MEMORANDUM

TO: Gulf of Alaska Groundfish Plan Team

FROM: Steve Davis

DATE: November 14, 1986

SUBJECT: Amendment 15 Package

Enclosed is a copy of the Amendment 15 package approved by the Council at its September meeting for Secretarial review. Following editorial revisions to all documents, the amendment package was sent to Washington, DC on November 14, 1986. I expect Secretarial approval and implementation in early April. In the interim, the Secretary will implement an emergency rule next month so that the harvest quota, PSC framework, Kodiak trawl closures, and revised at-sea processor reporting requirements are in effect by January 1. Thanks to all of you for your efforts on the amendment.

enclosure
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
FISHERY MANAGEMENT PLAN FOR THE
GULF OF ALASKA GROUNDFISH FISHERY

AMENDMENT 15

Changes to the FMP

I. SUMMARY

Amendment 15 was approved by the Council at its September 24-26, 1986 meeting. The amendment makes the following changes to the FMP:

(a) Revises management goals and objectives.
(b) Establishes an administrative framework procedure for setting annual harvest levels without plan amendment.
(c) Revises catch reporting requirements for at-sea processor vessels.
(d) Establishes four time/area closures effective for three years for nonpelagic trawling to protect king crab around Kodiak Island.
(e) Expands the field order authority for making inseason adjustments of harvest quotas and bycatch limits.

II. CHANGES TO THE RELEVANT SECTIONS OF THE FMP

A. Revise the following sentence in the FMP summary:

Page S-1, Paragraph 5. Delete the paragraph and replace it with the following paragraph:

The major groundfish species represented in the Gulf of Alaska fishery are considered resident in that area and include walleye pollock, Pacific cod, sablefish, Pacific ocean perch, halibut, turbot, flathead sole, rock sole and Atka mackerel. Acceptable biological catch evaluations have been made for each of the species or species groups being managed by this plan. The total optimum yield for the Gulf groundfish complex is presented as a range of 116,000-800,000 mt.

B. In the summary entitled "History of Amendments," page S-5, make the following changes and additions:

Amendment 14 - to "Effective," add the date "9/26/85."

Add to the summary:

Amendment 15 - (Effective __________)
Revised the goals and objectives for management; established an administrative framework procedure for setting annual harvest levels without plan amendment; eliminated species-specific OYs and established a 116,000-800,000 mt OY range for the Gulf groundfish complex as a whole; revised catch reporting requirements for at-sea processor vessels; established a time/area closure scheme, effective for three years, for nonpelagic trawling to protect king crab around Kodiak Island; and expanded the field order authority for making inseason adjustments.
C. In the Table of Contents, beginning on Page 1-1, revise to accommodate the amendments described in this document.

D. In Section 2.1, "Goals and Objectives for Management Plan," page 2-1, delete Section 2.1 and replace it with the following:

2.1 Goals and Objectives for Management of Gulf Groundfish Fisheries

The North Pacific Fishery Management Council (NPFMC or the Council) is committed to develop long-range plans for managing the Gulf of Alaska groundfish fisheries that will promote a stable planning environment for the seafood industry and will maintain the health of the resource and environment. In developing allocation and harvesting systems, the Council will give overriding consideration to maximizing economic benefits to the United States. Such management will:

(1) Conform to the National Standards and to NPFMC Comprehensive Fishery Management Goals;

(2) Be designed to assure that to the extent possible:
   (a) commercial, recreational, and subsistence benefits may be obtained on a continuing basis.
   (b) minimize the chances of irreversible or long-term adverse effects on fishery resources and the marine environment;
   (c) a multiplicity of options will be available with respect to future use of the resource; and
   (d) regulations will be long-term and stable with changes kept to a minimum.

Principal Management Goal: Groundfish resources of the Gulf of Alaska will be managed to maximize positive economic benefits to the United States, consistent with resource stewardship responsibilities for the continuing welfare of the Gulf of Alaska living marine resources. Economic benefits include, but are not limited to, profits, benefits to consumers, income and employment.

To accomplish this goal, a number of objectives will be considered:

Objective 1: The Council will establish annual harvest guidelines, within biological constraints, for each groundfish fishery and mix of species taken in that fishery.

Objective 2: In its management process, including the setting of annual harvest guidelines, the Council will account for all fishery-related removals by all gear types for each groundfish species, sport fishery and subsistence catches, as well as by directed fisheries.

Objective 3: The Council will manage the fisheries to minimize waste by:
   (a) Developing approaches to treating bycatches other than as a prohibited species. Any system adopted must address the problems of covert targeting and enforcement.
   (b) Developing management measures that encourage the use of gear and fishing techniques that minimize discards.
**Objective 4:** The Council will manage groundfish resources of the Gulf of Alaska to stimulate development of fully domestic fishery operations.

**Objective 5:** The Council will develop measures to control effort in a fishery, including systems to convert the common property resource to private property, but only when requested to do so by industry.

**Objective 6:** Rebuilding stocks to commercial or historic levels will be undertaken only if benefits to the United States can be predicted after evaluating the associated costs and benefits and the impacts on related fisheries.

**Objective 7:** Population thresholds will be established for economically viable species or species complexes under Council management on the basis of the best scientific information, and ABCs will be established as defined in this document. If population estimates drop below these thresholds acceptable biological catch (ABC) will be set to reflect necessary rebuilding as determined in Objective 6.

E. In Section 2.2, "Operational Definitions of Terms," Part 1, "Determinants of catch levels," page 2-3, delete items (c) and (d) and replace with the following:

(c) Acceptable biological catch (ABC) - is a seasonally determined catch that may differ from MSY for biological reasons. It may be lower or higher than MSY in some years for species with fluctuating recruitments. The Council can set the ABCs for individual species anywhere between zero and the maximum possible removal based on the best scientific information presented by the Plan Team and/or Scientific and Statistical Committee. The ABC may be modified to incorporate safety factors and risk assessment due to uncertainty. Lacking other biological justification, the ABC is defined as the maximum sustainable yield exploitation rate multiplied by the size of the biomass for the relevant time period. The ABC is defined as zero when the stock is at or below its threshold.

(d) Target quotas (TQ) - the harvest quota for a species or species group; the retainable catch. TQ will be apportioned to DAP, JVP, and possibly TALFF, by area.

(e) Prohibited species catch - a nonretainable catch. It can take the form of a prohibited or nongroundfish species and/or as a fully utilized groundfish species captured incidentally in groundfish fisheries. Such catch must be recorded and returned to the sea with a minimum of injury. A prohibited species catch limit (PSC) is an apportioned, nonretainable amount of fish provided to a fishery for bycatch purposes. PSC limits of groundfish may be provided to JVP and TALFF when the species is fully utilized by the wholly domestic fishery (ie. DAP=TQ).

(f) Optimum yield (OY) (generic) - is the amount of fish (a) which will provide the greatest overall benefit to the nation; (b) which is prescribed as such on the basis of the MSY from such fishery, as modified by any relevant economic, social, or ecological factor.
(specific) - for Gulf of Alaska groundfish resources as a whole, the OY is specified as a range established from historical fishery performance and estimates of MSY for each species.

F. In Section 2.2, "Operational Definitions of Terms," delete Part 4, page 2-6.

G. Beginning with Section 3.0, "Description of the Fishery," and ending with Section 11.0, "Appendices," replace the term optimum yield (OY) with target quota catch (TQ) where appropriate.

H. Delete Section 6.0, "Optimum Yield Concept," Parts 6.0 through 6.3, pages 6-1 to 6-11, and Part 5, page 6-13, and replace it with the following sections:

6.0 SETTING HARVEST LEVELS

A procedure has been developed whereby the Council can set harvest levels by specifying a target quota (TQ) for each groundfish fishery on an annual basis. The procedure consists of four steps:

(1) Determining the ABC for each managed species or species group.

(2) Determining a TQ based on biological and socioeconomic information. The TQ may be lower than the ABC if bycatch considerations or socioeconomic considerations cause the Council to establish a lower harvest. Conversely, the TQ may be higher than ABC if the Council believes that socioeconomic considerations warrant a harvest in excess of ABC.

(3) Identify what groundfish species will be fully utilized by the wholly domestic fishery. Determine a PSC limit in these fully utilized fisheries based on biological and socioeconomic information for joint venture and foreign fisheries. The sum of TQ and PSC for any groundfish species cannot result in overfishing.

(4) Sum TQ for all groundfish species excluding nonspecified species to assure that the sum is within the OY range specified in the FMP. If the sum falls outside this range the TQs must be adjusted or the plan amended.

6.1 Procedure for Setting Target Quotas

The timing of actions and procedure to be taken in establishing target quotas (TQs) is as follows:

(1) September. The plan team prepares a draft Resource Assessment Document (RAD) which establishes preliminary ABCs, and initial TQs for all managed groundfish species. TQ will be specified for DAP, JVP, and TALFF. For fully utilized species (where DAP = TQ), there will be no retainable catch available for JVP and TALFF. Each TQ may be apportioned among the regulatory areas and districts of the Gulf of Alaska.
(2) September Council meeting. Council will approve preliminary TQs and release the RAD for a 30-day public review.

(3) October 1. As soon as practicable after October 1 the Secretary, after consultation with the Council, will publish a rule-related notice in the FEDERAL REGISTER specifying the proposed TQs for DAP, JVP, and TALFF. Public comments on the proposed TQs will be accepted by the Secretary for 30 days after the notice is published.

(4) November. Plan team prepares final RAD.

(5) December Council meeting. Council reviews public comments, takes public testimony and makes final decisions on annual TQ limits. Final TQs are added to assure that the sum is within the OY range.

(6) By January 1 the Secretary will publish a rule-related notice of final TQ limits in FEDERAL REGISTER.

(7) January 1. Annual TQ limits take effect for the current fishing year.

6.2 The OY Range

The range of OY specified in the FMP is 116,000–800,000 mt of groundfish. This range was established by examining for each major groundfish species, historical and recent catches, recent determinations of ABC, and the current and past estimates of MSY (Tables 6.1 and 6.2).

In particular, the end points of the range were derived as described below: For the minimum value, 116,000 mt is approximately equal to the lowest historical groundfish catch during the 21-year period 1965–1985 (116,053 mt in 1971). In that year catches of pollock, Pacific cod and Atka mackerel were all at very low levels. Given the current status of the groundfish resources and the present management regime, it is considered extremely unlikely that future total harvest will fall below this level. Thus, the TQs will be established so as to result in a sum of at least 116,000 mt.

