 TACs are constrained by the ABCs the Plan Teams and SSC are likely to recommend to the Council on the basis of a full consideration of biological issues. These ABCs are often less than Alternative 1's maximum permissible ABCs. Therefore higher TACs under Alternative 1 may not be consistent with prudent biological management of the resource. For these reasons, Alternative 2 is the preferred alternative.

This action does not modify recordkeeping or reporting requirements, or duplicate, overlap, or conflict with any Federal rules.

Adverse impacts on marine mammals resulting from fishing activities conducted under this rule are discussed in the Final EIS (see **ADDRESSES**).

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

Dated: November 29, 2007.

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

[Docket No. 071106673-7689-01]

RIN 0648-XD69

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Proposed 2008 and 2009 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 2008 and 2009 harvest specifications and prohibited species catch allowances for the groundfish fisheries of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits for groundfish during the 2008 and 2009 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. 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.

DATES: Comments must be received by January 7, 2008.

ADDRESSES: You may submit comments, identified by "RIN 0648-XD69," by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal Web site at <http://www.regulations.gov>;
- *Mail:* P.O. Box 21668, Juneau, AK 99802;

- *Fax:* (907) 586-7557; or
- *Hand delivery to the Federal Building:* 709 West 9th Street, Room 420A, Juneau, AK.

Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Copies of the Final Alaska Groundfish Harvest Specifications Environmental Impact Statement (Final EIS), Record of Decision (ROD), and Initial Regulatory Flexibility Analysis (IRFA) prepared for this action are available from NMFS at the mailing address above or from the Alaska Region Web site at <http://www.fakr.noaa.gov>. Copies of the final 2006 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the Bering Sea and Aleutian Islands (BSAI), dated November 2006, are available from the

North Pacific Fishery Management Council (Council), 605 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.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR part 679 implement the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) and govern the groundfish fisheries in the BSAI. The Council prepared the FMP and NMFS approved it under the Magnuson-Stevens Fishery Conservation and Management Act (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)). Section 679.20(c)(1) further requires NMFS to publish proposed harvest specifications in the **Federal Register** and solicit public comments on proposed annual TACs and apportionments thereof, prohibited species catch (PSC) allowances and prohibited species quota (PSQ) reserves established by § 679.21, seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC, Amendment 80 allocations, and Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii). The proposed harvest specifications set forth in Tables 1 through 12 of this action satisfy these requirements.

Under § 679.20(c)(3), NMFS will publish the final harvest specifications for 2008 and 2009 after: (1) Considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its December 2007 meeting, and (3) considering new information presented in the Final EIS and the final 2007 SAFE reports prepared for the 2008 and 2009 groundfish fisheries.

Other Actions Potentially Affecting the 2008 and 2009 Harvest Specifications

The Council is considering a proposal that would allocate the Pacific cod TAC by Bering Sea subarea and Aleutian Islands (AI) subarea instead of a combined BSAI TAC. Another proposal

would separate some species from the "other rockfish" or "other species" categories so that individual overfishing levels (OFLs), acceptable biological catches (ABCs), and TACs may be established for these species. These actions, if submitted and approved by the Secretary of Commerce (Secretary), could change the final 2008 and 2009 harvest specifications. Additionally, the existing 2008 harvest specifications will be updated in early 2008 when final harvest specifications for 2008 and new harvest specifications for 2009 are implemented.

Proposed ABC and TAC Harvest Specifications

The proposed ABC levels are based on the best available biological 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. The FMP specifies a successive series of six tiers based on the level of reliable information available to fishery scientists. Tier one represents the highest level of information quality available while tier six represents the lowest level of information quality available.

Appendix A to the final SAFE report for the 2006 BSAI groundfish fisheries dated November 2006 (see **ADDRESSES**) sets forth the best information currently available. Information on the status of stocks, including the 2007 survey results, will be updated and considered by the Council's Groundfish Plan Team in November 2007 for the 2007 SAFE

report. The final 2008 and 2009 harvest specifications will be based on the 2007 SAFE report.

In October 2007, the Scientific and Statistical Committee (SSC), Advisory Panel, and the Council reviewed the Plan Team's recommended proposed 2008 and 2009 OFL and ABC amounts. The SSC concurred with the Plan Team's recommendations. The recommendations are based on rollovers of the current 2008 amounts. This uses the best information available from the 2006 stock assessments.

The Council adopted the OFL and ABC amounts recommended by the SSC (Table 1). The Council recommended that all the proposed 2008 and 2009 TAC amounts be set equal to the ABC amounts except for reduced TAC amounts for AI subarea and Bogoslof pollock, Pacific cod, Alaska plaice, arrowtooth flounder, rock sole, flathead sole, yellowfin sole, and "other species." As in previous years, the Plan Team, Advisory Panel, SSC, and Council recommended that total removals of Pacific cod from the BSAI not exceed ABC recommendations. Accordingly, the Council recommended that the proposed 2008 and 2009 Pacific cod TACs be adjusted downward from the ABCs by amounts equal to 3 percent of the ABC. This adjustment is necessary to account for the guideline harvest level (GHL) established for Pacific cod by the State of Alaska (State) for a State-managed fishery that occurs in State waters in the AI subarea. Finally, the Council recommended using the 2007 and 2008 PSC allowances for the proposed 2008 and 2009 PSC allowances. The Council will reconsider the OFL, ABC, TAC, and PSC amounts in December 2007 after the

Plan Team incorporates new status of groundfish stocks information into a final 2007 SAFE report for the 2008 and 2009 BSAI groundfish fishery. None of the Council's recommended proposed TACs for 2008 or 2009 exceeds the recommended 2008 or 2009 proposed ABC for any species category. NMFS finds the Council's recommended proposed 2008 and 2009 OFL, ABC, and TAC amounts consistent with the best available information on the biological condition of the groundfish stocks.

The final rule implementing Amendment 80 to the BSAI FMP was published in the **Federal Register** on September 14, 2007 (72 FR 52668). Amendment 80 allocates total allowable catch of specified groundfish species and halibut and crab PSC limits among several BSAI non-pollock trawl groundfish fisheries fishing sectors, and it facilitates the formation of harvesting cooperatives in the non-American Fisheries Act trawl catcher/processor sector. The Amendment 80 species are Atka mackerel, flathead sole, Pacific cod, rock sole, yellowfin sole, and Aleutian Islands Pacific ocean perch.

The final rule implementing Amendment 85 to the FMP was published in the **Federal Register** on September 4, 2007 (72 FR 50788). Amendment 85 revises the current allocations of BSAI Pacific cod TAC and seasonal apportionments among various harvest sectors and seasonal apportionments.

Table 1 lists the proposed 2008 and 2009 OFL, ABC, TAC, initial TAC (ITAC), and CDQ amounts for groundfish for the BSAI. The proposed apportionment of TAC amounts among fisheries and seasons is discussed below.

