

4. In § 648.140 paragraphs (b)(1) through (b)(7) are redesignated as (b)(3) through (b)(9), respectively, paragraphs (b)(1) and (b)(2) are added, paragraph (c) is revised, and paragraph (d) is added to read as follows:

**§ 648.140 Catch quotas and other restrictions.**

- (a) \* \* \*
- (b) \* \* \*

(1) A commercial quota allocated to quarterly periods set from a range of (0) to the maximum allowed to achieve the specified target exploitation rate specified in paragraph (a) of this section. Implementation of this measure will begin in 1998.

(2) A commercial trip limit set from a range of (0) to the maximum allowed to assure that the quarterly quota is not exceeded.

\* \* \* \* \*

(c) *Annual fishing measures.* The Demersal Species Committee shall review the recommendations of the Black Sea Bass Monitoring Committee. Based on these recommendations and any public comment, the Demersal Species Committee shall make its recommendations to the Council with respect to the measures necessary to assure that the target exploitation rate specified in paragraph (a) of this section are not exceeded. The Council shall review these recommendations and, based on the recommendations and public comment, make recommendations to the Regional Director with respect to the measures necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded. Included in the recommendation will be supporting documents, as appropriate, concerning the environmental and economic impacts of the proposed action. The Regional Director will review these recommendations and any recommendations of the Commission. After such review, the Regional Director will publish a proposed rule in the Federal Register by October 15 to implement a quarterly coastwide commercial quota, a recreational harvest limit, and additional management measures for the commercial fishery. A proposed rule will be published in the Federal Register by February 15 to implement additional management measures for the recreational fishery, if the Regional Director determines that such measures are necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded. After considering public comment, the Regional Director will publish a final rule in the Federal Register to implement the measures

necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded.

(d) *Distribution of annual quota.* (1) Beginning January 1, 1998, a coastwide commercial quota will be allocated by quarterly periods based upon the following percentages:

**QUARTERLY COMMERCIAL QUOTA SHARES**

Quarter	Share (percent)
January-March .....	38.64
April-June .....	29.26
July-September .....	12.33
October-December .....	19.77

(2) All black sea bass landed for sale in the states from North Carolina through Maine by a vessel with a moratorium permit issued under § 648.4(a)(7) of this part shall be applied against that quarter's coastwide commercial quota, regardless of where the black sea bass were harvested. All black sea bass landed for sale in the states from North Carolina through Maine by any vessel without a moratorium permit and fishing exclusively in state waters north of 35°15.3' N. lat. will be counted against the quota by the state in which it is landed pursuant to the Fishery Management Plan for the Black Sea Bass Fishery adopted by the Atlantic States Marine Fisheries Commission. The Regional Director will determine the date on which the quarterly quota will be harvested and the EEZ north of 35°15.3' N. lat. closed. The Regional Director will publish a notice in the Federal Register advising that, upon that date, no vessel may possess black sea bass in this area during a closure, nor may vessels issued a moratorium permit land black sea bass during the closure. Any overages of the commercial coastwide quota landed will be deducted from that quarter's coastwide quota for the following year.

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**50 CFR Part 679**

[I.D. 082796A]

**RIN 0648-AH28**

**Fisheries of the Exclusive Economic Zone Off Alaska; Protection of Red King Crab in Bristol Bay**

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

**ACTION:** Notice of Availability of an Amendment to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands area; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 37 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) for Secretarial review. Amendment 37 would establish the Red King Crab Savings Area trawl closure and the Nearshore Bristol Bay trawl closure, require increased observer coverage on some vessels in the closure areas, and adjust the Zone 1 red king crab prohibited species catch limits based on Bristol Bay red king crab abundance and biomass.

**DATES:** Comments on the FMP amendment should be submitted on or before October 29, 1996.

**ADDRESSES:** Comments on the FMP amendment should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, Alaska, 99802-1668, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendment 37 and the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) prepared for the amendment are available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501-2252; telephone 907-271-2809.

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

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving a fishery management plan or amendment, immediately publish a notice that the fishery management plan or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the FMP or amendment.

Bering Sea crab stocks are currently at relatively low levels based on 1995 NMFS bottom trawl survey data, which indicated that exploitable biomass of Bristol Bay red king crab is at about one-fifth record levels. The red king crab

stock is at its lowest level since the fishery was closed after the first stock collapse in 1983. In 1994 and 1995, Bristol Bay was closed to red king crab fishing because the female threshold of 8.4 million crab was not reached. In addition, the annual NMFS trawl surveys indicated little prospect for increased recruitment of mature males or females, and low female spawning biomass. Also, the area east of 163° W. long. was closed to Tanner crab fishing to minimize the bycatch of female red king crabs.

In view of the declining red king crab stock and the need to further protect

and conserve red king crab in the Bristol Bay area of the Bering Sea, Amendment 37 would implement the following management measures:

1. A year round closure in a portion of Bristol Bay, the Red King Crab Savings Area (RKCSA), to directed fishing for groundfish by vessels using non-pelagic trawl gear;
2. A year round closure to all trawling in the nearshore waters of Bristol Bay, except that a portion would be left open during the period April 1 to June 15 each year; and
3. Adjustments to the Zone 1 PSC limit for red king crab taken in trawl fisheries.

Amendment 37 is intended to protect declining populations of red king crab and to further the goals and objectives of the FMP.

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

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

Dated: August 30, 1996.

Gary C. Matlock,

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

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