The upper end of the OY range, 800,000 mt, was derived from MSY information. The MSY for all species of groundfish (excluding the other species category) has ranged from 804,950 mt in 1983 to 1,000,750 mt for the 1987 fishing year. The average MSY over the five-year period is 845,670 mt. Therefore, the upper end of the range is approximately equal to 95% of the mean MSY for the last recent five-year period. It is possible that in the immediate future, the Council may wish to establish TQ equal to MSY for all species. It should be noted that to do this the Council would have to amend the upper bound of the OY range.

The ABC summed for all species has ranged from 457,082 mt in 1985 to 720,005 mt in 1984, with an ABC recommended for 1987 of 619,352 mt. The upper end of the OY range is some 29% larger than the 1987 recommended ABC allowing for future expansion in the fishery to that extent.
<table>
<thead>
<tr>
<th>Year</th>
<th>Pollock</th>
<th>Cod</th>
<th>Sablefish</th>
<th>Rockfish</th>
<th>Flatfish</th>
<th>Atka mackerel</th>
<th>TOTAL</th>
</tr>
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<tbody>
<tr>
<td>1965</td>
<td>2,746</td>
<td>583</td>
<td>3,458</td>
<td>382,481</td>
<td>4,697</td>
<td>0</td>
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<td>8,940</td>
<td>459</td>
<td>5,178</td>
<td>148,439</td>
<td>4,928</td>
<td>0</td>
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<td>1967</td>
<td>6,032</td>
<td>2,154</td>
<td>6,143</td>
<td>112,741</td>
<td>4,506</td>
<td>0</td>
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<td>1,046</td>
<td>15,049</td>
<td>108,594</td>
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<td>0</td>
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<td>1,357</td>
<td>19,375</td>
<td>79,238</td>
<td>2,676</td>
<td>0</td>
<td>120,560</td>
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<tr>
<td>1970</td>
<td>15,970</td>
<td>1,830</td>
<td>25,694</td>
<td>63,674</td>
<td>3,859</td>
<td>7,281</td>
<td>118,308</td>
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<td>9,458</td>
<td>703</td>
<td>25,542</td>
<td>77,985</td>
<td>2,365</td>
<td>0</td>
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<td>3,572</td>
<td>36,453</td>
<td>77,564</td>
<td>8,942</td>
<td>6,282</td>
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<td>1973</td>
<td>36,989</td>
<td>5,548</td>
<td>27,487</td>
<td>61,414</td>
<td>19,566</td>
<td>9,494</td>
<td>160,498</td>
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<td>61,474</td>
<td>5,353</td>
<td>28,006</td>
<td>61,193</td>
<td>9,733</td>
<td>17,531</td>
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<td>1975</td>
<td>53,568</td>
<td>5,985</td>
<td>26,094</td>
<td>58,908</td>
<td>5,487</td>
<td>27,776</td>
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<td>1976</td>
<td>79,526</td>
<td>7,089</td>
<td>27,733</td>
<td>56,983</td>
<td>6,092</td>
<td>15,539</td>
<td>192,962</td>
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<tr>
<td>1977</td>
<td>118,062</td>
<td>2,261</td>
<td>17,135</td>
<td>23,729</td>
<td>16,724</td>
<td>19,455</td>
<td>197,366</td>
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<tr>
<td>1978</td>
<td>97,405</td>
<td>12,167</td>
<td>8,875</td>
<td>10,198</td>
<td>15,180</td>
<td>19,586</td>
<td>163,411</td>
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<tr>
<td>1979</td>
<td>105,783</td>
<td>14,872</td>
<td>10,352</td>
<td>11,489</td>
<td>13,922</td>
<td>10,959</td>
<td>167,377</td>
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<td>1980</td>
<td>115,037</td>
<td>35,327</td>
<td>8,509</td>
<td>16,088</td>
<td>15,889</td>
<td>13,166</td>
<td>204,016</td>
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<td>1981</td>
<td>147,743</td>
<td>36,086</td>
<td>9,917</td>
<td>18,214</td>
<td>12,532</td>
<td>18,727</td>
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<td>1982</td>
<td>168,746</td>
<td>29,380</td>
<td>8,557</td>
<td>10,731</td>
<td>7,729</td>
<td>6,760</td>
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Table 6.2 Gulf of Alaska MSYs, ABCs, and catches for the period 1983-87.

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<tr>
<th>YEAR</th>
<th>Pollock</th>
<th>Pacific Cod</th>
<th>Flounders</th>
<th>Perch</th>
<th>Sablefish</th>
<th>Atka Mackerel</th>
<th>Rockfish</th>
<th>Thornyhead</th>
<th>Squid</th>
<th>Totals, All species</th>
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</thead>
<tbody>
<tr>
<td>1983</td>
<td>MSY</td>
<td>334,000</td>
<td>177,000</td>
<td>67,000</td>
<td>150,000</td>
<td>25,000</td>
<td>33,000</td>
<td>10,200</td>
<td>3,750</td>
<td>5,000</td>
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<tr>
<td></td>
<td>ABC</td>
<td>256,000</td>
<td>60,000</td>
<td>67,000</td>
<td>25,000</td>
<td>13,000</td>
<td>26,700</td>
<td>7,600</td>
<td>3,750</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>Catch</td>
<td>215,612</td>
<td>36,476</td>
<td>12,260</td>
<td>7,406</td>
<td>9,061</td>
<td>12,260</td>
<td>2,001</td>
<td>730</td>
<td>271</td>
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<tr>
<td>1984</td>
<td>MSY</td>
<td>334,000</td>
<td>177,000</td>
<td>67,000</td>
<td>150,000</td>
<td>25,000</td>
<td>33,000</td>
<td>10,200</td>
<td>3,750</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>ABC</td>
<td>516,600</td>
<td>60,000</td>
<td>67,000</td>
<td>21,875</td>
<td>9,480</td>
<td>28,700</td>
<td>7,600</td>
<td>3,750</td>
<td>5,000</td>
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<td></td>
<td>Catch</td>
<td>285,563</td>
<td>21,677</td>
<td>6,112</td>
<td>4,325</td>
<td>9,918</td>
<td>857</td>
<td>1,278</td>
<td>163</td>
<td>95</td>
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<td>1985</td>
<td>MSY</td>
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<td>177,000</td>
<td>67,000</td>
<td>150,000</td>
<td>25,000</td>
<td>33,000</td>
<td>10,200</td>
<td>3,750</td>
<td>5,000</td>
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<tr>
<td></td>
<td>ABC</td>
<td>321,600</td>
<td>60,000</td>
<td>33,500</td>
<td>11,474</td>
<td>9,480</td>
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<td>7,600</td>
<td>3,750</td>
<td>5,000</td>
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<tr>
<td></td>
<td>Catch</td>
<td>261,865</td>
<td>12,976</td>
<td>2,157</td>
<td>925</td>
<td>11,620</td>
<td>1,859</td>
<td>442</td>
<td>38</td>
<td>12</td>
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<td>1986</td>
<td>MSY</td>
<td>334,000</td>
<td>136,000</td>
<td>141,000</td>
<td>150,000</td>
<td>25,000</td>
<td>7,800</td>
<td>10,200</td>
<td>3,750</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>ABC</td>
<td>116,600</td>
<td>136,000</td>
<td>141,000</td>
<td>10,500</td>
<td>18,800</td>
<td>4,700</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td></td>
<td>Catch</td>
<td>57,039</td>
<td>19,117</td>
<td>1,329</td>
<td>539</td>
<td>17,346</td>
<td>1,398</td>
<td>346</td>
<td>9</td>
<td>97</td>
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<tr>
<td>1987</td>
<td>MSY</td>
<td>334,000</td>
<td>125,000</td>
<td>340,000</td>
<td>150,000</td>
<td>25,000</td>
<td>7,800</td>
<td>10,200</td>
<td>3,750</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>ABC/FMG</td>
<td>113,600</td>
<td>125,000</td>
<td>340,000</td>
<td>3,702</td>
<td>25,000</td>
<td>600</td>
<td>2,700</td>
<td>3,750</td>
<td>5,000</td>
</tr>
</tbody>
</table>

STATISTICS

| Range | MSY, Min. | 334,000 | 125,000 | 67,000 | 150,000 | 25,000 | 7,800 | 10,200 | 3,750 | 5,000 |
|       | MSY, Max. | 334,000 | 177,000 | 340,000| 150,000 | 25,000 | 33,000| 10,200 | 3,750 | 5,000 |
|       | ABC, Min. | 113,600 | 60,000 | 33,500 | 3,702   | 9,480  | 600   | 2,700  | 3,750 | 5,000 |
|       | ABC, Max. | 516,600 | 136,000 | 340,000| 25,000  | 25,000 | 25,000| 25,000 | 3,750 | 5,000 |
|       | Catch, Min. | 57,039 | 136,000 | 1,329  | 539     | 9,061  | 0     | 442    | 38    | 97    |
|       | Catch, Max. | 285,563| 36,476  | 12,260 | 7,406   | 12,260 | 2,001 | 730    | 271   | 95    |
| Mean  | MSY      | 334,000 | 158,400 | 136,400| 150,000 | 25,000 | 22,920| 10,200 | 3,750 | 5,000 |
|       | ABC      | 254,880 | 88,200  | 129,700| 14,510  | 15,152 | 13,476| 6,375  | 3,750 | 5,000 |
|       | Catch    | 205,020 | 22,562  | 5,465  | 3,299   | 11,986 | 3,744 | 1,277  | 324   | 97    |
| Std. error | MSY | 0      | 10,306  | 47,296 | 0      | 0      | 5,521 | 0      | 0     | 34,703 |
|        | ABC     | 65,793  | 15,524  | 49,887 | 3,501   | 2,676  | 5,899 | 1,061  | 0     | 55,000 |
|        | Catch   | 39,830  | 3,981   | 1,932  | 1,249   | 1,444  | 2,210 | 248    | 116   | 40,986 |

Source: PacFIN and Gulf of Alaska Groundfish Plan Team Reports, 1982-86
Most of the variation in the ABC and catch over the five-year interval results from changes in the status of two species: pollock and flounder. Pollock ABC has ranged from 113,600 mt in 1987 to 516,600 mt in 1984, a greater than 400,000 mt deviation. Likewise, flounder ABC was 33,500 mt in 1985 and 340,000 mt for 1987. The variation in flounder ABC is therefore approximately 300,000 mt. Therefore, the 800,000 mt upper end of the OY range was selected in consideration of the volatility in pollock and flounder ABC, the potential for harvesting at MSY, and the desire to allow for some moderate expansion in the future flounder fisheries.

