

the aggregate bag limit would be insignificant. The public comments provide no substantive information to support their claim of extensive economic impacts. Accordingly, NMFS disagrees with these comments. NMFS has approved the 20-fish aggregate bag limit as a risk-averse measure to prevent an uncontrolled increase in harvest of reef fish species for which no bag limits are in effect.

The measure would prevent unlimited harvest of reef fish by persons not fishing under commercial reef fish vessel permits. Currently, such persons can catch and land an unlimited number of reef fish species not subject to a bag limit; while sale of these species is not legal without a commercial permit, it is difficult to enforce this sale restriction. The aggregate bag limit should enhance enforcement of the prohibition on sale of reef fish by those persons.

The 20-fish aggregate bag limit will include banded rudderfish and lesser amberjack, since NMFS disapproved the bag limit for those two species, and will help restrain recreational harvest. As previously indicated, NMFS anticipates that the Council will initiate additional management measures for banded rudderfish and lesser amberjack which will contribute to the conservation of greater amberjack.

*Comment:* One commenter stated that the measure would encourage culling of the catch at sea (i.e., continual discard of the smaller reef fish to obtain the largest fish under the 20-fish aggregate bag limit) and, therefore, should be disapproved.

*Response:* NMFS acknowledges that persons may continue to harvest and retain the largest reef fish caught under the 20-fish aggregate bag limit. NMFS does not encourage this practice because some of the discarded reef fish may not survive release. The aggregate bag limit, however, will prevent an uncontrolled harvest of reef fish currently without bag limits and, thereby, should provide greater conservation benefits than the status quo.

#### Changes from the Proposed Rule

As discussed above, the minimum size limit for banded rudderfish and lesser amberjack, applicable to persons subject to the bag limit, is removed. Also, banded rudderfish and lesser amberjack are not included in a bag limit with greater amberjack.

#### Classification

The Regional Administrator, Southeast Region, NMFS, with concurrence by the Assistant Administrator for Fisheries, NOAA,

determined that the approved measures of Amendment 12 are necessary for the conservation and management of the reef fish fishery of the Gulf of Mexico and that it is consistent with the Magnuson-Stevens Act and other applicable law, with the exception of those measures that were disapproved.

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

Before the proposed rule was published, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared. Specific findings supporting that conclusion were summarized in the proposed rule and are not repeated here. No public comments on the certification were received. The disapproval of the banded rudderfish and lesser amberjack management measures did not alter those findings or conclusions regarding the impacts of the approved measures of Amendment 12 that are implemented by this rule.

#### List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: December 10, 1996.

Gary Matlock,

*Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

#### **PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC**

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.39, paragraph (b)(1)(i) is revised, and paragraph (b)(1)(v) is added to read as follows:

#### **§ 622.39 Bag and possession limits.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) Greater amberjack—1.

\* \* \* \* \*

(v) Gulf reef fish, combined, excluding those specified in paragraphs (b)(1) (i) through (iv) of this section—20.

\* \* \* \* \*

[FR Doc. 96-31766 Filed 12-13-96; 8:45 am]

BILLING CODE 3510-22-W

#### **50 CFR Part 679**

[Docket No. 9608-30240-6338-02; I.D. 082796A]

RIN 0648-AH28

#### **Fisheries of the Exclusive Economic Zone Off Alaska; 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:** Final rule.

**SUMMARY:** NMFS implements Amendment 37 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The implementing regulations for Amendment 37 close portions of Bristol Bay, make adjustments to the prohibited species catch limit for red king crab in Zone 1 of the Bering Sea, and increase observer coverage in specified areas related to the trawl closures. These measures are necessary to protect the red king crab stocks in Bristol Bay, which have declined to a level that presents a serious conservation problem for this stock. They are intended to accomplish the objectives of the FMP.

**EFFECTIVE DATE:** January 1, 1997.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this rule may be obtained from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252; telephone 907-271-2809.

