

Service. These studies will help determine appropriate management practices and identify suitable areas for expanding and augmenting depauperate populations.

The designation of special management areas, such as Botanical Areas, Research Natural Areas, and essential habitat, are being evaluated and incorporated into a review process under the National Environmental Policy Act. Special management area designation assures the priority of Arizona willow management and long-term conservation of the species within a multiple-use land management framework.

Continued implementation of the AWCAS for management of Arizona willow on the Apache-Sitgreaves NFs, Dixie NF, Fishlake NF, and Cedar Breaks National Monument, and the implementation of the "Arizona Willow Management Plan: An Interim Approach to High-Elevation Riparian and Cienega Ecosystem Management on the Fort Apache Indian Reservation" are expected to accomplish significant conservation of Arizona willow without its being listed.

The Service has determined that Arizona willow does not warrant listing under the Act and places this plant in category 3C of the plant notice of review. Category 3C species are those species for which information now in the possession of the Service indicates that the species is more abundant or widespread than previously thought and for which substantial threats do not exist. If further research or changes in habitat indicate a significant decline in the species, it may again be included in categories 1 or 2, and its listing status may be reevaluated.

Author

The primary author of this proposed rule is Bruce K. Palmer (see ADDRESSES section).

Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 25, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95-10579 Filed 4-27-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672, 675, and 676

[Docket No. 940414104-5104-01; I.D. 110194B]

RIN 0648-AF53

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Maximum Retainable Bycatch Amounts

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes revised regulations for directed fishing standards in the groundfish fisheries in the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI). The proposed rule would simplify and clarify the regulations. In place of directed fishing standards, the proposed rule would specify retainable percentages from which the maximum amounts of fish that may be retained as bycatch in fisheries that are closed to directed fishing can be derived. The proposed changes are expected to promote compliance with groundfish regulations and to facilitate enforcement efforts. This action is intended to further the objectives of the fishery management plans (FMPs) for the groundfish fisheries off Alaska.

DATES: Comments must be submitted by May 30, 1995.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel). Individual copies of the environmental assessment/regulatory impact review prepared for this action may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone (EEZ) of the GOA and the BSAI are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson

Fishery Conservation and Management Act (Magnuson Act).

The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620. These fishery regulations generally distinguish between fish taken in directed fishing efforts and fish of other species that are taken incidentally, sometimes referred to as "bycatch."

Typically, a fishery for a certain species is open to directed fishing until specified amounts of that species are taken or are projected to be taken, at which point the fishery is closed to directed fishing. Once a fishery for a particular species is closed to directed fishing, that species may be retained only as bycatch in fisheries for other species that remain open. The current fishery regulations specify standards for determining what constitutes directed fishing, and the proportions of retained catches that represent allowable bycatch levels. Once the catch of a species exceeds, or is projected to exceed, its total allowable catch (TAC) limit, that species may not be retained and must be discarded at sea.

Current regulations at 50 CFR 672.20(g) and 675.20(h) specify a large number of species-, area-, gear-, and management goal-specific directed fishing standards for the GOA and BSAI, respectively. The current regulations define directed fishing in terms of the proportion of the retained catch of one species in relationship to the retained catch of other species. Directed fishing standards range from 1 percent to 35 percent with a general default of 20 percent. Under current regulations arrowtooth flounder may not be used to calculate retainable amounts of other groundfish species because arrowtooth flounder was sometimes being harvested solely for the purpose of providing directed catch against which retainable bycatch quantities were calculated and accumulated.

These regulations were intended to reduce harvest rates of groundfish species when their TAC limits are being approached. At the same time, the directed fishing standards were intended to reduce waste and minimize the need to discard fish at sea by allowing retention of incidental groundfish bycatch, after closure of the directed fishery until the TAC limit is achieved.

In spite of increased specificity, directed fishing standards have often failed to prevent overharvest or underharvest of groundfish. Furthermore, the existing regulations have not eliminated undesirable fishing

practices, such as covert targeting on high value species after fishery closures or wasteful discarding. Therefore, at its June 1994 meeting, the Council requested that NMFS revise the regulations defining directed fishing standards.