6.3 Procedure for Setting Joint Venture and Foreign Prohibited Species Catch Limits of Fully Utilized Species

The timing of actions and procedure to be taken in establishing prohibited species catch limits (PSCs) of fully utilized species is as follows:

(1) September. Following the initial determination of TQs for all managed groundfish species as described in Section 6.1, the plan team will identify those groundfish species that are fully utilized by the wholly domestic fishery. For those species, initial PSC limits will be calculated for joint venture and foreign fisheries using the best available bycatch rates obtained by NMFS observers from the respective fisheries and applying it to initial joint venture (JVP) and foreign (TALFF) TQ apportionments. Each PSC may be apportioned among the regulatory areas and districts of the Gulf of Alaska.

(2) September Council meeting. Council will review and approve preliminary PSCs and RAD for 30-day public review.

(3) October 1. As soon as practicable after October 1 the Secretary, after consultation with the Council, will publish a rule-related notice in the FEDERAL REGISTER specifying the proposed PSCs for JVP and TALFF. Public comments on the proposed PSCs will be accepted by the Secretary for 30 days after the notice is published.

(4) November. Plan Team prepares final RAD.

(5) December Council meeting. Council reviews public comments, takes public testimony and makes final decisions on annual PSC limits.

(6) By January 1 the Secretary will publish a rule-related of final PSC limits in the FEDERAL REGISTER.

(7) January 1. Annual PSC Limits take effect for the current fishing year.

6.4 The Resource Assessment Document

For purposes of supplying scientific information to the Council for use in utilizing the above procedure, a resource assessment document (RAD) will be prepared annually. The (RAD) will at a minimum contain the following information:
(1) Current status of Gulf of Alaska Groundfish resources, by major species or species group.

(2) Estimates of maximum sustainable yield (MSY) and acceptable biological catch (ABC).

(3) Estimates of groundfish species mortality from nongroundfish fisheries, subsistence fisheries, and recreational fisheries, and the difference between groundfish mortality and catch, if possible.

(4) Catch statistics (landings and value) for the current year.

(5) The projected responses of stocks and the fisheries to alternative levels of fishing mortality.

(6) Any relevant information relating to changes in groundfish markets.

(7) Plan team recommendations for target quotas (TQ) by species or species group and area, and prohibited species catch limits (PSCs) of fully utilized species to joint venture and foreign fisheries with supporting justification and rationale.

(8) Any other biological, social, or economic information which may be useful to the Council.

The Council will use:

(1) recommendations of the plan team and SSC and information presented by the PT and SSC in support of these recommendations;

(2) information presented by the AP and the public; and

(3) other relevant information,

to develop its own preliminary recommendations.

It should be noted that the attainment of a TQ for a species will result in the closure of the target fishery for the species. That is, once the TQ is taken further retention of that species will be prohibited. Other fisheries targeting on other species could be allowed to continue as long as the nonretainable bycatch of the closed species is found to be nondetrimental to that stock. Similarly, the attainment of a PSC limit of a fully utilized species will result in the closure of the applicable fishery.

With the exception of the "other species" management category, the framework procedure described above is used to determine TQs for every groundfish species and species group managed by the plan. Groundfish that support their own fishery, and for which a sufficient data base exists that allows each to be managed on the basis of its own biological, social, economic, and ecological merits, are called "target species". Groundfish species that are not specified as a target species are collectively grouped in the "other species" category. These species currently are of slight economic value and are generally not targeted upon. This category, however, contains species with economic potential or which have importance to the ecosystem, but which
lack sufficient data to allow separate management. Accordingly, a single TQ, equal to 5% of the combined TQs for target species shall apply to this category. Records of catch of this category must be maintained.

All other species of fish and invertebrates taken incidentally that are not managed by other FMPs and are associated with groundfish fisheries, are designated as "nonspecified species" and catch records need not be kept.

6.5 Reserves

Reserves are set at 20% of each species and/or species group. At any time, the Regional Director may assess the DAP or JVP and apportion to them any amounts from the reserves that he finds will be harvested by U.S. vessels. As soon as practicable after April 1, June 1, and August 1, and on any such dates as he determines appropriate, the Regional Director may apportion to TALFF any portion of the reserves that he determines will not be harvested by U.S. fishing vessels during the remainder of the fishing year.

Any additional inseason allocation to JVP and TALFF from reserves may carry with it an additional PSC limit amount of fully utilized species proportional to that reserve release and the respective bycatch rates in the affected fisheries.

I. In Section 8.0, "Management Regime," delete Part 8.1, "Management Objectives," page 8-1, and replace with the following:

8.1 Management Objectives

This FMP is based on one primary goal and seven objectives which dictate the philosophy of management for the groundfish fishery in the Gulf of Alaska. They are described in detail in Section 2.1.

J. In Section 8.3.1.1., "Domestic Season, Gear, Area and Catch Restrictions," page 8-2, under the heading "(D) Time/area Closures," add the following:

(3) Time/area closures and gear restrictions to control king crab bycatch.

A three-year time/area closure scheme has been developed to help protect and help rebuild the Kodiak king crab resource. The number of red king crab in the waters around Kodiak Island are at historically low levels, with most being old, sexually mature animals. There has been no sign of significant recruitment in seven years. As a result, the Kodiak commercial king crab fishery has been closed since 1983 in an attempt to rebuild the stocks. During this same period a developing domestic groundfish fishery using a variety of gear has displaced most foreign fisheries. While the cause for the decline of king crab is not known, most researchers believe that the decline can be attributed to a variety of environmental factors which independently or in combination led to the depressed condition of the resource. The extent to which the king crab decline is due to commercial fishing, either directed or incidental, is unknown.
King crab are known to concentrate in certain areas around Kodiak Island during the year. In the spring they migrate inshore to molt and mate. Approximately 70% of the female red king crab stocks are estimated to congregate in two areas, known as the Alitak/Towers and Marmot Flats. The Chirikof Island and Barnabas areas also possess concentrations of king crab but in lesser amounts. Past studies have shown that most king crab around Kodiak molt and mate in the March-May period, although some molting crab can be found during late-January through mid-June. Adult female king crabs must molt to mate and extrude eggs. After molting, their exoskeleton (shell) is soft, and crabs in this stage are known as soft-shell crabs. The new exoskeletons take two to three months to harden fully. During the soft-shell period, the crabs are particularly susceptible to injury and mortality from handling and from encounters with fishing gear. Because many of the present and potential groundfish trawling grounds overlap with the mating grounds of king crab, the potential exists for substantial king crab mortality.

While it is generally assumed that king crab mortality during the soft-shell phase can be high with any gear type, incidental mortality of hard-shell crab as a result of encounters with fishing gear is not known. Nonpelagic (or bottom) trawl fishing could kill or injure king crab in two ways. First, crabs caught in the net can be crushed during the tow or injured as the catch is unloaded in the fishing vessel. Second, crabs might be struck with parts of the gear (e.g., trawl doors, towing cables, groundlines, roller gear) as the trawl is towed along the bottom.

Two area designations have been established for purposes of protecting king crab stocks to varying degrees from groundfish nonpelagic trawling and are described in Figure 8.1 and Table 8.1.

K. In Section 8.3.1.1, "Domestic Season, Gear, Area and Catch Restrictions," page 8-2, replace the text under Section (G) - "Inseason Adjustment of Time and Area" with the following text; page 8-3, re-label Section (H), "Issuance of Field Orders" to section H, "Limited entry" and delete text in Section (H) that addresses issuance of field orders.

(G) Inseason Adjustments. Harvest levels or target quotas (TQs) for each groundfish species or species group that are set by the Council for a new fishing year are based on the best biological, ecological, and socioeconomic information available. The Council finds, however, that new information and data relating to stock status may become available to the Regional Director and/or the Council during the course of a fishing year that warrants inseason adjustments in a fishery. Such changes in stock status might not have been anticipated or were not sufficiently understood at the time harvest levels were being set. Such changes may become known from events within the fishery as it proceeds, or they may become known from new scientific survey data. Certain changes warrant swift action by the Regional Director to protect the resource from biological harm by instituting gear modifications or adjustments through closures or restrictions. Other changes warrant action by the Regional Director to provide greater fishing opportunities for the industry by instituting time/area adjustments through openings or extension of a season beyond a scheduled closure.
FIGURE 8.1

King crab bycatch area designation system with specific time/area closures.

Type I Area = bottomtrawling closed year-round

Type II Area = bottomtrawling closed during soft-shell period
### Table 8.1 Definitions of King Crab Bycatch Areas

<table>
<thead>
<tr>
<th>Area Type</th>
<th>Name and Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Type I areas are those king crab stock rebuilding areas where a high level of protection to king crab will be provided by closing the area year-round to nonpelagic trawling. Fishing with other gear would be allowed.</td>
</tr>
<tr>
<td>II</td>
<td>Type II areas are those areas sensitive for king crab populations and in which nonpelagic trawling will be prohibited during the soft-shell season, February 15 - June 15. Fishing with other gear would be allowed year round and fishing with nonpelagic trawl gear would be allowed from January 1 - February 14 and June 16 - December 31.</td>
</tr>
</tbody>
</table>

Areas designated as either Type I or II are shown in Figure 8.1.
The need for adjustment may be related to several circumstances. For instance, certain target or bycatch species may have decreased in abundance. When current information indicates that a species has decreased in abundance, allowing a fishery to continue to a harvest level now known to be too high could increase the risk of overfishing that species. Likewise, current information relating to prohibited species, i.e., those species that must be returned to the sea, might become available that indicates their abundance has decreased. Conservation measures limited to establishing prohibited species catch (PSC) limits for such prohibited species may be necessary during the course of the fishery to prevent jeopardizing the well-being of prohibited species stocks.

When current information demonstrates a harvest level to have been set too low, closing a fishery at the annually specified harvest level would result in underharvesting that species, which also results in the fishery unnecessarily foregoing economic benefits during that year unless the total allowable catch were increased and the fishery allowed to continue.

Similarly, current information may indicate that a prohibited species was more abundant than was anticipated when (PSC) limits were set. Closing a fishery on the basis of the preseason PSC limit that is proven to be too low would impose unnecessary costs on the fishery. Increasing the PSC limits may be appropriate if such additional mortality inflicted on the prohibited species of concern would not impose detrimental effects on the stock or unreasonable costs on a fishery that utilize the prohibited species. However, adjustments to target quotas or PSC limits which are not initially specified on the basis of biological stock status are not appropriate.