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

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the Bering Sea and Aleutian Islands Area (BSAI) is managed by NMFS according to the FMP. The FMP was prepared by the Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*; Magnuson-Stevens Act), and is

implemented by regulations governing the U.S. groundfish fisheries at 50 CFR part 679.

Bering Sea crab stocks are currently at relatively low abundance levels, based on recent NMFS bottom trawl survey data. In 1994 and 1995, the Alaska Department of Fish and Game (ADF&G) closed Bristol Bay to red king crab fishing, because the number of female red king crab had declined below the threshold of 8.4 million crab. The ADF&G has authorized a Bristol Bay red king crab fishery in 1996 but at a significantly reduced guideline harvest level.

At its June 1996 meeting, the Council adopted several management measures to further protect and conserve red king crab in the Bristol Bay area of the Bering Sea in view of the declining abundance of red king crab.

NMFS published a proposed rule in the Federal Register on September 12, 1996 (61 FR 48113). Public comment was invited through October 28, 1996. Eight comments were received and are summarized and responded to below in the Response to Comments section. After considering the public comments received, NMFS is implementing the following management measures, which are unchanged from the proposed rule:

1. Prohibit directed fishing for groundfish by vessels using trawl gear, other than pelagic trawl gear, in the Red King Crab Savings Area (RKCSA), that portion of the Bering Sea that is bounded by a straight line connecting the following coordinates in the order listed:

Latitude	Longitude
56°00' N.;	162°00' W.
56°00' N.;	164°00' W.
57°00' N.;	164°00' W.
57°00' N.;	162°00' W.
56°00' N.;	162°00' W.

A subsection of the above-described area, between 56°00' N. and 56°10' N., will remain open to nonpelagic trawling for groundfish during the years in which a guideline harvest level for Bristol Bay red king crab is established. This subarea has been productive for the rock sole fishery, and an opening in this subarea would allow some of the rock sole to be harvested. A separate red king crab prohibited species catch limit is established for this open area and is calculated as no more than 35 percent of the red king crab PSC limit apportioned to the rock sole fishery.

2. A year-round closure to all trawling in the nearshore waters of Bristol Bay east of 162° W. long., with the exception that a portion of this area, between 159° and 160° W. long. and between 58° and 58°43' N. lat. will be left open to

trawling during the period April 1 to June 15 each year.

3. Increased observer coverage on all vessels, including vessels using pot and longline gear, fishing for groundfish in the RKCSA and on trawl vessels fishing in the seasonal open area of the Bristol Bay nearshore waters closure.

4. Adjustments to the Zone 1 PSC limit for red king crab taken in trawl fisheries. The PSC limits will vary based on the abundance and biomass of Bristol Bay red king crab as follows:

a. When the number of mature female red king crabs is at or below the threshold number of 8.4 million mature crabs or the effective spawning biomass (ESB) is less than or equal to 14.5 million lb (6,577 metric tons (mt)), the Zone 1 PSC limit will be 35,000 red king crabs;

b. When the number of mature female red king crabs is above the threshold of 8.4 million mature crab and the ESB is greater than 14.5 million lb (6,577 mt) but less than 55 million lb (24,948 mt), the Zone 1 PSC limit will be 100,000 red king crabs; and

c. When the number of mature female red king crabs is above the threshold of 8.4 million mature crabs and the ESB is equal to or greater than 55 million lb (24,948 mt), the Zone 1 PSC limit will be 200,000 red king crabs.

NMFS also rescinds regulations that provide the authority to open the Port Moller area of Bering Sea reporting areas 512 and 516 to fishing for Pacific cod with trawl gear.

Details of and justification for these measures can be found in the preamble to the proposed rule.

#### Response to Comments

*Comment 1:* The measures implemented by Amendment 37 are supported, because they will reduce disturbance of invertebrates and reduce catch of forage species. Impacts of trawling in these proposed closure areas likely would affect future crab harvests through reductions in stock. The proposed management measures will provide increased protection of crab habitat.