This proposed regulatory amendment does not use the term "directed fishing standard." Instead, the proposed rule would provide tables of retainable percentages for each bycatch species/basis species combination, from which the maximum retainable bycatch amount could be calculated. The maximum retainable bycatch amount is the amount, in round-weight equivalents, of a species or species group that a vessel may retain on board at any time during a fishing trip. Retention in excess of this amount constitutes directed fishing.

This rule would establish a single retainable percentage for each bycatch species/basis species combination, regardless of gear type or management area. Thus, the rule would establish the same retainable percentages for trawl, hook-and-line, pot, and other gear types. The same retainable percentages would be specified for the GOA and BSAI, with separate tables to reflect the differences in species groupings between the two areas.

Therefore, the proposed regulations would be simpler to apply than those currently in place.

Details of the proposed changes in this regulatory amendment follow.

Specific Changes

1. To satisfy the Council's intent for simplification and consistency, the proposed rule would add new tables to §§ 672.20 and 675.20. These tables display bycatch species as columns and species open to directed fishing (basis species) as rows. Each species open to directed fishing retained on board a vessel would become a basis species from which individual retainable bycatch amounts for the bycatch species would be measured. The individual retainable bycatch amount would be calculated by multiplying the retainable percentage in the appropriate block of the table by the round-weight equivalent of the corresponding basis species. The maximum retainable bycatch amount for a given bycatch species would be the sum of all the individual retainable bycatch amounts for the various basis species retained on board the vessel.

Directed fishing would be defined as any fishing activity that results in the retention of an amount of that species or species group on board a vessel that is greater than the maximum retainable bycatch amount for that species or

species group as calculated under §§ 672.20 and 675.20.

Current regulations indicate that when a fishery is closed to directed fishing, a vessel may retain bycatch in an amount up to, but not including, the amount that is calculated using the directed fishing standards. Under the proposed rule, the maximum retainable bycatch amount could equal the calculated amount.

The maximum retainable bycatch amount for a bycatch species is calculated for a vessel in relation to the amounts of basis species that are retained on that vessel. Bycatch species are listed on the horizontal axis of the table and are identified by column headings at the top of each table. A bycatch species would be any species or species group for which a maximum retainable bycatch amount would need to be calculated when a fishery is closed to directed fishing, or under other circumstances.

Any species or species group that is open to directed fishing and that the vessel is authorized to harvest would be considered a "basis species." Basis species are listed on the vertical axis of the table and are identified as row headings on the left side of Table 2 to § 672.20 or Table 1 to § 675.20 of the proposed rule. The retainable percentages for each bycatch species/basis species combination are contained in each table block (row and column intersection of the box). These retainable percentages range from 0 to 35 percent.

To calculate the maximum retainable bycatch amount for each bycatch species, individual retainable bycatch amounts would be calculated by multiplying the retainable percentage set forth in the tables of the proposed rule (Table 2 to § 672.20 and Table 1 to § 675.20) by the amount of each basis species retained on board a vessel, in round-weight equivalents. Then the total or maximum retainable bycatch amount would be determined by adding together the individual retainable bycatch amounts calculated for each bycatch species in relation to each basis species retained on board the vessel.

For example, if a vessel in the BSAI is fishing in an area that is open to directed fishing for pollock, Pacific cod and Pacific ocean perch, but is closed to directed fishing for yellowfin sole and Greenland turbot, and all of those species are retained on board the vessel, the maximum retainable bycatch amount of yellowfin sole would be calculated as follows using Table 1 of § 675.20:

a. The individual retainable bycatch amount of yellowfin sole (on the top of

the table) in relation to pollock (on the left side of the table) would be determined by multiplying the retainable percentage for bycatch of yellowfin sole in relation to the basis species of pollock—in this case 20 percent (the intersection of the yellowfin sole column and the pollock row in the table) by the amount of pollock retained, in round-weight equivalents.

b. The individual retainable bycatch amount of yellowfin sole (on the top of the table) in relation to Pacific cod (on the left side of the table) would then be determined by multiplying the retainable percentage specified for bycatch of yellowfin sole in relation to the basis species of Pacific cod—in this case 20 percent (the intersection of yellowfin sole column and the Pacific cod row in the table) by the amount of Pacific cod retained, in round-weight equivalents.

c. The same type of calculation would then be made with respect to Pacific ocean perch.

d. The three amounts (for pollock, Pacific cod, and Pacific ocean perch) would then be added together to obtain the maximum retainable bycatch amount of yellowfin sole that could be retained on board the vessel.