The Council finds that inseason adjustments are accomplished most effectively by management personnel who are monitoring the fishery and communicating with those in the fishing industry who would be directly affected by such adjustments. Therefore, the Council authorizes the Secretary by means of his delegation to the Regional Director, NMFS, to make inseason adjustments to conserve fishery resources on the basis of all relevant information. Using all available information, he may extend, open or close fisheries in any or part of a regulatory area, or restrict the use of any type of fishing gear as a means of conserving the resource. He may also change any previously specified TQ or PSC limit if such are proven to be incorrectly specified on the basis of the best available scientific information on biological stock status. Such inseason adjustments must be necessary to prevent one of the following occurrences:

(1) The overfishing of any species or stock of fish, including those for which PSC limits have been set.
(2) The harvest of a TQ for any groundfish, the taking of a PSC limit for any prohibited species, or the closure of any fishery based on a TQ or PSC limit which on the basis of currently available information is found by the Secretary to be incorrectly specified.

The types of information which the Regional Director must consider in determining whether stock conditions exist that require an inseason management response are described, as follows, although he is not precluded from using information not described but determined to be relevant to the issue.

(A) The effect of overall fishing effort within a regulatory area.

(B) Catch per unit of effort and rate of harvest.

(C) Relative abundance of stocks within the area.

(D) The condition of the stock within all or part of a regulatory area.

(E) Any other factors relevant to the conservation and management of groundfish species or any incidentally caught species which are designated as a prohibited species or for which a PSC limit has been specified.

The Regional Director is constrained, however, in his choice of management responses to prevent potential overfishing by having to first consider the least restrictive adjustments to conserve the resource. The order in which the Regional Director must consider inseason adjustments to prevent overfishing are specified as: (1) Any gear modification that would protect the species in need of conservation protection, but which would still allow fisheries to continue for other species; (2) a time/area closure which would allow fisheries for other species to continue in non-critical areas and time periods; and, (3) total closure of the management area and season.

The procedure which the Secretary must follow requires that the Secretary publish a notice of proposed adjustments in the FEDERAL REGISTER before they are made final, unless the Secretary finds for good cause that such notice is impracticable or contrary to the public interest. If the Secretary determines that the prior comment period should be waived, he is still required to request comments for 15 days after the notice is made effective, and respond to any comments by publishing in the FEDERAL REGISTER either notice of continued effectiveness or a notice modifying or rescinding the adjustment.

To effectively manage each groundfish resource throughout its range, the Regional Director must coordinate inseason adjustments, when appropriate, with the State of Alaska to assure uniformity of management in both State and Federal waters.
Any inseason time/area adjustments made by the Regional Director will be carried out within the authority of this FMP. Such action is not considered to constitute an emergency that would warrant a plan amendment within the scope of section 305(e) of the Magnuson Act. Any adjustments will be made by the Regional Director by such procedures provided under existing law. Any inseason adjustments that are beyond the scope of the above authority will be accomplished by emergency regulations as provided for under section 305(e) of the Magnuson Act.

(H) Limited Entry. Any limited entry program must be designed specifically for the fishery to which it will be applied, taking into consideration the unique characteristics of that fishery.

The fishery should be monitored and data collection started so that conditions such as those described above can be identified and measured. The data base should also indicate the character and level of participation in the fishery, including: (a) investment in vessel and gear; (b) the number and type of units of gear; (c) the distribution of catch; (d) the value of catch; (e) the economic returns to the participants; (f) mobility between fisheries; and (g) various social and community considerations.

The current condition of the groundfish fisheries of the Gulf of Alaska is such that limited entry programs for the domestic fleet will not be required in the near future. However, research and monitoring programs will be developed and implemented in a timely manner.

In Alaska, where groundfish fisheries may occur completely or partly in waters under State jurisdiction, some fisheries may eventually be included in a State limited entry program. Coordination between the North Pacific Fishery Management Council and the State will be necessary in order to develop a comprehensive program that recognizes unique local or regional conditions as well as the national standards of the Magnuson Fishery Conservation and Management Act.

L. In Section 8.3.2.1, "Foreign Season, Gear, Area and Catch Restrictions," page 8-8, under the heading "(c) Time/area closures," subpart (2), add the following:

(d) Two area designations restricting nonpelagic trawling have been established for purposes of protecting king crab stocks to varying degrees and are described in Figure 8.1 and Table 8.1

M. In Section 8.5.1, "Domestic Reporting Requirements," page 8-15, delete part "(C) Catcher/processors," subpart "(1) Reporting Requirements," and replace with the following:

(C) At-sea processor vessels

(1) Reporting requirements.
Vessels that catch and/or process groundfish at sea (catcher/processors) often do not land their catch for periods of several weeks.

Thus, while they are required to complete and submit a fish ticket upon landing their catch to the appropriate management agency within a period prescribed by regulation, catch information supplied by a fish ticket may not reach the management agencies in time to affect inseason management decisions concerning time/area adjustments or apportionments of surplus groundfish among the various users. Hence, those vessels that catch and process at sea are required to report the hail weights of their catch within a period prescribed by regulation. Such report must be in writing and must be submitted to the Director, Alaska Region, National Marine Fisheries Service. Reports will be required for each Sunday through Saturday period even though that vessel had reported its catch through the fish ticket system. This requirement would make inseason management of the fisheries more effective by: (1) eliminating time needed to resolve fish ticket discrepancies resulting from double counting, and (2) eliminating time lost due to delays in receiving fish ticket data.

Delayed catch reporting is also a problem for fully domestic mothership operations. Vessels that receive catch from other vessels and process that fish at sea (mothership/processors or floating processors) may remain at sea for long periods of time. Catcher vessels are required to complete a fish ticket every time they land fish, including deliveries to mothership/processors, and that these fish tickets be forwarded to the management agency prescribed by regulation, within 7 days of the date the fish was delivered. Mothership and/or floating processors customarily collect the fish tickets until an opportunity arises where they can be forwarded to a management agency. Delays in receipt of the fish tickets prevents their timely use in making inseason management decisions. Thus, mothership and/or floating processors that receive fish from a catcher vessel and retain it for any time period, would be required to report amounts of fish received from each catcher vessel. As with catcher/processor vessels, the report must be written, submitted to the Director, Alaska Region, National Marine Fisheries Service, and required for each Sunday through Saturday period.

Inseason catches by catcher/processor and catches received by mothership and/or floating processor vessels would be tabulated from just one source, the weekly report.
DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration 50 CFR Parts 611 and 672

[DOCKET NO.  

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement Amendment 15 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). Amendment 15 contains six parts. The first part would revise the FMP's management goals and objectives. The other five parts would: (1) establish a single optimum yield (OY) range and an administrative framework procedure for setting annual harvest levels for each species category of groundfish; (2) establish an administrative procedure for setting prohibited species catch limits (PSCs) for fully utilized groundfish species applicable to joint venture and foreign fisheries; (3) revise an existing domestic reporting requirement for catcher/processor and mothership vessels; (4) establish four time/area closures to non-pelagic trawling around Kodiak Island for a three-year period to protect king crab; and (5) modify the inseason authority to authorize the Secretary of Commerce (Secretary) to make certain inseason changes to gear regulations, seasons, and harvest
quotas. These measures are necessary to make administration and management of the groundfish resources more effective and to protect king crab stocks around Kodiak Island. They are intended as conservation and management measures that respond to the best available biological and socioeconomic information on the status of the groundfish and king crab fishery, while providing for full development and utilization of Gulf of Alaska groundfish resources.

DATE: Written comments must be received on or before [Insert date 45 days after date of filing for public inspection with the Office of Federal Register].

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. Copies of the amendment, the environmental assessment (EA), and the regulatory impact review/initial regulatory flexibility analysis (RIR/IRFA) may be obtained by contacting the North Pacific Fishery Management Council (Council), P.O. Box 103136, Anchorage, AK 99510, 907-274-4563.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the Gulf of Alaska are managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was developed by the North Pacific Fishery
Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and implemented December 1, 1978 (43 FR 52709, November 14, 1978).

Prior to 1984, the Council would receive proposals to amend the FMP at any meeting. During its April 1984 meeting, the Council adopted a policy whereby proposals for amendments would be received only once a year. By the December 7, 1984 deadline for the first amendment cycle, over thirty proposals to amend the FMP were submitted. Because the Council had received such a large number of proposals, only certain ones were selected for consideration at that time as part of Amendment 14. The remaining proposals were held for consideration for inclusion in a future amendment. Normally, the Council would again have invited proposals at its December 1985 meeting. However, with so many proposals remaining, it elected to consider those remaining rather than invite new ones. The Council, therefore, directed its Plan Team to analyze the biological, ecological, and socioeconomic impacts of the six proposals now contained in Amendment 15, that the Council deemed of high priority. The Council's Plan Team prepared drafts of an environmental assessment and a regulatory impact review, which analyzed each proposal and its alternatives as required by the National Environmental Policy Act of 1969, other Federal laws, and Executive Order 12291. The Council reviewed these documents at its June 1986 meeting and released them for public review. In response to comments received, the Plan Team revised the draft analyses for consideration by the Council at its September 24-26,
1986, meeting. At that meeting, the Council reviewed the analyses, heard further public comment, and approved the six parts of Amendment 15.

A description of each of the five parts of Amendment 15 that would be implemented by regulation follows. A description of the sixth part, the proposed management goals and objectives, can be found in the Amendment, EA, and RIR/IRFA that are available from the Council at the address above.

1. Establish a single optimum yield (OY) range and an administrative framework procedure for setting annual harvest levels for each species category.

Under the current FMP, OYs are established for every groundfish species or species group being managed by the FMP. Because the status of some stocks changes annually, some OYs have had to be adjusted on an annual basis. These adjustments require that the FMP be amended, a procedure that normally takes about a year. However, proposed OY changes, which are based on the best available scientific information and are often necessary to prevent overfishing, must often be implemented immediately. For the last three years, OYs have been adjusted by emergency rule under Section 305(e) of the Magnuson Act, followed by an FMP amendment. If an amendment were not in place at the time the emergency rule expired, then the former OYs are reinstated until the amendment becomes effective. This situation is undesirable for several reasons. First, OYs that are not based on the best available scientific information come back into effect. Second, the current system is administratively inefficient because
required documentation and review procedures for the emergency rule and the amendment are duplicative. Finally, it causes confusion within the fishing industry and risks potential economic losses if harvests were prematurely terminated or overfishing were to occur as a result of out-of-date OYs being reinstated.