*Response:* NMFS agrees.

*Comment 2:* Closure of the RKCSA is supported, except that the Council failed to justify the need to close the northwest corner of the RKCSA and failed to consider the implications of a shift in fishing effort out of the northwest corner. Observer data support allowing trawling for yellowfin sole in the northwest corner of the RKCSA.

*Response:* The northwest corner of the RKCSA was not analyzed as a separate alternative in the EA/RIR/IRFA for Amendment 37. However, data from the

analysis show that, in 1992 and 1993, essentially all of the red king crab taken by the yellowfin sole fishery in the RKCSA were taken in the northwestern corner of the RKCSA and virtually no red king crab were taken in the rest of the RKCSA. These data indicate that yellowfin sole vessels, if allowed to operate in the northwestern corner of the RKCSA, could take a significant amount of red king crab. Potential shifts in the take of prohibited species, other than those that the closure is designed to protect, are considered when deciding to close a sensitive area.

*Comment 3:* The requirement for increased observer coverage is supported, but the Council and NMFS should consider increased observer coverage on the Pacific cod pot fleet operating in portions of the RKCSA.

*Response:* The proposed rule already would require all vessels, including vessels using pot, jig, and longline gear, that fish for groundfish in the RKCSA, to carry an observer during 100 percent of their fishing days.

*Comment 4:* No biological basis exists for setting the red king crab bycatch limits as proposed under Amendment 37. The limit of 100,000 animals as the intermediate in the "stair-step" is not enough to be practical or to achieve optimum yield from groundfish when red king crab rebuilding occurs. The proposed red king crab bycatch limit should not be approved. Instead, either a floating limit, a limit indexed to adults, or more levels in the "stair-step" approach should be implemented.

*Response:* The Crab Plan Team recommended a bycatch limit based on an abundance index of female red king crab. However, difficulties exist in establishing a proper index for setting the bycatch limits. A constant limit does not take into account the size differences that occur in the crab bycatch. However, a bycatch limit based on adult equivalents is not possible at this time, given the current methods for inseason data collection on crab bycatch. Neither procedures nor systems currently exist to estimate the number of crabs of a given length on a real-time basis. Observers collect red king crab length information, but this information is not available until the observers are debriefed, some time after the fishery has already occurred. This information may become available in a more timely way as real-time electronic reporting of inseason data is implemented. The Council's Scientific and Statistical Committee commented that continuous and stepwise approaches to bycatch limits both present implementation difficulties. If bycatch limits are indexed to estimated crab population abundance

they would be subject to substantial annual variation. Smoothing algorithms, such as moving averages, may stabilize the index and, consequently, the limit. Step-wise limits can result in large changes at the boundaries between steps. Continuously adjustable limits avoid this problem but may result in excessively low or high limits at the extremes of crab population abundance. The addition of floor and ceiling rates to the floating limits could help resolve this deficiency. After consideration of these comments the Council recommended a "stair-step" approach to setting the bycatch limit.

*Comment 5:* Support exists for the measure to close the area of Northern Bristol Bay east of 162° W. long. to trawling, leaving open the subarea between 58° and 58°43' N. lat., which is a productive yellowfin sole fishing ground.

*Response:* NMFS agrees that this section of Bristol Bay can be left open to allow trawlers access to productive fishing grounds without risking harm to red king crab stocks.

*Comment 6:* No clear evidence exists that trawling is creating or substantially contributing to the "depressed" state of crab stocks or that trawling causes mortality of seabirds and marine mammals. No conclusive evidence exists that crab, seabirds, or marine mammals will benefit from these closures.

*Response:* The direct effects of trawling on crab or other marine species are difficult to quantify. However, the closure areas contain concentrations of reproductive animals and are significant juvenile crab habitat. In light of the decline in the crab stocks and the high bycatch in these areas, the Council and NMFS are acting conservatively to limit the potential for impact on crab or other marine resources by trawling. The bycatch of crab during trawling in sensitive areas likely negatively affects the crab stocks. To the extent that seabirds and marine mammals occur in the proposed closed areas, potential negative interactions with trawl operations would be avoided by restricting trawling activities.