TABLE 1— PROPOSED 2008 AND 2009 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUND FISH IN THE BSAI¹

[Amounts are in metric tons]

Species	Area	Proposed 2008 and 2009				
		OFL	ABC	TAC	ITAC ²	CDQ ^{3,4,5}
Pollock ³	BS	1,431,000	1,318,000	1,318,000	1,186,200	131,800
	AI	50,300	41,000	19,000	17,100	1,900
	Bogoslof	48,000	5,220	10	10	0
Pacific cod ⁴	BSAI	154,000	131,000	127,070	113,474	13,596
Sablefish ⁵	BS	3,290	2,970	2,970	1,263	111
	AI	3,100	2,800	2,800	596	52
Atka mackerel	BSAI	64,200	54,900	54,900	49,026	5,874
	EAI/BS	n/a	17,600	17,600	15,717	1,883
	CAI	n/a	22,000	22,000	19,646	2,354
	WAI	n/a	15,300	15,300	13,663	1,637
Yellowfin sole	BSAI	261,000	245,000	150,000	133,950	16,050
Rock sole	BSAI	271,000	268,000	75,000	66,975	8,025
Greenland turbot	BSAI	16,000	2,490	2,490	2,117	n/a
	BS	n/a	1,720	1,720	1,462	184
	AI	n/a	770	770	655	0
Arrowtooth flounder	BSAI	208,000	171,000	30,000	25,500	3,210
Flathead sole	BSAI	92,800	77,200	45,000	40,185	4,815
Other flatfish ⁶	BSAI	28,500	21,400	21,400	18,190	0
Alaska plaice	BSAI	252,000	199,000	60,000	51,000	0
Pacific ocean perch	BSAI	25,600	21,600	21,600	19,114	n/a
	BS	n/a	4,080	4,080	3,468	0
	EAI	n/a	4,900	4,900	4,376	524
	CAI	n/a	5,000	5,000	4,465	535
	WAI	n/a	7,620	7,620	6,805	815
Northern rockfish	BSAI	9,700	8,150	8,150	6,928	0
Shortraker rockfish	BSAI	564	424	424	360	0
Rougheye rockfish	BSAI	269	202	202	172	0
Other rockfish ⁷	BSAI	1,330	999	999	849	0
	BS	n/a	414	414	352	0
	AI	n/a	585	585	497	0
Squid	BSAI	2,620	1,970	1,970	1,675	0
Other species ⁸	BSAI	91,700	68,800	58,015	49,313	0
TOTAL		3,014,973	2,642,125	2,000,000	1,783,996	187,491

¹ 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.

² Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species, 15 percent of each TAC is put into a reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves.

³ Under § 679.20(a)(5)(i)(A)(1), the annual Bering Sea subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2.8 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)(iii)(B)(2)(i) and (ii), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (1,600 mt); is allocated to the Aleut Corporation for a directed pollock fishery.

⁴ The Pacific cod TAC is reduced by three percent from the ABC to account for the State of Alaska's (State) guideline harvest level in State waters of the Aleutian Islands subarea.

⁵ For the Amendment 80 species (Atka mackerel, Aleutian Islands Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for Bering Sea Greenland

turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). Aleutian Islands Greenland turbot, "other flatfish," Alaska plaice, Bering Sea Pacific ocean perch, northern rockfish, shortraker rockfish, rougheye rockfish, "other rockfish," squid, and "other species" are not allocated to the CDQ program.

⁶ "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.

⁷ "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

⁸ "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, Atka Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and Aleutian Islands Pacific Ocean Perch

Section 679.20(b)(1)(i) requires the placement of 15 percent of the TAC for each target species or "other species" category, except for pollock, the hook-and-line and pot gear allocation of sablefish, and the Amendment 80 species, in a non-specified reserve. Section 679.20(b)(1)(ii)(B) requires that 20 percent of the hook-and-line and pot gear allocation of sablefish be allocated to the fixed gear sablefish CDQ reserve. Section 679.20(b)(1)(ii)(D) requires that 7.5 percent of the trawl gear allocations of sablefish and 10.7 percent of Bering Sea Greenland turbot and arrowtooth flounder be allocated to the respective CDQ reserves. Section 679.20(b)(1)(ii)(C) requires that 10.7 percent of the TACs for Atka mackerel, Aleutian Islands Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod be allocated to the CDQ reserves. Sections 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 (DFA). 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. Section 679.21(e)(3)(i)(A) requires withholding 7.5 percent of the Chinook salmon PSC limit, 10.7 percent of the crab and non-Chinook salmon PSC limits, and 343 metric tons (mt) of halibut PSC as PSQ reserves for the CDQ fisheries. Sections 679.30 and 679.31 set forth regulations governing the management of the CDQ and PSQ reserves.

Pursuant to § 679.20(a)(5)(i)(A)(1), NMFS proposes a pollock ICA of 2.8 percent of the Bering Sea subarea pollock TAC after subtraction of the 10 percent CDQ reserve. This allowance is based on NMFS's examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in

target fisheries other than pollock from 1999 through 2007. During this 9-year period, the pollock incidental catch ranged from a low of 2.4 percent in 2006 to a high of 5 percent in 1999, with a 9-year average of 3 percent. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), NMFS proposes a pollock ICA of 1,600 mt for AI subarea after subtraction of the 10 percent CDQ DFA. This allowance is based on NMFS's examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2003 through 2007. During this 5-year period, the incidental catch of pollock ranged from a low of 5 percent in 2006 to a high of 10 percent in 2003, with a 5-year average of 6 percent.

Pursuant to § 679.20(a)(8) and (10), NMFS proposes ICAs of 2,000 mt of flathead sole, 2,000 mt of rock sole, 2,000 mt of yellowfin sole, 10 mt each of Western and Central Aleutian District Pacific ocean perch and Atka mackerel, 100 mt of Eastern Aleutian District Pacific ocean perch, and 1,400 mt of Eastern Aleutian District and Bering Sea subarea Atka mackerel after subtraction of the 10.7 percent CDQ reserve. These allowances are based on NMFS's examination of the incidental catch in other target fisheries from 2003 through 2007.

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

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

Section 679.20(a)(5)(i)(A) requires that the pollock TAC apportioned to the Bering Sea subarea, after subtraction of 10 percent for the CDQ program and 2.8 percent for the ICA, 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, 40 percent of the DFA is allocated to the A season (January 20–June 10) and 60 percent of the DFA is allocated to the B season (June 10–November 1). The AI directed pollock fishery allocation to the Aleut Corporation is the amount of pollock remaining in the AI subarea after subtracting 1,900 mt for the CDQ DFA (10 percent) and 1,600 mt for the ICA. 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 proposed 2008 and 2009 amounts.

Section 679.20(a)(5)(i)(A)(4) also includes several specific requirements regarding Bering Sea subarea pollock allocations. 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 proposed 2008 and 2009 allocations of pollock TAC. Tables 9 through 12 list the AFA catcher/processor and catcher vessel harvesting sideboard limits. In past years, the proposed harvest specifications included text and tables describing pollock allocations to the Bering Sea subarea inshore pollock cooperatives and open access sector. These allocations are based on the submission of AFA inshore cooperative applications due to NMFS on December 1 of each calendar year. Because AFA inshore cooperative applications for 2008 have not been submitted to NMFS, thereby preventing NMFS from calculating 2008 allocations, NMFS has not included inshore cooperative text and tables in these proposed harvest specifications. NMFS will post AFA inshore

cooperative allocations on the Alaska Region Web site at <http://www.fakr.noaa.gov> when they become available in December 2007.

Table 2 also lists proposed seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest of pollock 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 annual DFA allocated to the A season may be taken outside the SCA before April 1 or inside the SCA after April 1. If less than 28 percent of the annual DFA is 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 proposed 2008 and 2009 amounts.