To resolve this problem the Council has proposed a framework procedure that allows the setting of target quotas (TQs) for each species category on an annual basis without an FMP amendment. The Council has also proposed a change in the present concept of OY contained in the FMP, which prescribes a separate OY for each species. Twenty percent of each OY is assigned to a species-specific reserve. The remaining 80 percent is then annually apportioned among domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF). The Council has recommended that a single OY range of 116,000-800,000 metric tons (mt) be established for all of the groundfish species for the Gulf of Alaska. The low end of the range, 116,000 mt, equals the lowest historical groundfish catch during the 21-year period from 1965 to 1985. The high end of the range, 800,000 mt, equals ninety-five percent of the average of the sums of the individual species maximum sustained yields (MSYs) over a period of five years from 1983 to 1987. The average MSY for this period is 845,670 mt.

Each year, the Council will recommend a TQ for each species category. The sum of the TQs must fall within the OY range. If
the sum were to fall outside of this range, the TQs would be adjusted or an FMP amendment would be necessary. Twenty percent of each TQ will be set aside as a reserve for possible reapportionment among DAP, JVP, and TALFF during the year. The remaining 80 percent will be initially apportioned among DAP, JVP, and TALFF at the beginning of the year. In recommending TQs, the Council will follow procedures similar to those followed in previous years for apportioning species-specific OYs among DAP, JVP, and TALFF. The procedure, which is outlined below, will promote full public participation both prior to and during Council meetings, and will comply with notice and comment standards set forth by the Administrative Procedure Act.

(1) In September, the Council's Plan Team prepares a draft Resource Assessment Document (RAD), which proposes preliminary TQs for all managed groundfish species. TQs will be specified for the regulatory areas and districts of the Gulf of Alaska and apportioned among DAP, JVP, and TALFF.

(2) At the September Council meeting, the Council approves preliminary TQs and apportionments and proposes them with the RAD for a 30-day public review.

(3) As soon as practicable after October 1, the Secretary, upon receiving the Council's recommendations, will publish a rule-related notice in the Federal Register specifying the proposed TQs and the apportionments thereof to DAP, JVP, and TALFF. Public comments on the proposed TQs and apportionments will be accepted by the Secretary for 30 days after the notice is
filed with the Office of the Federal Register.

(4) In November, the Plan team prepares the final RAD.

(5) At its December meeting, the Council reviews the final RAD and any public comments received, takes public testimony, and then makes final recommendations on annual TQs and apportionments.

(6) As soon as practicable after receiving the Council's final recommendations, the Secretary will publish a notice in the FEDERAL REGISTER that establishes final TQ limits for the new fishing year.

(7) On January 1, or as soon as practicable after that date, the TQs and apportionments will take effect for the new fishing year.

With the exception of the "other species" management category, the framework procedure described above will be used to determine TQs for every groundfish species and species group managed by the FMP. The "other species" category of groundfish includes those species currently of slight economic value and which generally are not targeted upon. This category, however, also contains species with economic potential or which have importance to the ecosystem, but sufficient data are lacking to allow separate management. Accordingly, a single TQ, equal to five percent of the combined TQs for other target species shall apply to this category.

This proposal is a significant improvement to the status quo but is not substantially different from other alternatives
considered, which are described in the RIR/IRFA. Compared to the status quo, this measure would relieve NOAA from the administrative burden of preparing annual emergency rules and plan amendments, resulting in a savings of approximately $100,000. No measurable costs are imposed on the harvesting, processing, and marketing sectors, or on consumers. It will ensure that harvest quotas for each fishing year are established using the best available scientific information and will prevent overfishing.

2. Establish an administrative procedure for setting prohibited species catch limits (PSCs) for fully utilized species applicable to joint venture and foreign fisheries.

Certain species of groundfish are fully utilized by DAP fishermen. The Magnuson Act requires that all of such species be made available to DAP fishermen. Other fisheries, i.e., the joint venture and foreign fisheries, which target on other groundfish species for which they have an allocation, will catch incidentally some of the species that are fully utilized by DAP fishermen. Under the current FMP, specifications of DAP must equal OY for those species that are fully utilized. Under Magnuson Act Sections 201(d)(2) and 204(b)(6)(B)(ii), no amounts of the OY of fully utilized species can be made available for harvest in foreign fisheries or in joint ventures. In addition, any harvest of fully utilized species in excess of the OY is also inconsistent with the provisions of the FMP, which provides only for a harvest equal to the specified OY for any species category.
Therefore, no foreign fishery in the Gulf of Alaska can be allowed and joint ventures could be terminated early absent an amendment to the FMP or an emergency rule that would authorize the treatment of these species as a prohibited species under 50 CFR Sections 611.11 and 672.20(d)(2). These regulations require that such species be sorted promptly and returned to the sea with a minimum of injury, regardless of condition, after allowing for sampling by an observer. In 1985 and 1986, PSC limits for foreign and joint venture fisheries were established by emergency rule under Section 305(e) of the Magnuson Act. This action was required before foreign fisheries could legally take place.

Under this part of Amendment 15, the Council recommends a framework administrative procedure that allows the Council to recommend PSC limits on an annual basis without an FMP amendment. The procedure parallels almost exactly that recommended for the setting of annual TQs and the apportionments to DAP, JVP, and TALFF, discussed above under part 1 to this amendment.

This measure for administratively establishing PSC limits is an improvement over the status quo, because it also relieves NOAA of the administrative burden of preparing annual emergency rules or FMP amendments. No measurable costs are imposed on the harvesting, processing, and marketing sectors, or on the consumers as long as PSC limits are established when necessary. Failure, however, to establish PSC limits on joint venture fisheries could result in waste if groundfish that could have
been delivered as a DAP product are discarded at sea. Failure to establish PSC limits on foreign fisheries would prevent them from legally taking place.

3. Revise an existing domestic reporting requirement for at-sea catcher/processor and mothership processor vessels.

The Council approved a proposal to revise an existing reporting requirement (50 CFR Part 672.5(a)(3)) which requires that any catcher/processor vessel that freezes or dry-salts any part of its catch on board and retains it at sea for more than 14 days from the time it is caught, or any mothership which receives groundfish at sea from a domestic fishing vessel and retains it for more than 14 days from the time it is received, submit to the Regional Director a weekly catch or receipt report for each weekly period, Sunday through Saturday during which groundfish were caught or received at sea. The Council has proposed that all catcher/processor and mothership processor vessels be required to submit weekly catch reports regardless of how long their catch is retained before landing. Weekly catch reports are necessary because the large amounts of catches that might be onboard vessels would not otherwise be reported on State of Alaska fish tickets until the fish were landed, often weeks or months later.

Under the current regulation, catcher/processors and mothership/processors that land fish within 14 days are not required to submit a weekly catch report to the Regional Director. This exception to the weekly catch report requirement
was allowed under the assumption that any catch landed within 14 days and reported on an Alaska Department of Fish and Game (ADF&G) fish ticket would be incorporated into the catch monitoring data base in a relatively short period of time. In practice, the catch information is not received quickly due to delays in submitting tickets by vessel operators or processors. Large, efficient catcher/processor vessels and other vessels that are fishing on small quotas can harvest those quotas over short time periods. Timely catch and effort information from these operations is necessary to foster effective fishery management. When receipt of this information is delayed, fishery managers may have already had to make critical management decisions based on incomplete information. Incorrect management decisions, as a result of incomplete catch and effort information, could result in serious over- or underharvest and substantial inconvenience and cost to the fishing industry. Compounding this problem is the fact that recent ADF&G budget cuts due to declining State revenues may result in ADF&G fish tickets being collected even more slowly.

The current reporting requirement has resulted in other problems as well. A lack of consistency of catch records has occurred for some vessels which report weekly part of the time and submit only fish tickets at other times when landings are made within 14 days. This has resulted in double counting of catch in trying to resolve catch information from the two reporting systems which has resulted in overestimates of harvest
rates. This same lack of consistency in submission of weekly catch reports has made enforcing the reporting requirement nearly impossible because agents don't know, when a report is missed, whether or not the vessel landed and completed an ADF&G fish ticket. For these reasons, the Council approved this part of Amendment 15, which requires that all catcherprocessors and mothership/processors submit weekly catch reports regardless of how long they retain their catch so that inseason harvest management decisions can be made using the best available information.

The Council also proposes a new definition of "processing" which means the preparation of fish to render it suitable for human consumption or industrial use, or long-term storage, including but not limited to cooking, canning, smoking, salting, drying, freezing, and rendering into meal or oil. Under this definition, any vessel that processes any part of its catch or receipts on board within the meaning of "processing" would be required to report its catches or receipts weekly to the Regional Director.

This measure conveys a benefit to the fishing industry by providing management agencies more timely information with which to manage the fisheries. It, therefore, reduces the risk of overharvesting fishery resources, which promotes more stable economic returns to the industry. Also, it reduces the risk of underharvesting the fishery resources, which allows a larger economic return to the industry in any current fishing year.
4. Establish four time/area closures to non-pelagic trawling around Kodiak Island for a three-year period to protect king crab.

The numbers of red king crab in the area around Kodiak Island are at historically low levels. The directed commercial king crab fishery has been closed since 1983 in an attempt to rebuild king crab stocks. No significant recruitment has occurred during the past seven years. During this same period a developing domestic groundfish fishery, using a variety of gear, has displaced most foreign fisheries. While the cause for the decline of the resource is not known, most researchers believe that the decline can be attributed to a variety of environmental factors that independently or in combination led to the depressed condition of the resource. Whether the king crab decline is due in part to commercial fishing, either directed or incidental, is unknown.

Measures to protect concentrations of king crab, especially when they are in a soft shell condition, are needed to facilitate stock rebuilding. King crab are known to concentrate in certain areas around Kodiak Island during the year. In the spring they migrate inshore to molt and mate. Approximately 70 percent of the female red king crab stocks are estimated to congregate in two areas known as the Alitak/Towers and Marmot Flats. The Chirikof Island and Barnabas areas also possess concentrations of king crab but in lesser amounts. Past studies have shown that most king crab around Kodiak molt and mate from March through May,
although some molting crab can be found during late January through mid-June. Adult female king crabs must molt to mate and extrude eggs. After molting, their exoskeleton (shell) is soft, and they are known as soft-shell crabs. The new exoskeletons take 2-3 months to harden and fill with flesh. During the soft-shell period, the crabs are particularly susceptible to damage and mortality from handling and from encounters with fishing gear. Because many of the present and potential groundfish trawling grounds overlap the mating grounds of king crab, the potential exists for substantial king crab mortality.

The mortality inflicted on king crab by any gear type is assumed to be high while the crab are in their soft-shell condition. The mortality inflicted on king crab is not known while the crab are in their hard-shell condition. Trawl fishing can kill or injure king crab in two ways. First, crabs caught in the net can be crushed during the tow or injured (often fatally) as the net is unloaded in the fishing vessel. Second, crabs might be struck with parts of the gear (e.g., trawl doors, towing cables, groundlines, roller gear) as the trawl is towed along the bottom.