*Comment 7:* The EA/RIR/IRFA estimates a net loss to the Nation and indicates that the management measures may have a negative impact on small entities.

*Response:* As stated in the EA/RIR/IRFA and in the preamble to the proposed rule, estimates of the impact of these measures, based on the Bering Sea simulation model, indicate that these management measures would lead to a decrease in net benefits of 0.4 and 0.5 percent from 1993 and 1994 data,

respectively. Given a certain level of uncertainty inherent in the data and in the model procedures, these predicted changes in net benefits are probably not great enough to indicate an actual change from the status quo.

The analysis indicates that a significant effect on a substantial number of small entities could occur through displacement from the closed areas. However, under the measures implemented by Amendment 37, the portion of the RKCSA between 56° and 56°10' N. lat. would be open when a guideline harvest level of red king crab is established. The Council also retained an open area in northern Bristol Bay. The open areas allow the trawl fleet continued access to some productive fishing grounds while protecting the vulnerable red king crab resource.

*Comment 8:* The U.S. Coast Guard could support and enforce these management measures; however, a closure to all trawling instead of just nonpelagic trawling is easier to enforce and during enforcement is less burdensome to the industry.

*Response:* A closure to all trawling could be easier to enforce. However, by limiting the closure to nonpelagic gear, which is most likely to impact the crab resource, some relief to the trawl fleet could be provided for those vessels that use pelagic gear.

#### Classification

The Administrator, Alaska Region, NMFS, determined that Amendment 37 is necessary for the conservation and management of the BSAI fisheries and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

The Council prepared an FRFA as part of the RIR, which describes the impact this rule would have on small entities. There were 132 trawl catcher vessels that landed groundfish from the BSAI in 1993, which would be considered small entities. Many of these vessels would be effected by the time/area closures and PSC limits implemented under this amendment. The economic impact of these measures could result in a reduction in annual gross revenues by more than 5 percent. The analysis indicates that a significant effect could occur through displacement of fishing effort from the closed areas to other areas, which could increase the incidental catch of Pacific halibut, a prohibited species. The no action alternative for BSAI red king crab was rejected because of the need to protect the stock due to low abundance of adult crabs and low recruitment. The alternative of red king crab PSC limits based on abundance of red king crab at three levels was preferred because it

accommodated a wide range of possible numbers of crabs while avoiding excessively high or low PSC limits at extremes of crab population abundance. The amendment would allow a portion of the RKCSA to be opened to trawl fishing when increased abundance of red king crabs allows a red king crab directed fishery. Also the measures retain an open area for trawl fishing in northern Bristol Bay. These open areas will minimize the impact of crab protection measures on small entities. No action was taken on Tanner crab and snow crab in this rule as the Council is addressing protection of these crab stocks as future actions.

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

#### List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: December 10, 1996.

Gary Matlock,

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

#### **PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

1. The authority citation for part 679 continues to read as follows:

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

2. In § 679.2, definitions of "Nearshore Bristol Bay Trawl Closure Area", "Red King Crab Savings Area", the "Red King Crab Savings Subarea" are added in alphabetical order to read as follows:

#### **§ 679.2 Definitions.**

\* \* \* \* \*

*Nearshore Bristol Bay Trawl Closure Area of the BSAI* (see § 679.22(a)(9))

\* \* \* \* \*

*Red King Crab Savings Area (RKCSA) of the BSAI* (see § 679.22(a)(3))

*Red King Crab Savings Subarea (RKCSS) of the BSAI* (see § 679.21(e)(3)(ii)(B))

\* \* \* \* \*

#### **§ 679.7 [Amended]**

3. In § 679.7, paragraph (c)(1) is removed and paragraphs (c)(2), (c)(3), and (c)(4) are redesignated as paragraphs (c)(1), (c)(2), and (c)(3), respectively.