Similar calculations would be made to determine the maximum retainable bycatch amount of Greenland turbot, except that the retainable percentages for Greenland turbot in relation to pollock, Pacific cod, and Pacific ocean perch are 1 percent, 1 percent, and 35 percent, respectively, based on Table 1 to § 675.20. Again, the three amounts would be added together to calculate the maximum retainable bycatch amount of Greenland turbot that could be retained on board.

2. Directed fishing standards based on groupings of fisheries categories would be eliminated (except for rockfish). Retainable percentages would be established that are species specific, except for rockfish, which would use percentages applied to the aggregate grouping. Consistent with existing regulations at §§ 672.20(g)(2) and 675.20(h)(3)(iii), rockfish, except demersal shelf rockfish, would continue to be aggregated to prevent "topping off" of individual rockfish species that are closed to directed fishing. Definitions of groundfish species may be found in the final 1995 groundfish harvest specifications for the BSAI (60 FR 8479, February 14, 1995) and GOA (60 FR 8470, February 14, 1995). One retainable percentage would apply for all gear types, such as trawl, hook-and-line, pot, and jig gear. A separate table would be published at §§ 672.20(g) and

675.20(h) to accommodate distinctions between species groupings that are specific to the different management areas.

3. The separate directed fishing standard for vessels using pelagic trawl gear would be eliminated. Instead, one retainable percentage for each bycatch species/basis species combination would be specified. The existing directed fishing standard for pelagic trawl gear was intended to be effective after the directed fishery for pollock by vessels using bottom trawl gear was closed because a prohibited species bycatch allowance, specified for the pollock fishery, had been reached. The intent of the existing directed fishing standard was to encourage vessel operators using pelagic trawl gear to conduct midwater operations and avoid contact with the seabed and, therefore, avoid additional bycatch amounts of halibut and crab.

Since the directed fishing standard for pelagic trawl gear was implemented, several new regulatory measures have been implemented to monitor and enforce off-bottom trawl operations more effectively during the period when directed fishing for pollock with bottom trawl gear is closed. These measures include a revised definition of pelagic trawl gear (§§ 672.2 and 675.2, definitions of, "Authorized fishing gear") and a new performance standard for pelagic trawl gear based on the number of crab on board a vessel at any time (§§ 672.7(m) and 675.7(n)). These measures were implemented to control more effectively the type of fishing behavior that the directed fishing standard for pelagic trawl gear was intended to address. As a result of these recent measures, the current directed fishing standard for pelagic trawl gear arguably is redundant and unnecessarily complicates the issue of what constitutes directed fishing or the amount of a species that may be retained as bycatch. If information collected in the future indicates that additional performance standards are appropriate for pelagic trawl gear operations, it is likely that these standards would be developed and implemented separately from the proposed regulations governing the maximum amount of a species that may be retained as bycatch.

4. The proposed rule would eliminate closures of fisheries for species in the aggregate under § 675.21(c) and (d) when a prohibited species bycatch allowance is reached. Under current regulations, NMFS can close the fishery for an aggregate group of target species when a prohibited species bycatch allowance is attained. The default

directed fishing standard of 20 percent for that aggregate group is then effective. This differs from the use of a directed fishing standard for a specific target species category to manage the harvest of species' TAC amounts.

Under the proposed rule, once a prohibited species bycatch allowance is reached, the fishery for each species in the grouping would be closed individually. A single species specific retainable percentage would then apply. This change is consistent with the objective of simplifying the standards for directing fishing.

For the following items 5 through 9, the proposed retainable percentages differ from the current directed fishing standards to represent a more accurate estimation of the observed bycatch rates and to simplify the regulations:

5. The retainable percentage for sablefish would be 15 percent with respect to each deep-water target species (deep-water flatfish, rex sole, flathead sole, Pacific ocean perch, shortraker/rougheye, other rockfish, northern rockfish, pelagic rockfish, demersal shelf rockfish in the Southeast outside area, thornyhead, Greenland turbot, other rockfish, other red rockfish in the Bering Sea, sharpchin/northern-AI, and shortraker/rougheye-AI), and 1 percent with respect to each other target species (pollock, Pacific cod, shallow-water flatfish, Atka mackerel and "other species").