In January 1986, the Council approved an emergency rule to close specified areas around Kodiak Island to bottom trawling while king crab were in their soft-shell condition. This action was approved by the Secretary and implemented on March 7, 1986 (51 FR 8502, March 12, 1986). This action expired on June 6, 1986 when the crab were no longer in their soft-shell condition.
The Council assembled an industry workgroup to review recent actions taken by federal and state management agencies and to develop a long-term solution that would meet the needs of all interested fishing industry groups. Supporting the workgroup were fishery scientists and managers who presented the latest biological and fishery information on the status of the king crab stocks and on areas where commercial fishing operations for groundfish, crab and shrimp are conducted. After reviewing the recommendations of the workgroup, the Council adopted a modified recommendation to close four areas around Kodiak Island to all trawling other than pelagic trawling for all or certain times of the year. This measure would be in effect for three years, until December 31, 1989. At such time, the Council would review the need for the measure and recommend that either it be extended, revised, or rescinded.

Two types of time/area closures are defined on the basis of crab concentrations in the areas. Type I is an area where crab concentrations are high and maximum protection is necessary to promote rebuilding. Type I areas are closed year round to all trawling except with pelagic gear. Type II areas are those where crab are found but in smaller numbers than in Type I areas. Protection is necessary to promote rebuilding although rebuilding is not expected to occur as fast as in Type I areas. Type II areas are closed during February 15 through June 15 to all trawling except trawling with pelagic gear.

This proposal establishes the Alitak Flats/Towers and Marmot
Flats, described in this notice under proposed 50 CFR Section 672.24(c)(1), as Type I areas. In these areas, no person may fish with, or have on board, a trawl other than a pelagic trawl year around. The measure also establishes the Chirikof Island and Barnabas areas, described in this notice under proposed 50 CFR Section 672.24(c)(2), as Type II areas. In these areas, no person may fish with, or have on board a trawl other than a pelagic trawl during the period from February 15 through June 15.

Adoption of this alternative would protect about 85 percent of the Kodiak Island king crab resource from bottom trawls during their soft-shell period. It would also protect 70 percent of the king crab resource year round, while still providing bottom trawl fishing opportunities close to established processing and support facilities. A historical perspective implies that significant benefits could accrue should the king crabs recover to past levels abundance. During the last five years (1978-1983), annual catch averaged 16 million pounds, which in 1986 dollars, would be worth $63 million, exvessel. To the extent that this measure contributes to the full rebuilding of king crab, a benefit is conveyed to the fishing industry.

5. Modify the Regional Director's authority to make inseason adjustments in the fishery.

The Regional Director is currently authorized by the FMP to make inseason time/area adjustments in the Gulf of Alaska groundfish fishery. These adjustments are accomplished by field
orders, which are regulations published in the FEDERAL REGISTER. The FMP states that the Regional Director may issue such field orders for conservation reasons only. His adjustments are to be based on the following considerations:

1. The effect of overall fishing effort within the area in comparison with preseason expectations;
2. Catch per unit of effort and rate of harvest;
3. Relative abundance of stocks within the area in comparison with preseason expectations;
4. The proportion of halibut or crab being handled;
5. General information on the condition of stocks within the area;
6. Information pertaining to the optimum yield for stocks within the statistical area; or
7. Any other factors necessary for the conservation and management of the groundfish resource.

Current implementing regulations require the Regional Director to make adjustments on the basis of a determination that: (1) The condition of any groundfish or halibut stock in any portion of the Gulf of Alaska is substantially different from the condition anticipated at the beginning of the year, and 2. Such differences reasonably support the need for inseason conservation measures to protect groundfish or halibut stocks.

The Council concluded that such limited authority prevents the Secretary from using all relevant information on which to base inseason adjustments. The Council also concluded that
authority should not be limited only to making time/area adjustments.

The need for adjustment may be related to several circumstances. For instance, certain target or bycatch groundfish species may have decreased in abundance. When new information indicates that a groundfish species has decreased in abundance, failure either to reduce the allowable harvest or to institute other measures designed to reduce the harvest of that species could result in overfishing. Likewise, new information relating to the stock status of incidentally caught prohibited species (e.g., crab and halibut) may require the adjustment of PSC limits or season or gear modifications to prevent overfishing of those species.

Information may become available inseason to indicate that the status of a groundfish or prohibited species stock is greater than was anticipated at the time harvest levels and other management measures were established, and that certain harvest levels or PSC limits are too low. In this case, closing a fishery at the originally specified harvest quota or PSC limit could result in underutilization of groundfish and fishermen would unnecessarily forego economic benefits unless the TQ or PSC limit were increased and the fishery allowed to continue.

Therefore, the Council recommends that the Secretary be authorized to make inseason adjustments to prevent overfishing and adjust incorrectly specified TQs and PSC limits on the basis
of all relevant information. Three possible types of adjustments are authorized. First, a fishing season may be closed, opened, or extended. Second, fishing gear that is allowed in all or part of a management area may be restricted or its usage modified. Third, specifications of TQs or PSC limits may be adjusted if the best available scientific information on biological stock status indicates they are incorrectly specified. For example, if the biological status of a groundfish target species indicated that stocks had decreased in abundance and further harvesting could increase the risk of overfishing, the TQ for that species could be adjusted downward. Conversely, if the biological status of a groundfish target species indicated that stocks had increased in abundance, and additional retention would not cause harm to the stocks, the TQ for that species could be adjusted upward.

The proposed rule, however, would not authorize the Secretary to make inseason adjustments to TQs or PCSs which are not initially specified on the basis of biological stock status, unless an adjustment is necessary to prevent overfishing.

The Regional Director is constrained, however, in his choice of management responses to prevent overfishing by having to select the least restrictive adjustment from the following management measures to achieve the purpose of the adjustment: (1) any gear modification that would protect the species in need of conservation, but which would still allow fisheries to continue for other species; (2) a time/area closure that would allow fisheries for other species to continue in noncritical areas and
time periods; and (3) total closure of the management area. An example of a potential gear restriction would be the closure of an area to non-pelagic trawling to prevent overfishing of a bottom dwelling species.

The exercise of the Secretary's authority to adjust TQs or PSC limits requires a determination, based on the best available scientific information, that the biological status or condition of a stock is different from that on which the currently-specified TQs or PSC limits were specified. Any adjustments to a specified TQ or PSC limit must be reasonably related to the change in stock status.

For example, a PSC limit for a crab stock derived from a specific level of the crab biomass could be adjusted upwards or downwards if the new stock status information showed that the crab biomass had changed. If, however, a TQ or PSC limit were based on factors other than the biological stock status of that species, the Regional Director would be unable to make the determination that the TQ or PSC limit was incorrectly specified. For example, the red king crab PSC limit in Zone 1 of the eastern Bering Sea in 1986 was a negotiated level between representatives of the crab and trawl fishermen. In this instance, any change in the stock status of red king crab would not result in exercise of this authority, since the PSC limit was not directly related to the stock status of red king crab. The only exception would be if new stock status information indicated that a negotiated PSC limit would result in overfishing.
The types of information that the Regional Director must consider in determining whether stock conditions exist that require an inseason adjustment are as follows, although the Regional Director is not precluded from using information not described but determined to be relevant to the issue:

1. The effect of overall fishing effort within a regulatory area;
2. Catch per unit of effort and rate of harvest;
3. Relative abundance of stocks within the area;
4. The condition of the stock within all or part of a regulatory area;
5. Any other factors relevant to the conservation and management of groundfish species or any incidentally caught species that are designated as a prohibited species or for which a PSC limit has been specified.

The Secretary will publish a notice of adjustments in the FEDERAL REGISTER for comment before they are made final, unless the Secretary finds good cause that such notice and comment is impractical or contrary to the public interest. If the Secretary determines that the prior opportunity for comment should be waived, he will still request comments for fifteen days after the notice is made effective. He will respond to any comments received by publishing a notice in the FEDERAL REGISTER that either continues, modifies, or rescinds the adjustment.

Regulatory Changes

NOAA has made certain minor changes to the regulations
submitted by the Council. Sections 672.20(a)(1)(A) and (b)(2) are changed to remove the reference to the Resource Assessment Document as the definitive source for information on the biological condition of target groundfish species and prohibited groundfish species. The Secretary notes that the title of a document is not important. What is important is the information contained in that document or any other document that is available to the Council for review. Section 672.24(c)(1)(ii) is changed by adding a fifth coordinate, 57 deg.58' N.lat/152 deg. W.longitude, to complete the closure for the Marmot Flats area. Section 672.5(a)(3)(iv) is changed to require catcher/processors and mothership/processors to submit a weekly catch or receipt report after checking into a fishing area under Section 672.5(a)(3)(i), regardless of whether any groundfish were caught or received. NOAA is also proposing certain technical changes to domestic reporting requirements to make reporting more efficient. Section 672.5(a)(1) is revised to make it clear that landings in the State of Alaska include those landings made to floating processors within the territorial sea. Section 672.5(a)(2) is revised to make it clear that landings made outside of Alaska include at-sea landings in the EEZ off the State of Alaska.

Under the Magnuson Act, the Secretary is required by law to prevent overfishing. One of the major underlying concerns this part addresses is that management not be so shortsighted as to allow short term benefits to accrue in a fishery at the expense of a continuing stream of benefits for future generations.
Inseason measures adjusting a gear restriction or season or to reduce a TQ or PSC limit would be taken to preserve future benefits from the fishery by preventing overfishing. This would only occur in cases where FMP flexibility is inadequate to deal with the situation through normal processes. When inseason management authority would be required to adjust a TQ or PSC limit upward, immediate benefits would be realized by the fishery due to the increased potential harvest in the target fishery and the sale of that harvest.

Classification

This proposed rule is published under section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by P.L. 97-453, which requires the Secretary to publish regulations proposed by a Council within 30 days of receipt of the amendment and regulations. At this time the Secretary has not determined that the amendment these regulations would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making these determinations, will take into account the data and comments received during the comment period.

The Council prepared an environmental assessment (EA) for this amendment and concluded that no significant impact on the environment will occur as a result of this rule. A copy of the EA may be obtained from the Council at the address above.

The Administrator of NOAA determined that this proposed rule
is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the regulatory impact review/initial regulatory flexibility analysis (RIR/IRFA) prepared by the Council. A copy of the RIR/IRFA may be obtained from the Council at the address above.