TABLE 2—PROPOSED 2008 AND 2009 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)¹

[Amounts are in metric tons]

Area and sector	2008 and 2009 allocations	2008 and 2009 A season ¹		2008 and 2009 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea	1,318,000	n/a	n/a	n/a
CDQ DFA	131,800	52,720	36,904	79,080
ICA ¹	33,214	n/a	n/a	n/a
AFA Inshore	576,493	230,597	161,418	345,896
AFA Catcher/Processors ³	461,195	184,478	129,134	276,717
Catch by C/Ps	421,993	168,797	n/a	253,196
Catch by CVs ³	39,202	15,681	n/a	23,521
Unlisted C/P Limit ⁴	2,306	922	n/a	1,384
AFA Motherships	115,299	46,119	32,284	69,179
Excessive Harvesting Limit ⁵	201,773	n/a	n/a	n/a
Excessive Processing Limit ⁶	345,896	n/a	n/a	n/a
Total Bering Sea DFA	1,152,987	461,195	322,836	691,792
Aleutian Islands subarea ¹	19,000	n/a	n/a	n/a
CDQ DFA	1,900	760	n/a	1,140
ICA	1,600	800	n/a	800
Aleut Corporation	15,500	10,200	n/a	5,300
Bogoslof District ICA ⁷	10	n/a	n/a	n/a

¹ Pursuant to § 679.20(a)(5)(i)(A), the annual Bering Sea subarea pollock TAC, after subtraction for the CDQ DFA (10 percent) and the ICA (2.8 percent), is allocated as a DFA as follows: inshore sector 50 percent, catcher/processor sector 40 percent, and mothership sector 10 percent. In the Bering Sea subarea, 40 percent of the DFA is allocated to the A season (January 20-June 10) and 60 percent of the DFA is allocated to the B season (June 10-November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), the annual AI pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second the ICA (1,600 mt), is allocated to the Aleut Corporation for a directed pollock fishery. 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.

² 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 the 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.

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

⁴ Pursuant to § 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.

⁵ Pursuant to § 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 not including CDQ.

⁶ Pursuant to § 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 not including CDQ.

⁷ The Regional Administrator proposes closing the Bogoslof pollock fishery for directed fishing under the final 2008 and 2009 harvest specifications for the BSAI. The amounts specified are for incidental catch only and are not apportioned by season or sector.

Allocation of the Atka Mackerel TACs

Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtraction of the CDQ reserves, jig gear allocation, and ICAs for the BSAI trawl limited access sector and non-trawl gear, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to part 679 and § 679.91.

Pursuant to § 679.20(a)(8)(i), up to 2 percent of the Eastern Aleutian District and 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 a 0.5 percent allocation of the Atka mackerel ITAC in the Eastern Aleutian District and Bering Sea subarea to jig gear in 2008 and 2009. Based on the proposed 2008 and 2009 TAC of 17,600 mt after subtractions of the CDQ reserve and ICA, the jig gear allocation would be 72 mt for 2008 and 2009.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel ITAC into two equal seasonal allowances. The first seasonal 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). The jig gear allocation is not apportioned by season.

Pursuant to § 679.20(a)(8)(ii)(C)(1), the Regional Administrator will establish a harvest limit area (HLA) limit of no more than 60 percent of the seasonal TAC for the Western and Central Aleutian Districts.

NMFS will establish HLA limits for the CDQ reserve and each of the three non-CDQ fishery categories: The BSAI trawl limited access sector; the Amendment 80 limited access fishery; and an aggregate HLA limit applicable to all Amendment 80 cooperatives. NMFS will assign vessels in each of the three non-CDQ fishery categories that apply to fish for Atka mackerel in the HLA to an HLA fishery based on a random lottery of the vessels that apply (see § 679.20(a)(8)(iii)). There is no allocation of Atka mackerel to the BSAI

trawl limited access sector in the Western Aleutian District. Therefore, no vessels in the BSAI trawl limited access sector will be assigned to the Western Aleutian District HLA fishery.

Each trawl sector will have a separate lottery. A maximum of two HLA fisheries will be established in Area 542 for the BSAI trawl limited access sector. A maximum of four HLA fisheries will be established for vessels assigned to Amendment 80 cooperatives: A first and second HLA fishery in Area 542, and a first and second HLA fishery in Area 543. A maximum of four HLA fisheries will be established for vessels assigned to the Amendment 80 limited access fishery: A first and second HLA fishery in Area 542, and a first and second HLA fishery in Area 543. NMFS will initially open fishing for the first HLA fishery in all three fishery categories at the same time. The initial opening of fishing in the HLA will be based on the first directed fishing closure of Atka mackerel for the Eastern Aleutian District and Bering Sea subarea allocation for any one of the three fishery categories allocated Atka mackerel TAC.

TABLE 3—PROPOSED 2008 AND 2009 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector ²	Season ^{1,3,4}	2008 allocation by area			2009 allocation by area		
		Eastern Aleutian District/Bering Sea	Central Aleutian District	Western Aleutian District	Eastern Aleutian District/Bering Sea	Central Aleutian District	Western Aleutian District
TAC	n/a	17,600	22,000	15,300	17,600	22,000	15,300
CDQ reserve	Total	1,883	2,354	1,637	1,883	2,354	1,637
	HLA ⁵	n/a	1,412	982	n/a	1,412	982
ICA	Total	1,400	10	10	1,400	10	10
Jig ⁶	Total	72	0	0	72	0	0
BSAI trawl limited access	Total	285	393	0	570	785	0
	A	142	196	0	285	393	0
	HLA	n/a	118	0	n/a	236	0
	B	142	196	0	285	393	0
Amendment 80 limited access	Total	7,348	11,598	8,417	7,190	11,359	8,418
	A	3,674	5,799	4,209	3,595	5,680	4,209
	HLA	n/a	3,479	2,525	n/a	3,408	2,525
	B	3,674	5,799	4,209	3,595	5,680	4,209
Amendment 80 cooperatives	Total	6,612	7,646	5,236	6,485	7,492	5,235
	A	3,306	3,823	2,618	3,243	3,746	2,618
	HLA	n/a	2,294	1,571	n/a	2,248	1,571
	B	3,306	3,823	2,618	3,243	3,746	2,618
Amendment 80 cooperatives	Total	6,612	7,646	5,236	6,485	7,492	5,235
	A	3,306	3,823	2,618	3,243	3,746	2,618
	HLA	n/a	2,294	1,571	n/a	2,248	1,571
	B	3,306	3,823	2,618	3,243	3,746	2,618

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

² Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtraction of the CDQ reserves, ICAs, and the jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

³ The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

⁴ The A season is January 1 (January 20 for trawl gear) to April 15, and the B season is September 1 to November 1.

⁵ 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 2008 and 2009, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

⁶ Section 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and Bering Sea subarea TAC be allocated to jig gear after subtraction of the CDQ reserve and ICA. The amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

Allocation of the Pacific Cod TAC

Section 679.20(a)(7)(i) and (ii) requires that the Pacific cod TAC in the BSAI, after subtraction of 10.7 percent for the CDQ program, be allocated as follows: 1.4 percent to vessels using jig gear, 2.0 percent to hook-and-line and pot catcher vessels less than 60 ft (18.3 m) length overall (LOA), 0.2 percent to hook-and-line catcher vessels greater than or equal to 60 ft (18.3 m) LOA, 48.7 percent to hook-and-line catcher/processors, 8.4 percent to pot catcher vessels greater than or equal to 60 ft (18.3 m) LOA, 1.5 percent to pot catcher/processors, 2.3 percent to AFA trawl catcher/processors, 13.4 percent to non-AFA trawl catcher/processors, and 22.1 percent to trawl catcher vessels. The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator proposes an ICA of 500 mt for 2008 and 2009 based on anticipated incidental catch in these fisheries. The allocation of the ITAC for Pacific cod to the Amendment 80 sector is established in Table 33 to part 679 and § 679.91.