4. In § 679.21, paragraph (e)(7)(vi)(A) heading, and paragraph (e)(7)(vi)(A)(1) are removed, paragraph (e)(7)(vi)(A)(2)

is redesignated as paragraph (e)(7)(vi)(A), paragraph (e)(3)(ii)(B) is redesignated as paragraph (e)(3)(ii)(C), paragraphs (e)(1)(i), (e)(6), (e)(7)(ii), and (e)(7)(iii) are revised, and a new paragraph (e)(3)(ii)(B) is added to read as follows:

**§ 679.21 Prohibited species bycatch management.**

\* \* \* \* \*

(e) \* \* \*  
(1) \* \* \*

(i) *Red king crab in Zone 1.* The PSC limit of red king crab caught by trawl vessels while engaged in directed fishing for groundfish in Zone 1 during any fishing year will be specified annually by NMFS, after consultation with the Council, based on abundance and spawning biomass of red king crab using the criteria set out under paragraphs (e)(1)(i)(A) through (C) of this section.

(A) When the number of mature female red king crab is at or below the threshold of 8.4 million mature crab or the effective spawning biomass is less than or equal to 14.5 million lb (6,577 mt), the Zone 1 PSC limit will be 35,000 red king crab.

(B) When the number of mature female red king crab is above the threshold of 8.4 million mature crab and the effective spawning biomass is greater than 14.5 but less than 55 million lb (24,948 mt), the Zone 1 PSC limit will be 100,000 red king crab.

(C) When the number of mature female red king crab is above the threshold of 8.4 million mature crab and the effective spawning biomass is equal to or greater than 55 million lb, the Zone 1 PSC limit will be 200,000 red king crab.

\* \* \* \* \*

(3) \* \* \*  
(ii) \* \* \*

(B) *Red King Crab Savings Subarea (RKCSS).* (1) The RKCSS is the portion of the RKCSA between 56°00' and 56°10' N. lat. Notwithstanding other provisions of this part, vessels using non-pelagic trawl gear in the RKCSS may engage in directed fishing for groundfish in a given year, if the ADF&G had established a guideline harvest level the previous year for the red king crab fishery in the Bristol Bay area.

(2) When the RKCSS is open to vessels fishing for groundfish with nonpelagic trawl gear under (e)(3)(ii)(B)(1) of this section, NMFS, after consultation with the Council, will specify an amount of the red king crab bycatch limit annually established under paragraph(e)(1)(i) of this section for the RKCSS. The amount of the red

king crab bycatch limit specified for the RKCSS will not exceed an amount equivalent to 35 percent of the trawl bycatch allowance specified for the rock sole/flathead sole/"other flatfish" fishery category under this paragraph (e)(3) and will be based on the need to optimize the groundfish harvest relative to red king crab bycatch.

\* \* \* \* \*

(6) *Notification*—(i) *General.* NMFS will publish annually in the Federal Register the annual red king crab PSC limit and, if applicable, the amount of this PSC limit specified for the RKCSS, the proposed and final bycatch allowances, seasonal apportionments thereof, and the manner in which seasonal apportionments of nontrawl fishery bycatch allowances will be managed, as required under this paragraph (e).

(ii) *Public comment.* Public comment will be accepted by NMFS on the proposed annual red king crab PSC limit and, if applicable, the amount of this PSC limit specified for the RKCSS, the proposed and final bycatch allowances, seasonal apportionments thereof, and the manner in which seasonal apportionments of nontrawl fishery bycatch allowances will be managed, for a period of 30 days from the date of publication in the Federal Register.

(7) \* \* \*

(ii) *Red king crab or C. bairdi Tanner crab, Zone 1, closure*—(A) *General.* Except as provided in paragraph (e)(7)(i) of this section, if, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (e)(3)(iv) (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 (e)(3) of this section, NMFS will publish in the Federal Register the closure of Zone 1, including the RKCSS, 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.

