

12 noon, A.l.t., April 15, 1996. Under § 675.20(a)(2)(ii), the second seasonal allowance will be available from 12 noon, A.l.t., August 15 through the end of the fishing year.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 675.20(h).

#### Classification

This action is taken under § 675.20 and is exempt from review under E.O. 12866.

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

Dated: February 29, 1996.

Richard W. Surdi,

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

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BILLING CODE 3510-22-F

### 50 CFR Part 675

[Docket No. 960129019-6019-01; I.D. 022996A]

#### Groundfish of the Bering Sea and Aleutian Islands Area, Trawl Closure to Protect Red King Crab

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

**ACTION:** Inseason adjustment; request for comments.

**SUMMARY:** NMFS has determined that an interim closure to all trawling is necessary in a part of the Bristol Bay area of the Bering Sea and Aleutian Islands (BSAI) management area. Results of the 1995 bottom trawl survey conducted by NMFS in Bristol Bay indicate that the red king crab stock in Bristol Bay continues to be severely depressed. NMFS anticipates that the condition of this stock could worsen if vessels fishing for groundfish with trawl gear were allowed to conduct operations in a particular part of Bristol Bay that is important to red king crab during a period after they have molted and are in a softshell condition. NMFS is closing part of Bristol Bay to trawling for groundfish for purposes of protecting red king crab from anticipated adverse impacts due to trawl operations. This measure is necessary to respond to the continued decline of red king crab stocks in the BSAI management area. It is intended to accomplish the objectives of the North Pacific Fishery Management Council (Council) with respect to management of red king crab stocks.

**DATES:** Effective April 1, 1996, through June 15, 1996. Comments must be submitted by April 5, 1996.

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, Attention: Lori Gravel.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Berg, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

#### Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the BSAI is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The FMP was prepared by the Council under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*) (Magnuson Act), and is implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 675 and 676. General regulations that also pertain to U.S. fisheries are codified at 50 CFR part 620.

High rates of prohibited species bycatch may warrant inseason adjustment to close an area to fishing for groundfish. Authority for interim closures of a specific area is contained in regulations at § 675.20(e). This inseason adjustment prohibits fishing for groundfish by operators of vessels using trawl gear from April 1, 1996, through June 15, 1996, in that portion of the Bering Sea that is bounded by straight lines connecting the following coordinates in the order listed below.

Latitude	Longitude
56°00' N.;	163°00' W.;
56°00' N.;	164°00' W.;
57°00' N.;	164°00' W.;
57°00' N.;	163°00' W.; and
56°00' N.;	163°00' W.

This action is necessary to protect depressed stocks of red king crab from being taken by the groundfish trawl fisheries during a period when the crab are in a softshell condition and are particularly vulnerable to injury. Further reasons for the inseason adjustment under § 675.20(e)(1)(iv) follow.

Results of the 1995 NMFS-conducted bottom-trawl survey in Bristol Bay indicate that the total population of red king crab continues to be at low levels. Although the number of legal male red king crab was 6.3 million, which represents a 15 percent increase from 1994, the number of pre-recruits was 5.4 million, which represents an 11 percent decrease from 1994. The number of

large female crab was 8.0 million, which is 400,000 fewer than the number considered to be the "threshold" in the FMP for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands (crab FMP). Under the crab FMP, the Acceptable Biological Catch in the directed red king crab fishery is defined as zero when the female red king crab stock is at or below threshold. Accordingly, the Alaska Department of Fish and Game (ADF&G) closed the directed red king crab fishery in 1995.

Likewise, because NMFS survey results in 1994 also indicated that the number of female red king crab was below threshold, ADF&G closed the red king crab fishery in 1994. Due to the 1994 and 1995 closures of the red king crab fishery in Bristol Bay, ADF&G closed the area east of 163° W. longitude to Chionoecetes bairdi Tanner crab fishing for both years to reduce incidental mortality of red king crab in this area.

The Council responded to the 1994 results by recommending that NMFS close by emergency rule an area between 56° and 57° N. lat. and 162° and 164° W. long. to trawling during the rock sole roe fishery. NMFS implemented that emergency rule (60 FR 4866, January 25, 1995), and it remained in effect from January 20 through April 25, 1995. At that time, the Council directed its staff to analyze alternative closure areas that could be implemented permanently under an FMP amendment to provide long-term protection to Bristol Bay red king crab.

At its September 1995 meeting, the Council recommended implementation of proposed Amendment 37 to the FMP, an action similar to the emergency rule. This includes a closure of the Red King Crab Savings Area to vessels using non-pelagic trawl gear as well as an increase in observer coverage. NMFS has not yet received that amendment from the Council for review under Section 304 of the Magnuson Act.

On January 20, 1996, NMFS implemented an inseason adjustment (60 FR 63451, December 11, 1995) under its authority at 50 CFR 675.20(e) to close the above-described area through March 31, 1996. The purpose of this action was to protect female red king crab during a time when the trawl fishery for rock sole was ongoing.

On January 30, 1996, the Council met jointly with the Alaska Board of Fisheries (BOF) and reviewed the best available scientific information about the status of red king crab and the potential effectiveness of measures that have been taken to protect red king crab.