The retainable percentage for sablefish of 15 percent with respect to deep-water species would be higher than the directed fishing standard currently established for the BSAI trawl fisheries and the GOA hook-and-line fisheries. Historically, trawl vessels have not taken their TAC for sablefish and the Council believes that the current directed fishing standard is unnecessarily conservative.

Currently, a vessel using hook-and-line gear in the GOA is considered to be engaged in directed fishing for sablefish if 4 percent or more of the total amount of fish on board the vessel are sablefish. The sablefish fishery will be managed under an individual fishing quota (IFQ) system in 1995. Sablefish will most likely be taken as bycatch in the Pacific cod fishery outside of the IFQ open season; therefore, a retainable percentage of 1 percent with respect to Pacific cod, which is a shallow-water species, would be appropriate. These considerations, together with the overall intent to simplify the regulations, support the proposed retainable percentage of 15 and 1 percent.

6. The retainable percentage for Greenland turbot would be 35 percent with respect to rockfish retained on

board the vessel. Similarly, the retainable percentage for Greenland turbot would be 35 percent with respect to sablefish retained on board the vessel. The retainable percentage for Greenland turbot would be 1 percent of each other target species on board the vessel.

The Council recommended that the retainable percentage for BSAI Greenland turbot be 35 percent of deep-water flatfish, flathead sole, and rex sole retained on board the vessel. The final groundfish harvest specifications for the BSAI published February 14, 1995 (60 FR 8479) established a separate TAC category for flathead sole. A technical amendment published concurrently with the BSAI specifications established the retainable percentage for flathead sole as 35 percent. However, the other two groups currently are aggregated under the "other flatfish" grouping to reflect the combined annual TAC specified for these species. To establish distinct retainable percentages for these other two species, the species must first be separated from the "other flatfish" grouping through the annual TAC specification process. Until this separation occurs, a distinct retainable percentage for these target species cannot be established.

7. The retainable percentage for aggregated rockfish would be 15 percent of deep-water target species (deep-water flatfish, rex sole, flathead sole, sablefish, rockfish, and Greenland turbot) and 5 percent of each other target species.

The assignment of 15 percent for deep-water species, such as rockfish and sablefish, against flathead sole differs from the current BSAI regulations. Current regulations allow deep-water species to be retained at 1 percent against "other flatfish", from which flathead sole was separated in 1995. This could indicate that deep-water species should be allowed at 1 percent against flathead sole since it was separated from the "other flatfish" category. However, to maintain consistency with the GOA and with the Council's intent to allow 15 percent against flathead sole, deep-water species such as rockfish and sablefish would be 15 percent against flathead sole for both the GOA and the BSAI.

8. The retainable percentage for a species taken as bycatch, other than those specifically established above, would be 20 percent of each basis species. The retainable percentage for groundfish species measured against nongroundfish basis species would also be the default of 20 percent.

9. Consistent with the Council intent to specify retainable percentages that are more representative of actual bycatch rates, the proposed rule would change

the retainable percentage for arrowtooth flounder from 20 percent to 35 percent of each basis species retained on board the vessel.

Classification

The Assistant General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. While the proposed rule would affect a substantial number of small entities, it would slightly lessen economic burdens on them by reducing the time required to calculate amounts of retainable groundfish bycatch and maintain required records. This lessening of burdens would not be economically significant for purposes of the Regulatory Flexibility Act.

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

List of Subjects in 50 CFR Parts 672, 675, and 676

Fisheries, Reporting and recordkeeping requirements.

Dated: April 19, 1995.

Richard H. Schaefer,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672, 675, and 676 are proposed to be amended as follows:

PART 672—GROUND FISH OF THE GULF OF ALASKA

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

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

2. In § 672.2, the definition of “Directed fishing” is revised to read as follows:

§ 672.2 Definitions.

* * * * *

Directed fishing means any fishing activity that results in the retention of an amount of a species or species group on board a vessel that is greater than the maximum retainable bycatch amount for that species or species group as calculated under § 672.20 (g) and (h).