The Pacific cod ITAC is apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7) and 679.23(e)(5)). In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a seasonal Pacific cod

allowance will become available at the beginning of the next seasonal allowance.

Pursuant to §§ 679.20(a)(7)(i)(B) and 679.23(e)(5), the CDQ season allowances by gear are as follows: for most hook-and-line catcher/processors and hook-and-line catcher vessels greater than or equal to 60 ft (18.3 m) LOA, 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 to December 31. No seasonal harvest constraints are imposed on the Pacific cod fishery for pot gear or catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line 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.

Pursuant to §§ 679.20(a)(7)(iv)(A) and 679.23(e)(5), the non-CDQ season allowances by gear are as follows. For hook-and-line and pot catcher/processors and hook-and-line and pot vessels greater than or equal to 60 ft (18.3 m) LOA, the first seasonal allowance of 51 percent of the ITAC is made available for directed fishing from January 1 to June 10, and the second seasonal allowance of 49 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 for 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, the second season is April 1 to June 10, and the third season is June 10 to November 1. The trawl catcher vessel allocation is further allocated as 74 percent in the first season, 11 percent in the second season, and 15 percent in the third season. The trawl catcher/processor allocation is allocated 75 percent in the first season, 25 percent in the second season, and zero percent in the third season. For jig gear, the first seasonal allowance is allocated 60 percent of the ITAC, and the second and third seasonal allowances are each allocated 20 percent of the ITAC. Table 4 lists the proposed 2008 and 2009 allocations and seasonal apportionments of the Pacific cod TAC.

TABLE 4—PROPOSED 2008 AND 2009 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC

[Amounts are in metric tons]

Gear sector	Percent	2008 and 2009 share of gear sector total	2008 and 2009 share of sector total	2008 and 2009 seasonal apportionment	
				Date	Amount
Total TAC	100	127,070	n/a	n/a	n/a
CDQ	10.7	13,596	n/a	see §679.20(a)(7)(i)(B)	n/a
Total hook-and-line/pot gear	60.8	68,992	n/a	n/a	n/a
Hook-and-line/pot ICA ¹	n/a	n/a	500	n/a	n/a
Hook-and-line/pot sub-total	n/a	68,492	n/a	n/a	n/a
Hook-and-line catcher/processors	48.7	n/a	54,861	Jan 1-Jun 10	27,979
				Jun 10-Dec 31	26,882
Hook-and-line catcher vessels ≥ 60 ft LOA	0.2	n/a	225	Jan 1-Jun 10	115
				Jun 10-Dec 31	110
Pot catcher/processors	1.5	n/a	1,690	Jan 1-Jun 10	862
				Sept 1-Dec 31	828
Pot catcher vessels ≥ 60 ft LOA	8.4	n/a	9,463	Jan 1-Jun 10	4,826
				Sept 1-Dec 31	4,637
Catcher vessels < 60 ft LOA using hook-and-line or pot gear	2.0	n/a	2,253	n/a	n/a
Trawl catcher vessels	22.1	25,078	n/a	Jan 20-Apr 1	18,557
				Apr 1-Jun 10	2,759
				Jun 10-Nov 1	3,762
AFA trawl catcher processors	2.3	2,610	n/a	Jan 20-Apr 1	1,957
				Apr 1- Jun 10	652
				Jun 10-Nov 1	0
Amendment 80 limited access	n/a	2,454	n/a	Jan 20-Apr 1	1,841
				Apr 1- Jun 10	614
				Jun 10-Nov 1	0
Amendment 80 cooperative	n/a	12,754	n/a	Jan 20-Apr 1	9,566
				Apr 1- Jun 10	3,189
				Jun 10-Nov 1	0
Jig	1.4	1,589	n/a	Jan 1-Apr 30	953
				Apr 30-Aug 31	318
				Aug 31-Dec 31	318

¹ The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator proposes an ICA of 500 mt for 2008 and 2009 based on anticipated incidental catch in these fisheries.

Sablefish Gear Allocation

Sections 679.20(a)(4)(iii) and (iv) require the allocation of sablefish TACs for the Bering Sea and AI subareas between trawl gear 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. Section 679.20(b)(1)(ii)(B) requires apportionment of 20 percent of the

hook-and-line and pot gear allocation of sablefish to the CDQ reserve. Additionally, § 679.20(b)(1)(ii)(D) requires apportionment of 7.5 percent of the trawl gear allocation of sablefish to the CDQ reserve. The Council recommended that only trawl sablefish TAC be established biennially. The harvest specifications for the hook-and-line gear and pot gear sablefish Individual Fishing Quota (IFQ) fisheries will be limited to the 2008 fishing year to ensure those fisheries are conducted

concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries 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. Table 5 lists the proposed 2008 and 2009 gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 5—PROPOSED 2008 AND 2009 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2008 Share of TAC	2008 ITAC ¹	2008 CDQ reserve	2009 Share of TAC	2009 ITAC	2009 CDQ reserve
Bering Sea							
Trawl	50	1,485	1,262	111	1,485	1,262	0
Hook-and-line gear ²	50	1,485	n/a	297	n/a	n/a	n/a
TOTAL	100	2,970	1,262	408	1,485	1,262	0
Aleutian Islands							
Trawl	25	700	595	53	700	595	0
Hook-and-line gear ²	75	2,100	n/a	420	n/a	n/a	n/a
TOTAL	100	2,800	595	473	700	595	0

¹ 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.

² 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. Section 679.20(b)(1) does not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear.

Allocation of the Aleutian Islands Pacific Ocean Perch, Flathead Sole, Rock Sole, and Yellowfin Sole TACs

Sections 679.20(a)(10)(i) and (ii) require the allocation of the Aleutian Islands Pacific ocean perch, flathead sole, rock sole, and yellowfin sole TACs

in the BSAI, after subtraction of 10.7 percent for the CDQ reserve and an ICA for the BSAI trawl limited access sector and vessels using non-trawl gear. The allocation of the ITAC for Aleutian Islands Pacific ocean perch, flathead sole, rock sole, and yellowfin sole to the

Amendment 80 sector is established in Tables 33 and 34 to part 679 and § 679.91. Table 6 lists the proposed 2008 and 2009 allocations and seasonal apportionments of the Aleutian Islands Pacific ocean perch, flathead sole, rock sole, and yellowfin sole TACs.