The Council prepared an initial regulatory flexibility analysis as part of the regulatory impact review which concludes that this rule, if adopted, would have significant effects on small entities. These benefits have been discussed earlier in this document relative to each specific action. You may obtain a copy of this analysis from the Council at the address listed above.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act. A request to collect this information has been submitted to the Office of Management and Budget for approval.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Parts 611 and 672

50 CFR Part 611

Fisheries, Foreign fishing

50 CFR Part 672

Fish, Fisheries, Reporting and recordkeeping requirements.
Dated:

For the reasons set out in the preamble, Parts 611 and 672 are amended as follows:

PART 611 - [AMENDED]

1. The authority citation for Part 611 continues to read as follows:

AUTHORITY: 16 U.S.C. 1801 et seq.

2. In Section 611.92, paragraphs (c)(1)(i) and (ii); (c)(2)(i)(C); (c)(2)(ii)(A); and (g) are revised to read as follows:

Section 611.92 Gulf of Alaska groundfish fishery.

* * * * *

(c) * * *

(1) TQs, TALFFs, Reserves, and PSC limits.

(i) See 50 CFR Part 672, Subpart B, for procedures to determine target quotas, domestic annual processing (DAP), joint venture processing (JVP), total allowable level of foreign fishing (TALFF), reserves, and prohibited species catch (PSC) limits. Species listed in paragraph (b)(1) and Table 1 of this section as "unallocated species" or species for which the TALFF is zero, including species for which a PSC limit has been specified, shall be treated in the same manner as prohibited species under Section 611.11.

(ii) Apportionment of reserves and initial DAH, and adjustment of PSC limits. See 50 CFR Part 672, Subpart B, for procedures to apportion reserves, initial domestic annual harvest
(DAH), and adjustment of PSC limits.

(2) * * *

(i) * * *

(C) As otherwise prohibited by this section or 50 CFR Part 672, Subpart B.

* * * *

(ii) * * *

(A) TQ for any groundfish species, species group, or species category in a regulatory area or district: the Secretary shall issue a notice prohibiting, through December 31, fishing using trawl gear for groundfish in that regulatory area or district by vessels subject to this section, except that if the TQ for sablefish or Pacific cod in a regulatory area or district will be reached, the Secretary shall prohibit fishing for groundfish in that regulatory area or district by all vessels subject to this section.

* * * *

(g) Inseason Adjustments. See 50 CFR Part 672, Subpart B, for procedures to make inseason adjustments. It shall be unlawful for any person to conduct any fishing contrary to a notice of inseason adjustment issued under 50 CFR Section 672.22(a).

* * * *

PART 672 - GROUNDFISH OF THE GULF OF ALASKA [AMENDED]

3. The authority citation for Part 672 continues to read as follows:

AUTHORITY: 16 U.S.C 1801 et seq.
4. In section 672.2, the following definitions are added in proper alphabetical order to read:

Section 672.2 Definitions.

Net-sonde device means a sensor used to determine the depth from the water surface at which a fishing net is operating.

Pelagic trawl means a trawl in which neither the net nor the trawl doors (or other trawl-spreading device) operates in contact with the seabed, and which does not have attached to it any protective device (such as chafing gear, rollers, or bobbins) that would make it suitable for fishing in contact with the seabed.

Processing, or to process, means the preparation of fish to render it suitable for human consumption, industrial uses, or long-term storage, including but not limited to cooking, canning, smoking, salting, drying, freezing, and rendering into meal or oil.

Regional Director means Director, Alaska Region, National Marine Fisheries Service.

Trawl means a funnel-shaped net that is towed through the water for fish or other organisms. The net accumulates its catch in the closed, small end (usually called the cod end). This definition includes, but is not limited to, Danish and Scottish seines and otter trawls.

5. In Section 672.5, paragraph (a)(1); (a)(2); and (a)(3) are revised to read as follows:
Section 672.5 Reporting requirements.

(a) * * *

(1) Landing in Alaska. The operator of any fishing vessel regulated under this Part that lands fish in the State of Alaska shall, for each sale or delivery of groundfish caught in any Gulf of Alaska regulatory area, be responsible for the submission to ADF&G of an accurately completed State of Alaska fish ticket.

* * * * *

(2) Landing outside of Alaska

(i) * * *

(ii) The operator of any fishing vessel regulated under this Part who lands fish outside the State of Alaska, including the EEZ adjacent to the State of Alaska, shall, for each sale or delivery of groundfish caught in any Gulf of Alaska regulatory area, submit a completed State of Alaska fish ticket, or an equivalent document containing all of the information required on an Alaska fish ticket, together with the additional information required by paragraph (a)(1)(ii) of this section, to the ADF&G within one week after the date of each such sale or delivery. Send these documents to the Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, P.O. Box 3-2000, Juneau, Alaska 99802.

(3) Catcher/processor and mothership/processor vessels. The operator of any fishing vessel regulated under this Part who processes, within the meaning of process under Section 672.2, any
groundfish on board that vessel must, in addition to the requirements of paragraphs (a)(1) and (a)(2) of this section, meet the following requirements:

(i) Twenty-four hours before starting and upon stopping fishing or receiving groundfish in any area, the operator of that vessel must notify the Regional Director of the date and hour in GMT and the position of such activity.

(iv) After notification of starting fishing by a vessel under paragraph (a)(3)(i) of this section, and continuing until that vessel's entire catch or cargo of fish has been off-loaded, the operator of that vessel must submit a weekly catch or receipt report, including reports of zero tons caught or received, for each weekly period, Sunday through Saturday, GMT, or for each portion of such a period, during which groundfish were caught or received at sea. Catch or receipt reports must be sent to the Regional Director within one week of the end of the reporting period through such means as the Regional Director will prescribe upon issuing that vessel's permit under Section 672.2 of this Part. These reports must contain the following information:

6. In Section 672.7, paragraph (h) is redesignated as (i) and a new paragraph (h) is added to read as follows:

Section 672.7 General prohibitions.

(h) Conduct any fishing contrary to a notice of inseason adjustment issued under section 672.22(a) of this Part;
7. In Section 672.20, the section title is changed to General Limitations, paragraphs (a) and (b) are revised, paragraphs (c), (d), and (e) are redesignated as paragraphs (d), (e), and (f), a new paragraph (c) is added, and the redesignated paragraph (d) is revised to read as follows:

Section 672.20 General limitations.

(a) Harvest limits.

(1) Optimum Yield. The optimum yield (OY) for the fishery regulated by this section and by 50 CFR 611.92 is a range of 116,000 to 800,000 mt for target species and the "other species" category in the Gulf of Alaska management area, to the extent this amount can be harvested consistently with this Part and 50 CFR Part 611, plus the amounts of "non-specified species" taken incidentally to the harvest of target species and the "other species" category. The species categories are defined in Table 1 of this section.

(2) Target quota. The Secretary, after consultation with the North Pacific Fishery Management Council (Council), shall specify the annual target quota (TQ) for each calendar year for each target species and the "other species" category, and shall apportion the TQ among domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF). The sum of the TQs specified must be within the OY range of 116,000 to 800,000 mt for target species and the "other species" category.

(i) The annual determinations of the TQ for each target
species and the "other species" category, the reapportionment of reserves, and the reapportionment of surplus DAH may be adjusted, based upon a review of the following:

(A) Assessments of the biological condition of each target species and the "other species" category. Assessments will include, where practicable, updated estimates of maximum sustainable yield (MSY), and acceptable biological catch (ABC); historical catch trends and current catch statistics; assessments of alternative harvesting strategies and related effects on component species and species groups; relevant information relating to changes in groundfish markets; and recommendations for TQ by species or species group.

(B) Socioeconomic considerations that are consistent with the goals and objectives of the fishery management plan for groundfish in the Gulf of Alaska area.

(b) Prohibited species catch limits.

(1) When the Secretary determines after consultation with the Council that the TQ for any species or species group will be fully harvested in the DAP fishery, the Secretary may specify for each calendar year the prohibited species catch (PSC) limit applicable to the JVP and TALFF fisheries for that species or species group. Any PSC limit specified under this paragraph shall be provided as bycatch only, and may not exceed an amount determined to be that amount necessary to harvest target species. Species for which a PSC limit has been specified under this paragraph shall be treated in the same manner as prohibited species under paragraph (e) of this section.
(2) The annual determinations of the PSC limit for each species or species group under paragraph (b)(1) of this section may be adjusted, based upon a review of the following:

(i) Assessments of the biological condition of each PSC species. Assessments will include where practicable updated estimates of maximum sustainable yield (MSY), and acceptable biological catch (ABC); estimates of groundfish species mortality from nongroundfish fisheries, subsistence fisheries, recreational fisheries, and the difference between groundfish mortality and catch. Assessments may include information on historical catch trends and current catch statistics; assessments of alternative harvesting strategies and related effects on component species and species groups; relevant information relating to changes in groundfish markets; and recommendations for PSC limits for species or species group fully utilized by the DAP fisheries;

(ii) Socioeconomic considerations that are consistent with the goals and objectives of the FMP.

(c) Notices.

(1) Notices of Harvest Limits and PSC Limits. As soon as practicable after October 1 of each year, the Secretary, after consultation with the Council, shall publish a notice in the FEDERAL REGISTER specifying preliminary annual TQ, DAP, JVP, TALFF, reserves, and PSCs amounts for each target species, "other species" category, and species fully utilized by the DAP fisheries. The preliminary specifications of DAP and JVP will be the amounts harvested during the previous year plus any additional amounts the Secretary finds will be harvested by the
U.S. fishing industry. These additional amounts will reflect as accurately as possible the projected increases in U.S. processing and harvesting capacity and to the extent to which U.S. processing and harvesting will occur during the coming year. Public comment on these amounts will be accepted by the Secretary for a period of 30 days following publication. In light of comments received, the Secretary shall, after consultation with the Council, specify the final PSC limits and annual TQ for each target species and apportionments thereof among DAP, JVP, TALFF, and reserves. These final amounts will be published as a notice in the FEDERAL REGISTER by January 1 of each year. These amounts will replace the corresponding amounts for the previous year.

(2) Notices of Closure

(i) If the Regional Director determines that the TQ for any target species or of the "other species" category in any regulatory area or district in Table 1 of paragraph (a) of this section has been or will be reached, the Secretary shall publish a notice in the FEDERAL REGISTER prohibiting directed fishing for that species, as defined at Section 672.2, in all or part of that area or district, and declaring such species in all or part of that area or district a prohibited species for purposes of paragraph (e) of this section. During the time that such notice is in effect, the operator of every vessel regulated by this Part or Part 611 shall minimize the catch of that species in the area or district, or portion thereof, to which the notice applies.