* * * * *

3. In § 672.20, the last sentence of paragraphs (c)(2)(i) and (c)(2)(ii), and paragraph (g) are revised, and new Table 2 is added at the end of this section to read as follows:

§ 672.20 General limitations.

* * * * *

(c) * * *

(2) * * *

(i) * * * If directed fishing for a species or species group is prohibited, any amount of that species or species group greater than the maximum retainable bycatch amount, as calculated under paragraph (g) of this section, may not be retained and must be treated as a prohibited species under paragraph (e) of this section.

(ii) * * * If directed fishing for a species or species group is prohibited, any amount of that species or species group greater than the maximum retainable bycatch amount, as calculated under paragraph (g) of this section, may not be retained and must be treated as a prohibited species under paragraph (e) of this section.

* * * * *

(g) *Maximum retainable bycatch amounts.* (1) The maximum retainable bycatch amount for a bycatch species or species group is calculated as a proportion of the basis species retained on board the vessel using the retainable percentages in Table 2 to this section. As used in this paragraph (g), “bycatch species” means any species or species group for which a maximum retainable bycatch amount is being calculated. As used in this paragraph (g), “basis species” means any species or species group that is open to directed fishing that the vessel is authorized to harvest.

(2) If a fishery is closed to directed fishing, a vessel may not retain a bycatch species in an amount that exceeds that maximum retainable bycatch amount, as calculated under this paragraph (g), at any time during a fishing trip.

(3) To calculate the maximum retainable bycatch amount for a specific bycatch species, an individual retainable bycatch amount must be calculated with respect to each basis species that is retained on board that vessel. To obtain these individual retainable bycatch amounts, the appropriate retainable percentage for the bycatch species/basis species combination, set forth in Table 2 to this section, is multiplied by the amount of that basis species, in round-weight equivalents. The maximum retainable bycatch amount for that specific bycatch species consists of the sum of the individual retainable bycatch amounts.

* * * * *

TABLE 2 TO § 672.20.—GULF OF ALASKA RETAINABLE PERCENTAGES

Basis species ¹	Bycatch species ¹					
	Pollock	Pacific cod	Deep flatfish	Rex sole	Flathead sole	Shallow flatfish
Pollock	² na	20	20	20	20	20
Pacific cod	20	² na	20	20	20	20
Deep-water flatfish	20	20	² na	20	20	20
Rex sole	20	20	20	² na	20	20
Flathead sole	20	20	20	20	² na	20
Shallow-water flatfish	20	20	20	20	20	² na
Arrowtooth	0	0	0	0	0	0
Sablefish	20	20	20	20	20	20
Pacific Ocean perch	20	20	20	20	20	20
Shortraker/roughey	20	20	20	20	20	20
Other rockfish	20	20	20	20	20	20
Northern rockfish	20	20	20	20	20	20
Pelagic rockfish	20	20	20	20	20	20
DSR—Southeast outside	20	20	20	20	20	20
Thornyhead	20	20	20	20	20	20
Atka mackerel	20	20	20	20	20	20
Other species	20	20	20	20	20	20

TABLE 2 TO § 672.20.—GULF OF ALASKA RETAINABLE PERCENTAGES—Continued

Basis species ¹	Bycatch species ¹					
	Pollock	Pacific cod	Deep flatfish	Rex sole	Flathead sole	Shallow flatfish
Aggregated amount non-groundfish species	20	20	20	20	20	20

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

² na=not applicable.

TABLE 2 to § 672.20.—GULF OF ALASKA RETAINABLE PERCENTAGES

Basis species ¹	Bycatch species ¹					
	Arrowtooth	Sablefish	Aggregated rockfish ²	DSR south-east outside	Atka mackerel	Other species
Pollock	35	1	5	10	20	20
Pacific cod	35	1	5	10	20	20
Deep-water flatfish	35	15	15	1	20	20
Rex sole	35	15	15	1	20	20
Flathead sole	35	15	15	1	20	20
Shallow-water flatfish	35	1	5	10	20	20
Arrowtooth	³ na	0	0	0	0	0
Sablefish	35	³ na	15	1	20	20
Pacific Ocean perch	35	15	15	1	20	20
Shortraker/rougheye	35	15	15	1	20	20
Other rockfish	35	15	15	1	20	20
Northern rockfish	35	15	15	1	20	20
Pelagic rockfish	35	15	15	1	20	20
DSR-Southeast outside	35	15	15	³ na	20	20
Thornyhead	35	15	15	1	20	20
Atka mackerel	35	1	5	10	³ na	20
Other species	35	1	5	10	20	³ na
Aggregated amount non-groundfish species	35	1	5	10	20	20

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

² Aggregated rockfish means rockfish of the general *Sebastes* and *Sebastolobus* except for demersal shelf rockfish.