TABLE 6—PROPOSED 2008 AND 2009 CDQ RESERVES, INCIDENTAL CATCH AMOUNTS, AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Species	Pacific ocean perch					Flathead sole	Rock sole	Yellowfin sole
Area	2008 Eastern Aleutian District	2009 Eastern Aleutian District	2008 Central Aleutian District	2009 Central Aleutian District	2008 and 2009 Western Aleutian District	BSAI	BSAI	BSAI
TAC	4,900	4,900	5,000	5,000	7,620	45,000	75,000	150,000
CDQ	524	524	535	535	815	4,815	8,025	16,050
ICA	100	100	10	10	10	2,000	2,000	2,000
BSAI trawl limited access	214	428	223	446	136	0	0	18,050
Amendment 80 limited access	2,154	2,041	2,244	2,126	3,531	4,177	15,696	45,314
Amendment 80 cooperatives	1,908	1,808	1,988	1,884	3,128	34,008	49,279	68,587

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

Section 679.21(e) sets forth the BSAI PSC limits. Pursuant to § 679.21(e)(1)(iv) and (e)(2), the 2008 and 2009 BSAI halibut mortality limits are 3,675 mt for trawl fisheries and 900 mt for the non-trawl fisheries. Sections 679.21(e)(3)(i) and (e)(4)(i)(A) allocate 276 mt of the trawl halibut mortality and 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the prohibited species quota (PSQ) reserve for use by the groundfish CDQ program. Section 679.21(e)(1)(vii) specifies 29,000 fish as the 2008 and 2009 Chinook salmon PSC limit for the Bering Sea subarea pollock fishery. Section 679.21(e)(3)(i)(A)(3)(i) allocates 7.5 percent, or 2,175 Chinook salmon, as the PSQ reserve for the CDQ program and allocates the remaining 26,825 Chinook salmon to the non-CDQ fisheries. Section 679.21(e)(1)(ix) specifies 700 fish as the 2008 and 2009 Chinook salmon PSC limit for the AI subarea pollock fishery. Section 679.21(e)(3)(i)(A)(3)(i) allocates 7.5 percent, or 53 Chinook salmon, as the AI subarea PSQ for the CDQ program and allocates the remaining 647 Chinook salmon to the non-CDQ fisheries. Section 679.21(e)(1)(viii)

specifies 42,000 fish as the 2008 and 2009 non-Chinook salmon PSC limit. Section 679.21(e)(3)(i)(A)(3)(ii) allocates 10.7 percent, or 4,494 non-Chinook salmon, as the PSQ for the CDQ program and allocates the remaining 37,506 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 as of October 2007 regarding PSC limits and apportionments, the Council recommended and NMFS proposes using the crab and herring 2007 and 2008 PSC limits and apportionments for the proposed 2008 and 2009 limits and apportionments. The Council will reconsider these amounts in December 2007, based on recommendations by the Plan Team and the SSC. Pursuant to § 679.21(e)(3)(i)(A)(1), 10.7 percent of each PSC limit specified for crab is allocated as a PSQ reserve for use by the groundfish CDQ program.

The red king crab mature female abundance is estimated from the 2006 survey data at 29.7 million red king crabs, and the effective spawning biomass is estimated at 157 million pounds (71,215 mt). Based on the criteria set out at § 679.21(e)(1)(ii), the

proposed 2008 and 2009 PSC limit of red king crab in Zone 1 for trawl gear is 197,000 animals. This limit derives from the mature female abundance estimate of more than 8.4 million king crab and the effective spawning biomass estimate of more than 55 million pounds (24,948 mt).

Section 679.21(e)(3)(ii)(B)(2) establishes 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 RKCSS to up to 25 percent of the red king crab PSC allowance based on the need to optimize the groundfish harvest relative to red king crab bycatch. NMFS proposes the Council's recommendation that the red king crab bycatch limit be equal to 25 percent of the red king crab PSC allowance within the RKCSS (Table 7b).

Based on 2006 survey data, Tanner crab (*Chionoecetes bairdi*) abundance is estimated at 866 million animals. Given the criteria set out at § 679.21(e)(1)(iii), the calculated 2008 and 2009 *C. bairdi* crab PSC limit for trawl gear is 980,000 animals in Zone 1 and 2,970,000 animals in Zone 2. These limits derive from the *C. bairdi* crab abundance

estimate of more than 400 million animals.

Pursuant to § 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 2006 survey estimate of 3.25 billion animals, the calculated limit is 4,350,000 animals.

Pursuant to § 679.21(e)(1)(vi), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern Bering Sea herring biomass. The best estimate of 2008 and 2009 herring biomass is 178,652 mt. This amount was derived using 2006 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game. Therefore, the herring PSC limit proposed for 2008 and 2009 is 1,787 mt for all trawl gear as presented in Tables 7a and b.

Section 679.21(e)(3) requires, after subtraction of PSQ reserves, that crab and halibut trawl PSC be apportioned between the BSAI trawl limited access and Amendment 80 sectors as presented in Table 7a. The amount of 2008 and 2009 PSC assigned to the Amendment 80 sector is specified in Table 35 to part 679. Pursuant to § 679.21(e)(1)(iv) and § 679.91(d) through (f), crab and halibut trawl PSC assigned to the Amendment 80 sector is then sub-allocated to Amendment 80 cooperatives as PSC cooperative quota (CQ) and to the Amendment 80 limited access fishery as presented in Tables 7d and e. PSC CQ assigned to Amendment 80 cooperatives

is not allocated to specific fishery categories. Section 679.21(e)(3)(i)(B) requires the apportionment of each trawl PSC limit not assigned to Amendment 80 cooperatives into PSC bycatch allowances for seven specified fishery categories.

Section 679.21(e)(4)(i)(B) requires the apportionment of halibut to the non-trawl fishery categories based on each category's proportional share of the anticipated bycatch mortality of halibut during a fishing year and the need to optimize the amount of total groundfish harvested under the non-trawl halibut PSC limits. Section 679.21(e)(4)(ii) authorizes the apportionment of the non-trawl halibut PSC limit into PSC bycatch allowances among six fishery categories. Table 7c lists the fishery bycatch allowances for the BSAI trawl limited access and non-trawl fisheries.

Section 679.21(e)(4)(ii) also authorizes the exemption of specified non-trawl fisheries from the halibut PSC limit. As in past years after consultation with the Council, NMFS 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 have low halibut bycatch mortality, (2) halibut mortality for the jig gear fleet is assumed to be negligible, and (3) the sablefish and halibut IFQ fisheries have low halibut bycatch mortality because the IFQ program (subpart D of 50 CFR part 679) requires legal-size 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 2007,

total groundfish catch for the pot gear fishery in the BSAI was approximately 19,916 mt, with an associated halibut bycatch mortality of about 1 mt. The 2007 jig gear fishery harvested about 89 mt of groundfish. Most vessels in the jig gear fleet are less than 60 ft (18.3 m) LOA and thus 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 jig gear and the low mortality rate of halibut caught with jig gear and released.

Section 679.21(e)(5) authorizes NMFS, after consultation with the Council, to establish seasonal apportionments of PSC amounts for the BSAI trawl limited access and Amendment 80 limited access sectors 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. NMFS proposes the Council's recommendation of the seasonal PSC apportionments in Tables 7c and 7e to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC based on the above criteria.

