

with the relevant gear type for each species and/or species group in that fishery category.

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50 CFR Parts 672 and 676

[Docket No. 950223056-5056-01; I.D. 022195C]

RIN 0648-AG45

Groundfish of the Gulf of Alaska; Limited Access Management of Federal Fisheries In and Off of Alaska; Authority To Establish the Sablefish Season

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

ACTION: Final rule; season opening date.

SUMMARY: NMFS issues a final rule amending the regulations establishing the Individual Fishing Quota (IFQ) sablefish fishing season. This action is necessary to provide the Director, Alaska Region, NMFS (Regional Director), with the authority to establish the IFQ sablefish season and announce it by publication in the **Federal Register**. It is intended to provide flexibility in starting the IFQ sablefish season to allow coordination with the IFQ halibut season established by the International Pacific Halibut Commission (IPHC).

EFFECTIVE DATE: March 1, 1995.

ADDRESSES: Copies of this action, and the Regulatory Impact Review (RIR), including the Final Regulatory Flexibility Analysis (FRFA), for this action, can be obtained from Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21688, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: Section 676.23(b) is revised to authorize the Regional Director to establish the start of the IFQ sablefish fishing season by publication in the **Federal Register**. This framework provision allows the Regional Director to take into account the opening date of the IFQ halibut season when determining the opening date for the IFQ sablefish season. Allowing flexibility in starting the IFQ sablefish season facilitates its coordination with the start of the IFQ halibut season, which is determined by the IPHC annually each January.

Starting the IFQ sablefish and IFQ halibut seasons concurrently benefits persons harvesting IFQ species and the Nation's fishery resource. Persons harvesting IFQ species would benefit economically because they would be able to retain both species, rather than having to discard one species because its season was closed. Also, the fisheries under the IFQ Program would benefit because regulatory discards, and the resulting mortality caused by those discards, would be reduced.

The IPHC, during its annual January meeting, decided that the Pacific halibut fixed gear season will start March 15, 1995, and end November 15, 1995. Consequently, the Regional Director announces under this final rule that the sablefish fixed gear directed fishing season will start 12 noon, Alaska local time (A.l.t.), March 15, 1995, and end 12 noon, A.l.t., November 15, 1995.

NMFS will publicize the March 15 opening date for both IFQ fisheries, which will give the public sufficient time to prepare for the IFQ season opening date.

No public comments were received on the proposed rule, published at 60 FR 2935 (January 12, 1995).

Changes in the Final Rule from the Proposed Rule

In § 676.23(b), the text of the third sentence of the proposed rule is changed slightly in the final rule to clarify the regulatory text because it was grammatically awkward. The change is not substantive. Also, § 672.23(c) of this chapter currently includes an opening date for the fishing season for sablefish with hook and line gear. This paragraph conflicts with the intent to framework the opening date of the sablefish fishing season under the IFQ Program and is therefore removed.

Classification

The RIR prepared for this action describes changes that are made to the IFQ Program. These changes are minor and do not substantially alter the current management process.

A Final Regulatory Flexibility Analysis (FRFA) was prepared for the IFQ Program. The FRFA described and estimated the total number of small entities affected, and analyzed the economic impact on those small entities. Based on the FRFA, it was determined that the IFQ Program would have a significant economic impact on a substantial number of small entities. A copy of the FRFA can be obtained by contacting the Alaska Region, NMFS (see **ADDRESSES**).

The benefits referenced above will not be realized unless this final rule is

effective March 1, 1995, the IFQ sablefish season start date originally specified in the IFQ regulations. Pursuant to 5 U.S.C. 553(d)(3), a rule may be made effective prior to 30 days after publication for good cause found and published with the rule. Opening the IFQ sablefish season on March 15, rather than March 1, avoids discards of halibut bycatch in the IFQ sablefish fishery from March 1 through March 15. Avoiding unnecessary discards is economically and biologically beneficial to the Nation's fishery resources and constitutes good cause for waiving requirement for a 30-day delay in effective date.

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

List of Subjects in 50 CFR Parts 672 and 676

Fisheries, Reporting and recordkeeping requirements.

Dated: February 28, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 676 are amended as follows:

PART 672—GROUND FISH OF THE GULF OF ALASKA

1. The authority citation for 50 CFR part 672 continues to read as follows:

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

2. Section 672.23 is amended by removing paragraph (c) and redesignating paragraphs (d), (e), and (f) as (c), (d), and (e), respectively.

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

3. The authority citation for 50 CFR part 676 continues to read as follows:

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

4. Section 676.23 is amended by revising paragraph (b) to read as follows:

§ 676.23 IFQ fishing season.

* * * * *

(b) Directed fishing for sablefish using fixed gear in any IFQ regulatory area may be conducted in any fishing year during the period specified by the Regional Director and announced by publication in the **Federal Register**. The Regional Director will take into account the opening date of the Pacific halibut season when determining the opening date for sablefish for the purposes of reducing bycatch and regulatory

discards between the two fisheries. Catches of sablefish by fixed gear during other periods may be retained up to the amounts provided for by the directed fishing standards specified at §§ 672.20(g) and 675.20(h) of this chapter when made by an individual onboard who has a valid IFQ card and unused IFQ in the account on which the card was issued. Catches of sablefish in excess of the directed fishing standards and catches made without IFQ must be treated in the same manner as prohibited species.

[FR Doc. 95-5383 Filed 3-1-95; 3:56 pm]

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