The Council and BOF were especially concerned about potential adverse impacts of trawl operations on red king crab during a period when crab are in a softshell condition. This condition occurs during the months of January through mid-June when crab molt and then mate. When in this softshell condition, red king crab could be damaged by physical impacts of the bottom trawl itself or by additional handling when they are caught in a trawl, brought aboard a vessel, sorted, and eventually returned to the sea. The Council also received agency reports summarizing the result of the 1995 NMFS trawl survey, which provided the aforementioned status of red king crab.

The Council and BOF heard testimony about existing management measures, including the aforementioned inseason adjustment that will be in effect through March 31, which are intended to protect red king crab in the management area. These measures include a year round closure of Federal Statistical Srea 512 to trawling, and a closure of Federal Statistical Area 516 from March 15 through June 15 to protect red king crab during their molting and mating period. An analysis of data from the NMFS-conducted trawl surveys in 1993, 1994, and 1995 indicates that a substantial proportion (19 percent) of mature male crab are located in part of Federal Statistical Area 516. This analysis also indicates that another substantial proportion (21 percent) of male red king crab is located between the same latitudes immediately to the west between 163° W. and 164° W. long. Without further regulatory action, the area west of Statistical Area 516 would open to trawling once the aforementioned inseason adjustment expires on March 31, 1996, which could aggravate the depressed condition of red king crab during the period when they are in a softshell condition.

On February 2, 1996, after reviewing new information obtained during its January 30 meeting with the BOF and additional information from the public as well as NMFS and ADF&G testimony, the Council recommended that an emergency rule be implemented to close an area in part of Bristol Bay to fishing by vessels using trawl gear through June 15, 1996. The particular area is located between 163° and 164° W. long. and 56° N. and 57° N. lat. This area is to the west of, and immediately adjacent to, Statistical Area 516, which is closed under existing regulations from March 15 through June 15. A closure of the additional area to the west through June 15 would provide necessary protection for red king crab during the period they are in a softshell condition and are

particularly susceptible to fishing mortality.

The Council intends to review current management regimes that govern groundfish fishing to determine whether the protection measures afforded red king crab and other crab species managed under the crab FMP are adequate or should be changed to respond to new information concerning both the groundfish and crab fisheries. NMFS anticipates that the Council will recommend potential regulatory changes in the near future.

The Council's emergency rule recommendation is intended to avoid significant direct economic loss to fishermen who might otherwise benefit in the future as red king crab stocks rebuild to harvestable levels. Public testimony at the Council's January 1996 meeting, indicated that the groundfish trawl fishing industry was concerned about not being able to trawl for yellowfin sole in the closed area, should yellowfin sole be present during the month of April in schooling concentrations as they migrate to more northerly locations in Bristol Bay. Industry members indicated that the amount of time required to complete a tow with trawl gear may be about a 1/2 hour compared to more than 2 hours when yellowfin school stocks are not concentrated. If these vessel operators are not allowed to operate in the closed area, their operating costs (including fuel and crew time) could increase as they fish at lower catch rates where yellowfin sole stocks are not concentrated.

NMFS does not have information to quantify what these increased costs might be, because vessels' operating costs differ. NMFS notes that the locations of the migrating yellowfin sole might even be outside the closed area where they could still be targeted by participating vessels. The actual costs would depend on the ability of these vessel operators to achieve their harvest goals, which will depend on market conditions, catch rates, and possibly premature closures resulting from other regulations.

NMFS anticipates that large numbers of red king crab could be adversely impacted in this area by trawl operations during their softshell period. Therefore, NMFS has determined that a closure to trawling in the area described above is necessary to protect red king crab through June 15 while they are in a softshell condition. Notwithstanding the Council's recommendation that NMFS implement this closure by emergency rule, NMFS is implementing it under the inseason adjustment authority at § 675.20(e). Inseason

adjustments are authorized for a period of 60 days, which would be less than the Council's intended closure period. Regulations at § 675.20(e)(6) authorize closures beyond 60 days if warranted by available data. The available scientific information indicates that the relative distribution and abundance of red king crab in the closure area is high. The Director, Alaska Region, NMFS has determined that this interim closure is based on the best available scientific information concerning the seasonal distribution and abundance of red king crab and the bycatch rates of red king crab associated with groundfish trawl fisheries.

#### Classification

This action is taken under § 672.20(e) and is exempt from review under E.O. 12866.

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

Dated: March 1, 1996.

Richard W. Surdi,

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

[FR Doc. 96-5227 Filed 3-1-96; 2:35 pm]

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#### 50 CFR Part 683

[Docket No. 950803202-6040-02; I.D. 070395C]

RIN 0648-AH48

#### Western Pacific Bottomfish Fisheries; Enforcement of Permit and Other Requirements

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule to make minor changes to regulations governing the Bottomfish Fisheries of the Western Pacific Region. In addition to making some technical changes, the rule requires operators of bottomfish vessels to display their official number to enhance enforcement, and fish dealers to make available to authorized officers records of fish landings and sales they are required by state law to maintain to facilitate monitoring of the fishery. These changes are intended to make existing regulations clearer and more effective.

**EFFECTIVE DATE:** April 4, 1996.

**ADDRESSES:** Send comments on the collection-of-information requirement to Ms. Hilda Diaz-Soltero, Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long