TABLE 7a—PROPOSED 2008 AND 2009 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species	Total non-trawl PSC	Non-trawl PSC remaining after CDQ PSQ ²	Total trawl PSC	Trawl PSC remaining after CDQ PSQ ²	CDQ PSQ reserve ²	Amendment 80 sector		BSAI trawl limited access fishery
						2008	2009	
Halibut mortality (mt) BSAI	900	832	3,675	3,400	343	2,525	2,475	875
Herring (mt) BSAI	n/a	n/a	1,787	n/a	n/a	n/a	n/a	n/a
Red king crab (animals) Zone 1 ¹	n/a	n/a	197,000	175,921	21,079	109,915	104,427	53,797
<u>C. opilio</u> (animals) COBLZ ¹	n/a	n/a	4,350,000	3,884,550	465,450	2,386,668	2,267,412	1,248,494
<u>C. bairdi</u> crab (animals) Zone 1 ¹	n/a	n/a	980,000	875,140	104,860	460,674	437,658	411,228
<u>C. bairdi</u> crab (animals) Zone 2 ¹	n/a	n/a	2,970,000	2,652,210	317,790	784,789	745,536	1,241,500

¹ Refer to 50 CFR § 679.2 for definitions of areas.

² Sections 679.21(e)(3)(i) and (e)(4)(i)(A) allocate 276 mt of the trawl halibut mortality and 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the PSQ reserve for use by the groundfish CDQ program. The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

TABLE 7b—PROPOSED 2008 AND 2009 HERRING AND RED KING CRAB SAVINGS SUBAREA PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

Trawl gear	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole	153	n/a
Rock sole/flathead sole/other flatfish ¹	27	n/a
Turbot/arrowtooth/sablefish ²	12	n/a
Rockfish	n/a	n/a
July 1 - December 31	10	n/a
Pacific cod	27	n/a
Midwater trawl pollock	1,364	n/a
Pollock/Atka mackerel/other species ³	194	n/a
Red king crab savings subarea	n/a	n/a
Non-pelagic trawl gear ⁴	n/a	49,250
Total trawl PSC	1,787	197,000

¹ "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, and arrowtooth flounder.

² Greenland turbot, arrowtooth flounder, and sablefish fishery category.

³ Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

⁴ In October 2007 the Council recommended that the red king crab bycatch limit for non-pelagic trawl fisheries within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(2)).

TABLE 7c—PROPOSED 2008 AND 2009 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR AND NON-TRAWL FISHERIES

BSAI trawl limited access fisheries	Prohibited species and zone				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1 ¹	<u>C. opilio</u> (animals) COBLZ ¹	<u>C. bairdi</u> (animals)	
				Zone 1 ¹	Zone 2 ¹
Yellowfin sole	145	29,938	1,170,367	259,003	1,036,505
Rock sole/flathead sole/other flatfish ²	0	0	0	0	0
Turbot/arrowtooth/sablefish ³	0	0	0	0	0
Rockfish	n/a	n/a	n/a	n/a	n/a
June 1 - December 31	3	n/a	2,000	n/a	1,000
Pacific cod	577	23,499	45,677	139,138	188,058
Pollock/Atka mackerel/other species ⁴	150	360	30,451	13,087	15,937
Total BSAI trawl limited access PSC	875	53,797	1,248,494	411,228	1,241,500
Non-trawl fisheries	Catcher processor	Catcher vessel			
Pacific cod-Total	760	15			
January 1-June 10	314	10			
June 10-August 15	0	0			
August 15-December 31	446	5			
Other non-trawl-Total	58				
May 1-December 31	58				
Groundfish pot and jig	exempt				
Sablefish hook-and-line	exempt				
Total non trawl PSC	833				

¹ Refer to § 679.2 for definitions of areas.

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

³ Greenland turbot, arrowtooth flounder, and sablefish fishery category.

TABLE 7d—PROPOSED 2008 AND 2009 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI AMENDMENT 80 COOPERATIVES

Year	Prohibited species and zone				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1 ¹	<u>C. opilio</u> (animals) COBLZ ¹	<u>C. bairdi</u> (animals)	
				Zone 1 ¹	Zone 2 ¹
2008	1,837	78,631	1,632,432	340,520	580,311
2009	1,801	74,704	1,550,864	323,507	551,286

¹ Refer to § 679.2 for definitions of areas.

TABLE 7e—PROPOSED 2008 AND 2009 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI AMENDMENT 80 LIMITED ACCESS FISHERIES

Amendment 80 trawl limited access fisheries	Prohibited species and zone									
	Halibut mortality (mt) BSAI		Red king crab (animals) Zone 1 ¹		<u>C. opilio</u> (animals) COBLZ ¹		<u>C. bairdi</u> (animals)			
	2008	2009	2008	2009	2008	2009	Zone 1 ¹		Zone 2 ¹	
Yellowfin sole	190	186	5,810	5,520	580,761	551,742	45,178	42,921	133,115	126,457
Jan 20 - Apr 1	63	62	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Apr 1 - May 21	39	38	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
May 21 - Jul 1	10	10	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Jul 1 - Dec 31	77	75	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Rock sole/other flat/flathead sole ²	168	164	20,844	19,803	120,677	114,647	48,422	46,003	44,372	42,152
Jan 20 - Apr 1	101	99	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Apr 1 - Jul 1	33	33	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
July 1 - Dec 31	34	33	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Turbot/arrowtooth/sablefish ³	n/a	0	n/a	n/a	7,542	7,165	n/a	n/a	n/a	n/a
Rockfish	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Jul 1 - Dec 31	14	14	n/a	n/a	7,542	7,165	n/a	n/a	818	777
Pacific cod	270	265	4,560	4,332	22,627	21,496	24,271	23,058	24,129	22,922
Pollock / Atka mackerel/other ⁴	47	46	69	66	15,085	14,331	2,283	2,169	2,045	1,943
Total Amendment 80 trawl limited access PSC	688	674	31,284	29,722	754,235	716,548	120,154	114,151	204,477	194,250

¹ Refer to § 679.2 for definitions of areas.

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

³ Greenland turbot, arrowtooth flounder, and sablefish fishery category.

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

Halibut Discard Mortality Rates

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut bycatch rates, 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.

NMFS proposes the Council's recommendation that the halibut DMRs

developed and recommended by the International Pacific Halibut Commission (IPHC) for the 2008 and 2009 BSAI groundfish fisheries be used for monitoring the proposed 2008 and 2009 halibut bycatch allowances (see Tables 7a-e). The DMRs proposed for the 2008 and 2009 BSAI non-CDQ fisheries are the same as those used in 2007. The IPHC developed the DMRs for the 2008 and 2009 BSAI non-CDQ groundfish fisheries using the 10-year mean DMRs for those fisheries. The IPHC changed the DMRs for the 2008 and 2009 BSAI CDQ groundfish

fisheries using the 1998 to 2006 DMRs for those fisheries. The IPHC will analyze observer data annually and recommend changes to the DMRs when a fishery DMR shows large variation from the mean. A copy of the document justifying these DMRs is available from the Council (see **ADDRESSES**) and the DMRs are discussed in Appendix A of the final 2006 SAFE report dated November 2006. Table 8 lists the proposed 2008 and 2009 DMRs.