³ na=not applicable.

PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

4. The authority citation for part 675 continues to read as follows:

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

5. In § 675.2, the definition of "Directed fishing" is revised to read as follows:

§ 675.2 Definitions.

* * * * *

Directed fishing means any fishing activity that results in the retention of an amount of a species or species group on board a vessel that is greater than the maximum retainable bycatch amount for that species or species group as calculated under § 675.20 (h) and (i).

* * * * *

6. In § 675.20, the last sentence of paragraph (a)(8) and paragraph (h) are revised, and new Table 1 is added at the end of the section to read as follows:

§ 675.20 General limitations.

(a) * * *

(8) * * * If directed fishing for a species or species group is prohibited, any amount of that species or species group greater than the maximum retainable bycatch amount, as calculated under paragraph (h) of this section, may not be retained and must be treated as a prohibited species under paragraph (c) of this section.

* * * * *

(h) *Maximum retainable bycatch amounts.* (1) The maximum retainable bycatch amount for a bycatch species or species group is calculated as a proportion of the basis species retained on board the vessel using the retainable percentages in Table 1 to this section. As used in this paragraph (h), "bycatch species" means any species or species group for which a maximum retainable bycatch amount is being calculated. As used in this paragraph (h), "basis species" means any species or species group that is open to directed fishing that the vessel is authorized to harvest.

(2) If a fishery is closed to directed fishing, a vessel may not retain a bycatch species in an amount that exceeds that maximum retainable bycatch amount, as calculated under this paragraph (h), at any time during a fishing trip.

(3) To calculate the maximum retainable bycatch amount for a specific bycatch species, an individual retainable bycatch amount must be calculated with respect to each basis species that is retained on board the vessel. To obtain these individual amounts, the appropriate retainable percentage for the bycatch species/basis species combination, set forth in Table 1 to this section, is multiplied by the amount of that basis species, in round-weight equivalents. The maximum retainable bycatch amount for that specific bycatch species consists of the sum of the individual retainable bycatch amounts.

* * * * *

TABLE 1 TO § 675.20.—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES

Basis species ¹	Bycatch species ¹					
	Pollock	P. cod	Atka mack.	Arrowtooth	Yellowfin sole	Other flatfish
Pollock	² na	20	20	35	20	20
Pacific cod	20	² na	20	35	20	20
Atka mackerel	20	20	² na	35	20	20
Arrowtooth	0	0	0	² na	0	0
Yellowfin sole	20	20	20	35	² na	35
Other flatfish	20	20	20	35	35	² na
Rocksole	20	20	20	35	35	35
Flathead sole	20	20	20	35	35	35
Greenland turbot	20	20	20	35	20	20
Sablefish	20	20	20	35	20	20
Other rockfish	20	20	20	35	20	20
Other red rockfish-BS	20	20	20	35	20	20
Pacific Ocean perch	20	20	20	35	20	20
Sharpchin/Northern—AI	20	20	20	35	20	20
Shortraker/Rougheye—AI	20	20	20	35	20	20
Squid	20	20	20	35	20	20
Other species	20	20	20	35	20	20
Aggregated amount nongroundfish species	20	20	20	35	20	20

¹ For definition of species see Table 1 of the Bering Sea and Aleutian Islands groundfish specifications.

² na=not applicable.