(B) *RKCSS.* If, during the fishing year the Regional Director determines that the amount of the red king crab PSC limit that is specified for the RKCSS under § 679.21(e)(3)(ii)(B) of this section will be caught, NMFS will publish in the Federal Register the closure of the RKCSS to directed fishing for groundfish with nonpelagic trawl gear for the remainder of the year.

(iii) *C. bairdi Tanner crab, Zone 2, closure.* Except as provided in paragraph (e)(7)(i) of this section, if,

during the fishing year, the Regional Administrator determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (e)(3)(iv)(B) through (F) of this section will catch the Zone 2 bycatch allowance, or seasonal apportionment thereof, of *C. bairdi* Tanner crab specified for that fishery category under paragraph (e)(3) 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.

\* \* \* \* \*

5. In § 679.22, paragraphs (a)(1) through (a)(3) are revised and paragraphs (a)(9) and (a)(10) are added to read as follows:

**§ 679.22 Closures.**

(a) *BSAI*—(1) *Zone 1 (512) closure to trawl gear.* No fishing with trawl gear is allowed at any time in reporting Area 512 of Zone 1 in the Bering Sea subarea.

(2) *Zone 1 (516) closure to trawl gear.* No fishing with trawl gear is allowed at any time in reporting Area 516 of Zone 1 in the Bering Sea Subarea during the period March 15 through June 15.

(3) *Red King Crab Savings Area.* Directed fishing for groundfish by vessels using trawl gear other than pelagic trawl gear is prohibited at all times, except as provided at § 679.21(e)(3)(ii)(B), in that part of the Bering Sea subarea defined by straight lines connecting the following coordinates, in the order listed:

Latitude	Longitude
56°00' N.;	162°00' W.
56°00' N.;	164°00' W.
57°00' N.;	164°00' W.
57°00' N.;	162°00' W.
56°00' N.;	162°00' W.

\* \* \* \* \*

(9) *Nearshore Bristol Bay Trawl Closure.* Directed fishing for groundfish by vessels using trawl gear in Bristol Bay, as described in the current edition of NOAA chart 16006, is closed at all times in the area east of 162°00' W. long., except that the area bounded by a straight line connecting the following coordinates in the order listed below is open to trawling from 1200 hours (A.l.t.) April 1 to 1200 hours (A.l.t.) June 15 of each year:

Latitude	Longitude
58°00' N.,	160°00' W.;
58°43' N.,	160°00' W.;
58°43' N.,	159°00' W.;
58°00' N.,	159°00' W.;
58°00' N.,	160°00' W.

(10) Trawling is prohibited from August 1 through August 31 in the Chum Salmon Savings area defined at § 679.21(e)(7)(vi)(B).

\* \* \* \* \*

6. In § 679.50, paragraphs (c)(1)(viii) and (c)(1)(ix) are added to read as follows:

**§ 679.50 Groundfish Observer Program applicable through December 31, 1997.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(viii) *Red King Crab Savings Area.* (A) Any catcher/processor or catcher vessel used to fish for groundfish in the Red King Crab Savings area must carry an observer during 100 percent of its fishing days in which the vessel uses pelagic trawl gear, pot, jig, or longline gear.

(B) Any catcher/processor or catcher vessel used to fish for groundfish in the Red King Crab Savings Subarea and subject to this subarea being open to vessels fishing for groundfish with non-pelagic trawl gear under § 679.21(e)(3)(ii)(B), must carry an observer during 100 percent of its fishing days in which the vessel uses non-pelagic trawl gear.

(ix) *Nearshore Bristol Bay Trawl Closure.* Any catcher/processor or catcher vessel used to fish for groundfish in the Nearshore Bristol Bay Trawl Closure area must carry an observer during 100 percent of its fishing days in which the vessel uses trawl gear.