TABLE 8—PROPOSED 2008 AND 2009 ASSUMED PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI

Gear	Fishery	Halibut discard mortality rate (percent)
Non-CDQ hook-and-line	Greenland turbot	13
	Other species	11
	Pacific cod	11
	Rockfish	17
Non-CDQ trawl	Arrowtooth flounder	75
	Atka mackerel	76
	Flathead sole	70
	Greenland turbot	70
	Non-pelagic pollock	74
	Pelagic pollock	88
	Other flatfish	74
	Other species	70
	Pacific cod	70
	Rockfish	76
	Rock sole	80
	Sablefish	75
	Yellowfin sole	80
Non-CDQ pot	Other species	7
	Pacific cod	7
CDQ trawl	Atka mackerel	85
	Flathead sole	70
	Non-pelagic pollock	86
	Pelagic pollock	90
	Rockfish	82
	Rock sole	86
	Yellowfin sole	86
CDQ hook-and-line	Greenland turbot	4
	Pacific cod	10
CDQ pot	Pacific cod	7
	Sablefish	34

Central Gulf of Alaska Rockfish Pilot Program (Rockfish program)

The Council adopted the Rockfish program to meet the requirements of Section 802 of the Consolidated Appropriations Act of 2004 (Public Law 108–199) on June 6, 2005. The basis for the BSAI fishing prohibitions and the catcher vessel BSAI Pacific cod sideboard limits of the Rockfish program are discussed in detail in final rule for Amendment 68 to the FMP for Groundfish of the GOA (71 FR 67210, November 20, 2006). Pursuant to § 679.82(d)(6)(i), the proposed catcher vessel BSAI Pacific cod sideboard limit would be 0.0 mt, and in the final 2008

and 2009 harvest specifications this would effectively close directed fishing for BSAI Pacific cod in July for catcher vessels under the Rockfish program sideboard limitations.

Listed AFA Catcher/Processor Sideboard Limits

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting 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. Table 9 lists the proposed 2008

and 2009 catcher/processor sideboard limits. The basis for these proposed sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007).

All harvests of groundfish sideboard species by listed AFA catcher/processors, whether as targeted catch or incidental catch, will be deducted from the proposed sideboard limits in Table 9. However, groundfish sideboard species that are delivered to listed AFA catcher/processors by catcher vessels will not be deducted from the proposed 2008 and 2009 sideboard limits for the listed AFA catcher/processors.

TABLE 9—PROPOSED 2008 AND 2009 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Target species	Area	1995 - 1997			2008 and 2009 ITAC available to all trawl C/PS ¹	2008 and 2009 AFA C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch		
Sablefish trawl	BS	8	497	0.016	1,263	20
	AI	0	145	0.000	596	0
Atka mackerel	Central AI					
	A season ²	n/a	n/a	0.115	9,823	1,130
	HLA limit ³	n/a	n/a	n/a	5,894	678
	B season ²	n/a	n/a	0.115	9,823	1,130
	HLA limit ³	n/a	n/a	n/a	5,894	678
	Western AI					
	A season ²	n/a	n/a	0.200	6,831	1,366
	HLA limit ³	n/a	n/a	n/a	4,099	820
	B season ²	n/a	n/a	0.200	6,831	1,366
	HLA limit ³	n/a	n/a	n/a	4,099	820
Yellowfin sole ⁴	BSAI	100,192	435,788	0.230	131,950	n/a
Rock sole	BSAI	6,317	169,362	0.037	66,975	2,478
Greenland turbot	BS	121	17,305	0.007	1,462	10
	AI	23	4,987	0.005	655	3
Arrowtooth flounder	BSAI	76	33,987	0.002	25,500	51
Flathead sole	BSAI	1,925	52,755	0.036	40,185	1,447
Alaska plaice	BSAI	14	9,438	0.001	51,000	51
Other flatfish	BSAI	3,058	52,298	0.058	18,190	1,055
Pacific ocean perch	BS	12	4,879	0.002	3,468	7
	Eastern AI	125	6,179	0.020	4,376	88
	Central AI	3	5,698	0.001	4,465	4
	Western AI	54	13,598	0.004	6,805	27
Northern rockfish	BSAI	91	13,040	0.007	7,539	53
Shortraker rockfish	BSAI	50	2,811	0.018	392	7
Rougheye rockfish	BSAI	50	2,811	0.018	187	3
Other rockfish	BS	18	621	0.029	383	11
	AI	22	806	0.027	497	13
Squid	BSAI	73	3,328	0.022	1,675	37
Other species	BSAI	553	68,672	0.008	49,313	395

¹ Aleutians Islands Pacific ocean perch, Atka mackerel, flathead sole, rock sole, and yellowfin sole are multiplied by the remainder of the TAC of that species after the subtraction of the CDQ reserve under § 679.20(b)(1)(ii)(C).

² 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 ITAC specified for the Western Aleutian District, and 11.5 percent of the annual ITAC specified for the Central Aleutian District.

³ 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 2008 and 2009, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

⁴ Section 679.64(a)(1)(v) exempts AFA catcher/processors from a yellowfin sole sideboard limit because the 2008 and 2009 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector (131,950 mt) is greater than 125,000 mt. See 72 FR 52668, 52726 (September 14, 2007).

provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007).

PSC species listed in Table 10 that are caught by listed AFA catcher/processors participating in any groundfish fishery other than pollock will accrue against the proposed 2008 and 2009 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 proposed 2008 or 2009 PSC sideboard limit listed in Table 10 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 10—PROPOSED 2008 AND 2009 BSAI AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS

PSC species	Ratio of PSC catch to total PSC	Proposed 2008 and 2009 PSC available to trawl vessels after subtraction of PSQ ¹	Proposed 2008 and 2009 C/P sideboard limit ¹
Halibut mortality	n/a	n/a	286
Red king crab Zone 1 ²	0.007	175,921	1,231
<i>C. opilio</i> (COBLZ) ²	0.153	3,884,550	594,336
<i>C. bairdi</i>	n/a	n/a	n/a
Zone 1 ²	0.140	875,140	122,520
Zone 2 ²	0.050	2,652,210	132,611

¹ Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

² Refer to 50 CFR § 679.2 for definitions of areas.

AFA Catcher Vessel Sideboard Limits

Pursuant to § 679.64(b), the Regional Administrator is responsible for restricting 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 rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007).

Tables 11 and 12 list the proposed 2008 and 2009 AFA catcher vessel sideboard limits.

All catch of groundfish sideboard species made by non-exempt AFA catcher vessels, whether as targeted catch or as incidental catch, will be deducted from the proposed 2008 and 2009 sideboard limits listed in Table 11.

TABLE 11—PROPOSED 2008 AND 2009 AMERICAN FISHERIES ACT CATCHER VESSEL BSAI GROUND FISH 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	2008 and 2009 initial TAC ¹	2008 and 2009 AFA catcher vessel sideboard limits
Pacific cod	BSAI			
	Jig gear	0.0000	1,589	0
	Hook-and-line CV			
	Jan 1 - Jun 10	0.0006	115	0
	Jun 10 - Dec 31	0.0006	110	0
	Pot gear CV			
	Jan 1 - Jun 10	0.0006	4,826	3
	Sept 1 - Dec 31	0.0006	4,637	3
	CV < 60 feet LOA using hook-and-line or pot gear	0.0006	2,253	1
	Trawl gear CV			
Sablefish	BS trawl gear	0.0906	1,263	114
	AI trawl gear	0.0645	596	38
Atka mackerel	Eastern AI/BS			
	Jig gear	0.0031	142	0
	Other gear			
	Jan 1 - Apr 15	0.0032	7,787	25
	Sept 1 - Nov 1	0.0032	7,787	25
	Central AI			
	Jan - Apr 15	0.0001	9,823	1
	HLA limit	0.0001	5,894	1
	Sept 1 - Nov 1	0.0001	9,823	1
	HLA limit	0.0001	5,894	1
	Western AI			
	Jan - Apr 15	0.0000	6,831	0
Yellowfin sole ²	BSAI	0.0647	131,950	n/a
	Rock sole	0.0341	66,975	2,284
Greenland turbot	BS	0.0645	1,462	94
	AI	0.0205	655	13
Arrowtooth flounder	BSAI	0.0690	25,500	1,760
Alaska plaice	BSAI	0.0441	51,000	2,249