TABLE 1 TO § 675.20.—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES

Basis species ¹	Bycatch species ¹			
	Rocksole	Flathead sole	Grld turbot	Sablefish
Pollock	20	20	1	1
Pacific cod	20	20	1	1
Atka mackerel	20	20	1	1
Arrowtooth	0	0	0	0
Yellowfin sole	35	35	1	1
Other flatfish	35	35	1	1
Rocksole	² na	35	1	1
Flathead sole	35	² na	35	15
Greenland turbot	20	20	² na	15
Sablefish	20	20	35	² na
Other rockfish	20	20	35	15
Other red rockfish—BS	20	20	35	15
Pacific Ocean perch	20	20	35	15
Sharpchin/Northern—AI	20	20	35	15
Shortraker/Rougheye—AI	20	20	35	15
Squid	20	20	1	1
Other species	20	20	1	1
Aggregated amount non-groundfish species	20	20	1	1

¹ For definition of species see Table 1 of the Bering Sea and Aleutian Islands groundfish specifications.

² na=not applicable.

TABLE 1 TO § 675.20.—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES

Basis species ¹	Aggregated rockfish ²	Squid	Other species
Pollock	5	20	20
Pacific cod	5	20	20
Atka mackerel	5	20	20
Arrowtooth	0	0	0
Yellowfin sole	5	20	20
Other flatfish	5	20	20
Rocksole	5	20	20
Flathead sole	15	20	20
Greenland turbot	15	20	20
Sablefish	15	20	20
Other rockfish	15	20	20
Other red rockfish—BS	15	20	20
Pacific Ocean perch	15	20	20
Sharpchin/Northern—AI	15	20	20

TABLE 1 TO § 675.20.—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES—
Continued

Basis species ¹	Aggregated rock-fish ²	Squid	Other species
Shorthead/Rougheye—AI	15	20	20
Squid	5	³ na	20
Other species	5	20	³ na
Aggregated amount non-groundfish species	5	20	20

¹ For definition of species see Table 1 of the Bering Sea and Aleutian Islands groundfish specifications.

² Aggregated rockfish means rockfish of the genera *Sebastes* and *Sebastes*.

³ na=not applicable.

7. In § 675.21, paragraphs (c)(1)(i) through (c)(1)(iii) and (c)(2) introductory text, and paragraph (d) are revised to read as follows:

§ 675.21 Prohibited species catch (PSC) limitations.

* * * * *

(c) * * *

(1) * * *

(i) *Zone 1 red king crab or C. bairdi Tanner crab bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii) (B) through (F) of this section will catch the Zone 1 bycatch allowance, or seasonal apportionment thereof, of red king crab or *C. bairdi* Tanner crab specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of Zone 1 to directed fishing for each species and/or species group in that fishery category for the remainder of the year or for the remainder of the season, except that when a bycatch allowance, or seasonal apportionment thereof, specified for the pollock/Atka mackerel/“other species” fishery category is reached, only directed fishing for pollock is closed to trawl vessels using nonpelagic trawl gear.

(ii) *Zone 2 red king crab or C. bairdi Tanner crab bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii) (B) through (F) of this section will catch the Zone 2 bycatch allowance, or seasonal apportionment thereof, of red king crab or *C. bairdi* Tanner crab specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of Zone 2 to directed fishing for each species and/or species group in that fishery category for the remainder of the year or for the remainder of the season, except that when a bycatch allowance, or seasonal apportionment thereof, specified for the

pollock/Atka mackerel/“other species” fishery category is reached, only directed fishing for pollock is closed to trawl vessels using nonpelagic trawl gear.

(iii) *Halibut bycatch allowance.* If, during the fishing year the Regional Director determines that U.S. fishing vessels participating in any of the trawl fishery categories listed in paragraphs (b)(1)(iii) (B) through (F) of this section in the Bering Sea and Aleutian Islands management area will catch the halibut bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of the entire Bering Sea and Aleutian Islands management area to directed fishing for each species and/or species group in that fishery category for the remainder of the year or for the remainder of the season, except that when a bycatch allowance, or seasonal apportionment thereof, specified for the pollock/Atka mackerel/“other species” fishery category is reached, only directed fishing for pollock is closed to trawl vessels using nonpelagic trawl gear.

(2) *Attainment of a trawl bycatch allowance for Pacific herring.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii) (A) through (F) of this section in the Bering Sea and Aleutian Islands management area will catch the herring bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of the Herring Savings Area to directed fishing for each species and/or species group in that fishery category, except that:

* * * * *

(d) *Attainment of a Pacific halibut nontrawl fishery bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the nontrawl fishery categories listed in

paragraphs (b)(2)(ii) (A) through (C) of this section will catch the Pacific halibut bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of the entire Bering Sea and Aleutian Islands management area to directed fishing with the relevant gear type for each species and/or species group in that fishery category.