\* \* \* \* \*

7. In § 679.62, paragraph (d) is revised to read as follows:

**§ 679.62 General limitations.**

\* \* \* \* \*

(d) *Closed areas.* It is unlawful for any person to dredge for scallops in any Federal waters off Alaska that are closed to fishing with trawl gear or non-pelagic trawl gear under § 679.22(a)(1)(i), (a)(2)(i), (a)(3), (a)(4), (a)(6), (a)(7), (a)(9), and (b).

[FR Doc. 96-31850 Filed 12-13-96; 8:45 am]

BILLING CODE 3510-22-W

**50 CFR Part 679**

[Docket No. 900833-1095; I.D. 112596D]

**Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 1997**

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

**ACTION:** Pacific halibut and red king crab bycatch rate standards; request for comments.

**SUMMARY:** NMFS announces Pacific halibut and red king crab bycatch rate standards for the first half of 1997. Publication of these bycatch rate standards is necessary under regulations implementing the vessel incentive program. This action is necessary to implement the bycatch rate standards for trawl vessel operators who participate in the Alaska groundfish trawl fisheries. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources.

**DATES:** Effective 1201 hours, Alaska local time (A.l.t.), January 20, 1997, through 2400 hours, A.l.t., June 30, 1997. Comments on this action must be received at the following address no later than 4:30 p.m., A.l.t., January 15, 1997.

**ADDRESSES:** Comments should be mailed to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel; or be delivered to 709 West 9th Street, Federal Building, Room 401, Juneau, AK.

**FOR FURTHER INFORMATION CONTACT:** Susan J. Salvesson, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) are managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR part 679.

Regulations at § 679.21(f) implement a vessel incentive program to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Under the incentive program, operators of trawl vessels may not exceed Pacific halibut bycatch rate standards specified for the BSAI and GOA midwater pollock and "other trawl" fisheries, and the BSAI yellowfin sole and "bottom pollock" fisheries. Vessel operators also may not exceed red king crab bycatch standards specified for the BSAI yellowfin sole and "other trawl"

fisheries in Bycatch Limitation Zone 1 (defined in § 679.2). The fisheries included under the incentive program are defined in regulations at § 679.21(f)(2).

Regulations at § 679.21(f)(3) require that halibut and red king crab bycatch rate standards for each fishery included under the incentive program be published in the Federal Register. The standards are in effect for specified seasons within the 6-month periods of January 1 through June 30, and July 1 through December 31. Given that the GOA and BSAI groundfish fisheries are closed to trawling from January 1 to January 20 of each year (§ 679.23(c)), the Administrator, Alaska Region, NMFS (Regional Administrator) is promulgating bycatch rate standards for the first half of 1997 effective from January 20, 1997, through June 30, 1997.

At its September 1996 meeting, the Council reviewed halibut and red king crab bycatch rates experienced by vessels participating in the fisheries under the incentive program during 1993-1996. Based on this and other information presented below, the Council recommended halibut and red king crab bycatch rate standards for the first half of 1997. These standards are unchanged from those specified for the first half of 1994, 1995, and 1996. The Council's recommended bycatch rate standards are listed in Table 1.

TABLE 1.—BYCATCH RATE STANDARDS, BY FISHERY AND QUARTER, FOR THE FIRST HALF OF 1997 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA

Fishery and quarter	1997 bycatch rate standard
Halibut bycatch rate standards (kilogram (kg) of halibut/metric ton (mt) of groundfish catch)	
BSAI Midwater pollock:	
Qt 1 .....	1.0
Qt 2 .....	1.0
BSAI Bottom pollock:	
Qt 1 .....	7.5
Qt 2 .....	5.0
BSAI Yellowfin sole:	
Qt 1 .....	5.0
Qt 2 .....	5.0
BSAI Other trawl:	
Qt 1 .....	30.0
Qt 2 .....	30.0
GOA Midwater pollock:	
Qt 1 .....	1.0
Qt 2 .....	1.0
GOA Other trawl:	
Qt 1 .....	40.0
Qt 2 .....	40.0