Species	Fishery by area/season/ processor/gear	Ratio of 1995- 1997 AFA CV catch to 1995-1997 TAC	2008 and 2009 initial TAC ¹	2008 and 2009 AFA catcher vessel sideboard limits
Other flatfish	BSAI	0.0441	18,190	802
Pacific ocean perch	BS	0.1000	3,468	347
	Eastern AI	0.0077	4,376	34
	Central AI	0.0025	4,465	11
	Western AI	0.0000	6,805	0
Northern rockfish	BSAI	0.0084	7,539	63
Shortraker rockfish	BSAI	0.0037	392	1
Rougheye rockfish	BSAI	0.0037	187	1
Other rockfish	BS	0.0048	383	2
	AI	0.0095	497	5
Squid	BSAI	0.3827	1,675	641
Other species	BSAI	0.0541	49,313	2,668
Flathead sole	BS trawl gear	0.0505	40,185	2,029

¹ Aleutians Islands Pacific ocean perch, Atka mackerel, flathead sole, rock sole, and yellowfin sole are multiplied by the remainder of the TAC of that species after the subtraction of the CDQ reserve under § 679.20(b)(1)(ii)(C).

² Section 679.64(b)(6) exempts AFA catcher vessels from a yellowfin sole sideboard limit because the 2008 and 2009 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector (131,950 mt) is greater than 125,000 mt. See 72 FR 52668, 52726 (September 14, 2007).

Halibut and crab PSC listed in Table 12 that are caught by AFA catcher vessels participating in any groundfish fishery other than pollock will accrue against the proposed 2008 and 2009 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 proposed 2008 and 2009 PSC sideboard limit listed in Table 12 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 12—PROPOSED 2008 AND 2009 AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI

[Amounts are in metric tons]

PSC species	Target fishery category ²	AFA catcher vessel PSC sideboard limit ratio	Proposed 2008 and 2009 PSC limit after subtraction of PSQ reserves ¹	Proposed 2008 and 2009 AFA catcher vessel PSC sideboard limit ¹
Halibut	Pacific cod trawl	n/a	n/a	887
	Pacific cod hook-and-line or pot	n/a	n/a	2
	Yellowfin sole total	n/a	n/a	101
	Rock sole/flathead sole/other flatfish ³	n/a	n/a	228
	Turbot/Arrowtooth/Sablefish	n/a	n/a	0
	Rockfish (June 1 - December 31)	n/a	n/a	2
	Pollock/Atka mackerel/other species	n/a	n/a	5
Red king crab Zone 1 ⁴	n/a	0.299	175,921	52,600
<i>C. opilio</i> COBLZ ⁴	n/a	0.168	3,884,550	652,604
<i>C. bairdi</i> Zone 1 ⁴	n/a	0.33	875,140	288,796
<i>C. bairdi</i> Zone 2 ⁴	n/a	0.186	2,652,210	493,311

¹ Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.² Target fishery categories are defined in regulation at § 679.21(e)(3)(iv).³ "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, and arrowtooth flounder.⁴ Refer to 50 CFR § 679.2 for definitions of areas.

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.

NMFS prepared a Final EIS for this action 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 from NMFS (see ADDRESSES). The Final EIS analyzes the environmental consequences of the proposed action and its alternatives on resources in the action area. The Final EIS found no significant environmental consequences from the proposed action or its alternatives.

NMFS also prepared an Initial Regulatory Flexibility Analysis (IRFA) as required by Section 603 of the

Regulatory Flexibility Act. The IRFA evaluates the impacts on small entities of alternative harvest strategies for the groundfish fisheries in the Exclusive Economic Zone (EEZ) off of Alaska. While the specification numbers may change from year to year, the harvest strategy for establishing those numbers remains the same. NMFS therefore is using the same IRFA prepared in connection with the EIS. NMFS published notice of the availability of the IRFA and its summary in the classification section of the proposed harvest specifications for the groundfish fisheries in the BSAI in the **Federal Register** on December 15, 2006 (71 FR 75460). The comment period on the BSAI proposed harvest specifications and IRFA ended on January 16, 2007. NMFS did not receive any comments on the IRFA.

A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble above. This IRFA meets 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 copy of this analysis is available from NMFS (see ADDRESSES). A summary of the IRFA follows.

The action under consideration is a harvest strategy to govern the catch of groundfish in the BSAI. The preferred alternative is the status quo harvest strategy in which TACs fall within the range of ABCs recommended by the Council's harvest specification process and TACs recommended by the Council. This action is taken in accordance with the FMP prepared by the Council pursuant to the Magnuson-Stevens Act.

The directly regulated small entities include approximately 810 small catcher vessels, fewer than 20 small catcher/processors, and six CDQ groups. The entities directly regulated by this action are those that harvest groundfish in the EEZ of the BSAI and in parallel fisheries within State of Alaska waters. These include entities operating catcher vessels and catcher/processor vessels within the action area, and entities receiving direct allocations of groundfish. Catcher vessels and catcher/processors were considered to be small entities if their annual gross receipts

from all economic activities, including the revenue of their affiliated operations, totaled \$4 million per year or less. Data from 2005 were the most recent available to determine the number of small entities.

Estimates of first wholesale gross revenues for the BSAI non-CDQ and CDQ sectors were used as indices of the potential impacts of the alternative harvest strategies on small entities. Revenues were projected to decline from 2006 levels in 2007 and 2008 under the preferred alternative due to declines in ABCs for economically key groundfish species.

The preferred alternative (Alternative 2) was compared to four other alternatives. These included Alternative 1, which would have set TACs to generate fishing rates equal to the maximum permissible ABC (if the full TAC were harvested), unless the sum of

TACs exceeded the BSAI optimum yield, in which case TACs would have been limited to the optimum yield. Alternative 3 would have set TACs to produce fishing rates equal to the most recent five-year average fishing rates. Alternative 4 would have set TACs to equal the lower limit of the BSAI optimum yield range. Alternative 5 would have set TACs equal to zero. Alternative 5 is the "no action" alternative.

Alternatives 3, 4, and 5 produced smaller first wholesale revenue indices for both non-CDQ and CDQ sectors than Alternative 2. Alternative 1 revenues were the same as Alternative 2 revenues in the BSAI for both sectors. Moreover, higher Alternative 1 TACs are associated with maximum permissible ABCs, while Alternative 2 TACs are associated with the ABCs that have been recommended to the Council by the

Plan Team and the SSC, and more fully consider other potential biological issues. For these reasons, Alternative 2 is the preferred alternative.

This action does not modify recordkeeping or reporting requirements, or duplicate, overlap, or conflict with any Federal rules.

Adverse impacts on marine mammals resulting from fishing activities conducted under these harvest specifications are discussed in the Final EIS (see **ADDRESSES**).

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

Dated: November 29, 2007

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