(ii) If, in making a determination under paragraph (b)(1) of this section, the Regional Director also determines that directed
fishing for other groundfish species in the area or district, or portion thereof, to which the notice applies may lead to overfishing of the species for which the TQ has been or will be achieved, the Secretary shall, in the notice required by that paragraph, also prohibit or limit such directed fishing for other groundfish species in a manner that will prevent overfishing of the species for which the TQ has been or will be taken.

(iii) If the Regional Director determines that a PSC limit applicable to a directed fishery in any regulatory area or district in Table 1 of paragraph (a) of this section has been or will be reached, the Secretary shall publish a notice of closure in the FEDERAL REGISTER closing that directed fishery in all or part of the area or district concerned.

(d) Apportionment of reserves, initial DAH, and adjustment of PSC limits.

* * * * *

(4) Adjustment of PSC limits resulting from apportionments. If the Secretary makes inseason apportionments of target species, the Secretary may proportionately increase any PSC limit amount of species fully utilized by the DAP fishery if such increase will not result in overfishing of that species. Any adjusted PSC limit may not exceed an amount determined to be that amount necessary to harvest target species.

(5) * * *

(v) * * *

(D) Any adjustments in PSC limit amounts made under this section;
(E) The reasons for any apportionments or adjustments and their distribution; and

(F) Responses to any comments received.

* * * * *

(e) Prohibited Species.

(4) In any regulatory area where the TQ in Table 1 of paragraph (c) for any species is "0" (zero), any catch of that species by a vessel regulated by this part, in that fishing regulated by this part, in that fishing area, shall be considered catch of a "prohibited species" and shall be treated in accordance with this paragraph.

(f) Halibut.

* * * * *

8. In Section 672.22, the section label is changed to Inseason adjustments, and paragraphs (a) and (b) are revised to read as follows:

Section 672.22 Inseason adjustments.

(a) General.

(1) Inseason adjustments issued by the Secretary under this paragraph include:  (i) The closure, extension, or opening of a season in all or part of a management area;

(ii) Modification of the allowable gear to be used in all or part of a management area; and

(iii) The adjustment of TQ and PSC limits.

(2) Determinations

(i) Any inseason adjustment under this paragraph must be based upon a determination that such adjustments are necessary to
prevent:

(A) The overfishing of any species or stock of fish or shellfish; or

(B) The harvest of a TQ for any groundfish species, or the taking of a PSC limit for any prohibited species, which on the basis of the best available scientific information is found by the Secretary to be incorrectly specified.

(ii) The selection of the appropriate inseason management adjustments under paragraphs (a)(1)(i) and (a)(1)(ii) of this section must be from the following authorized management measures and must be based upon a determination by the Regional Director that the management adjustment selected is the least restrictive necessary to achieve the purpose of the adjustment:

(A) Any gear modification that would protect the species in need of conservation, but which would still allow other fisheries to continue; or

(B) An inseason adjustment which would allow other fisheries to continue in noncritical areas and time periods; or

(C) Closure of a management area and season to all groundfish fishing.

(iii) The adjustment of a TQ or PSC limit for any species under paragraph (a)(1)(iii) of this section must be based upon a determination by the Regional Director that the adjustment is based upon the best available scientific information concerning the biological stock status of the species in question and that the currently specified TQ or PSC limit is incorrect. Any adjustment to a TQ or PSC limit must be reasonably related to the
change in biological stock status.

(3) Data. All information relevant to one or more of the following factors may be considered in making the determinations required under paragraph (a)(2) of this section:

(i) The effect of overall fishing effort within a regulatory area;

(ii) Catch per unit of effort and rate of harvest;

(iii) Relative abundance of stocks within the area;

(iv) The condition of the stock within all or part of a regulatory area;

(v) Any other factor relevant to the conservation and management of groundfish species for which a TQ has been specified or incidentally caught species which are designated as prohibited species or for which a PSC limit has been specified.

(b) Procedure.

(1) No inseason adjustment issued under this section shall take effect until:

(i) The Secretary has filed the proposed adjustment for public inspection with the Office of the FEDERAL REGISTER, and

(ii) The Secretary has published the proposed adjustment in the FEDERAL REGISTER for public comment for a period of thirty (30) days before it is made final, unless the Secretary finds for good cause that such notice and public procedure is impracticable, unnecessary, or contrary to the public interest.

(2) If the Secretary decides, for good cause, that an adjustment is to be made without affording a prior opportunity for public comment, public comments on the necessity for, and
extent of, the adjustment will be received by the Regional Director for a period of fifteen (15) days after the effective date of the notice.

(3) During any such 15-day period, the Regional Director shall make available for public inspection, during business hours, the aggregate data upon which an adjustment was based.

(4) If written comments are received during any such 15-day period which oppose or protest an inseason adjustment issued under this section, the Secretary shall reconsider the necessity for the adjustment and, as soon as practicable after that reconsideration, shall either:

(i) Publish in the FEDERAL REGISTER a notice of continued effectiveness of the adjustment, responding to comments received; or

(ii) Modify or rescind the adjustment.

(5) Notices of inseason adjustments issued by the Secretary under paragraph (a) of this section shall include the following information:

(i) A description of the management adjustment;

(ii) The reasons for the adjustment and the determinations required under paragraph (a)(2) of this section; and

(iii) The effective date and any termination date of such adjustment. If no termination date is specified, the adjustment will terminate on the last day of the fishing year.

9. In Section 672.24, paragraph (b) is revised, and paragraph (c) is added to read as follows:

Section 672.24 Gear limitations.
(b) Sablefish gear restrictions and allocations.

(1) Eastern Area. No person may use any gear other than hook and line gear and trawl when fishing for groundfish in the Eastern Area. No person may use any gear other than hook and line gear to engage in directed fishing for sablefish. When vessels using trawl gear have harvested 5 percent of the TQ for sablefish during any year in any district of the Eastern Area for which TQs are specified, the Regional Director will close that district to all fishing with trawl gear.

(2) Central and Western Areas. Hook and line gear may be used to take up to 80 percent and trawl gear may be used to take up to 20 percent of the TQ for sablefish in the Central Area. During 1987 and 1988 in the Western Area, hook and line gear may be used to take up to 55 percent of the TQ for sablefish; pot gear may be used to take up to 25 percent of that TQ; and trawl gear may be used to take up to 20 percent of that TQ. After the year specified above, hook and line gear may be used to take up to 80 percent of the sablefish TQ in the Western Area and trawl gear may be used to take up to 20 percent of that TQ. When the share of the sablefish TQ assigned to any type of gear for any year and any area or district under this paragraph has been taken, the Regional Director will close that regulatory area or district to all fishing for groundfish with that type of gear, subject to Section 672.20(b) of this part.

No person may use any gear other than hook and line gear, pot, or trawl gear in fishing for groundfish in these areas.
during the years specified above. After those years no person may use any gear other than hook and line or trawl in fishing for groundfish in the Gulf of Alaska.

(c) Trawls other than pelagic trawls.

(1) No person may fish in any of the following areas in the vicinity of Kodiak Island (see Figure 1, Area Type I) from a vessel having any trawl other than a pelagic trawl either attached or on board:

   (i) Alitak Flats and Towers Areas: All waters of Alitak Flats and the Towers Areas enclosed by a line connecting the following seven points in the order listed:

<table>
<thead>
<tr>
<th>N. lat.</th>
<th>W. long.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Point a</td>
<td>57-00-0</td>
</tr>
<tr>
<td>Point b</td>
<td>57-00-0</td>
</tr>
<tr>
<td>Point c</td>
<td>56-17-0</td>
</tr>
<tr>
<td>Point d</td>
<td>56-17-0</td>
</tr>
<tr>
<td>Point e</td>
<td>56-33-5</td>
</tr>
<tr>
<td>Point f</td>
<td>56-54-5</td>
</tr>
<tr>
<td>Point g</td>
<td>56-56-0</td>
</tr>
</tbody>
</table>

   (ii) Marmot Flats Area: All waters enclosed by a line connecting the following five points in the clockwise order listed:

<table>
<thead>
<tr>
<th>N. lat.</th>
<th>W. long.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Point a</td>
<td>58-00-0</td>
</tr>
<tr>
<td>Point b</td>
<td>58-00-0</td>
</tr>
<tr>
<td>Point c</td>
<td>57-37-0</td>
</tr>
<tr>
<td>Point d</td>
<td>57-38-0</td>
</tr>
<tr>
<td>Point e</td>
<td>57-58-0</td>
</tr>
<tr>
<td>Point a</td>
<td>58-00-0</td>
</tr>
</tbody>
</table>

(2) From February 15 to June 15, no person may fish in any of the following areas in the vicinity of Kodiak Island (see Figure 1, Area Type II) from a vessel having any trawl other than
a pelagic trawl either attached or on board:

(i) Chirikof Island Area: All waters surrounding Chirikof Island enclosed by a line connecting the following four points in the counter clockwise order listed:

<table>
<thead>
<tr>
<th>N. lat.</th>
<th>W. long.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Point a</td>
<td>56-07-0</td>
</tr>
<tr>
<td>Point b</td>
<td>56-07-0</td>
</tr>
<tr>
<td>Point c</td>
<td>55-41-0</td>
</tr>
<tr>
<td>Point d</td>
<td>55-41-0</td>
</tr>
<tr>
<td>Point a</td>
<td>56-07-0</td>
</tr>
</tbody>
</table>

(ii) Barnabas Area: All waters enclosed by a line connecting the following five points in the counter clockwise order listed:

<table>
<thead>
<tr>
<th>N. lat.</th>
<th>W. long.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Point a</td>
<td>56-58-5</td>
</tr>
<tr>
<td>Point b</td>
<td>56-56-0</td>
</tr>
<tr>
<td>Point c</td>
<td>57-22-0</td>
</tr>
<tr>
<td>Point d</td>
<td>57-23-5</td>
</tr>
<tr>
<td>Point e</td>
<td>57-26-0</td>
</tr>
<tr>
<td>Point a</td>
<td>56-58-5</td>
</tr>
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<td></td>
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</tbody>
</table>

(3) Each person using a trawl to fish in any area limited pelagic trawl under paragraphs (c)(1) and (c)(2) of this section must maintain in working order on that trawl a properly functioning, recording net-sonde device, and must retain all net-sonde recordings aboard the fishing vessel during the fishing year.

(4) No person using a trawl to fish in any area limited to pelagic trawl under paragraphs (c)(1) and (c)(2) of this section shall allow the footrope of that trawl to be in contact with the seabed for more than 10 percent of the period of any tow, as indicated by the net-sonde device.