8. In § 675.22, paragraph (g) introductory text is revised to read as follows:

§ 675.22 Time and area closures.

* * * * *

(g) Catcher vessel operational area (applicable through December 31, 1995). Processor vessels in the “offshore component,” defined at § 675.2, may not catch pollock in excess of the maximum retainable bycatch amount for pollock during the second seasonal allowance of pollock, defined at § 675.20(a)(2)(ii), in the Bering Sea subarea south of 56°00' N. lat., and between 163°00' and 168°00' W. long.

* * * * *

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

9. The authority citation for part 676 continues to read as follows:

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

10. In § 676.23, paragraph (b) is revised 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 through notification published 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 and including the maximum retainable bycatch amount specified at §§ 672.20(g) and 675.20(h) of this chapter if an individual is aboard when the catch is made 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 maximum retainable bycatch amounts and catches made without IFQ must be treated in the same manner as prohibited species.

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50 CFR Part 673

[I.D. 042595A]

Scallop Fishery off Alaska; Closure of Federal Waters to Protect Scallop Stocks

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

ACTION: Notice of availability of fishery management plan; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has requested NMFS to implement a proposed Fishery Management Plan for the Scallop Fishery off Alaska (FMP). The FMP would authorize an interim closure of Federal waters off Alaska to fishing for scallops for up to a 1-year period. The interim closure is necessary to prevent overfishing of scallop stocks during the period of time an alternative fishery management plan is developed that would allow the controlled harvest of scallops in Federal waters. This action is intended to promote the objective of the proposed FMP to prevent overfishing of the scallop resource that could otherwise result

from unregulated fishing for scallops in Federal waters. Comments are requested from the public. Copies of the revised FMP amendments may be obtained from NMFS (see **ADDRESSES**).

DATES: Comments on the proposed FMP must be submitted by June 26, 1995.

ADDRESSES: Comments on the revised FMP amendments must be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Copies of the proposed amendments and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for the FMP may be obtained from the same address.

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

SUPPLEMENTARY INFORMATION:

The scallop resource off Alaska has been commercially exploited for almost 30 years. Between 1969 and 1991, about 40 percent of the annual scallop harvests came from State waters. Since 1991, however, Alaska scallop harvests increasingly have occurred in Federal waters. In 1994, only 14 percent of the 1.2 million lbs (544 metric tons (mt)) landed were harvested in State waters, with the remainder harvested in Federal waters off Alaska.

The State of Alaska has managed the scallop fishery in State and Federal waters, consistent with section 306(a)(3) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act), which allows a state to directly regulate any fishing vessel outside state waters if the vessel is registered under the laws of that state. Until 1995, all vessels participating in the Alaska scallop fishery were registered under the laws of the State of Alaska and the fishery was monitored and controlled under State jurisdiction. However, participation in the 1995

scallop fishery by at least one vessel fishing outside the jurisdiction of the State, contemplation by other vessel owners to fish in Federal waters outside State regulations governing the scallop fishery, and the likelihood that uncontrolled fishing for scallops could occur anywhere off Alaska by the highly mobile scallop processor fleet now requires that Federal regulations be implemented to control scallop fishing activity by vessels that choose not to register with the State of Alaska.

To respond to the need for Federal management of the scallop fishery, the Council adopted the proposed FMP under section 303 of the Magnuson Act. The FMP would specify a long-term optimum yield for the scallop fishery in Federal waters off Alaska as a numerical range of 0-1.1 million lbs (0-499 mt) of shucked scallop meats. The FMP also would authorize up to a 1-year closure of Federal waters to fishing for scallops. During the period of time Federal waters are closed to fishing for scallops under the FMP, the OY would be equal to zero. The intent of the FMP is to prevent an unregulated and uncontrolled fishery for scallops in Federal waters that could result in overfishing of scallop stocks during the period of time an alternative fishery management plan is developed that would authorize fishing for scallops in Federal waters under a Federal management regime.

The Secretary will consider the public comments received during the comment period in determining whether to approve the proposed FMP. The proposed regulations are scheduled to be published within 15 days of this document.

Dated: April 24, 1995.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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