PART 733—PROTESTS, DISPUTES AND APPEALS

Subpart 733.70—AID Procedures for Protests

733.7006 [Amended]

11. Section 733.7006 is amended by removing paragraph (d), and by redesignating paragraphs (e), (f), (g), and (h) as paragraphs (d), (e), (f), and (g).

PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 752.70—Texts of AID Contract Clauses

752.7009 [Amended]

12. The contract clause in section 752.7009, Marking, is amended by changing the clause date from "(APR 1984)" to "(JAN 1993)", and by amending paragraph (a) of the clause by removing the words "* * * red, white and blue handclasp * * *".

Dated: January 12, 1993

John F. Owens,

Procurement Executive.

[FR Doc. 93-3532 Filed 2-16-93; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Parts 611 and 675

[Docket No. 921185-3021]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Final 1993 initial specifications of groundfish and prohibited species catch allowances; closures.

SUMMARY: NMFS announces final specifications of total allowable catches (TACs), initial apportionments of TAC for each category of groundfish, and associated management measures in the Bering Sea and Aleutian Islands Area (BSAI) during the 1993 fishing year. This action is necessary to establish harvest limits for groundfish during the 1993 fishing year and associated management measures. NMFS also is closing specified fisheries consistent with the final 1993 groundfish specifications and fishery bycatch allowances of prohibited species. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI area.

DATES: Effective February 11, 1993 through 24:00 Alaska local time, on December 31, 1993, or until changed by subsequent notice in the **Federal Register**.

ADDRESSES: Comments on directed fishing closures should be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, Service, P.O. Box 21668, Juneau, Alaska 99802-1668 (Attn: Lori Gravel). The final Environmental Assessment prepared for the 1993 TAC specifications may be obtained from the same address, or by calling 907-586-7228. The final Stock Assessment and Fishery Evaluation (SAFE) report may be requested from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Fisheries Management Division, Alaska Region, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: Groundfish fisheries in the BSAI are governed by Federal regulations (50 CFR 611.93 and 675) that implement the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary) under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The FMP and implementing regulations require the Secretary, after consultation with the Council, to specify annually the TAC, initial domestic annual harvest (DAH), and initial total allowable level of foreign fishing (TALFF) for each target species and the "other species" category for the succeeding fishing year (§ 675.20(a)(7)). The sum of the species' TACs must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 675.20(a)(2)). For 1993, the sum of TACs is equal to 1,998,620 mt, as indicated in Table 1.

Proposed initial TAC, reserve, DAH, and TALFF amounts for the 1993 fishing year were published in the **Federal Register** on December 7, 1992 (57 FR 57718). Comments were invited through January 4, 1993. No written comments were received within the comment period. Oral comments were received, and public consultation with the Council occurred during the Council meeting in Anchorage, Alaska, on December 8-13, 1992. Council recommendations and biological and economic data that were available at the Council's December meeting were considered in implementing these final 1993 specifications.

The specified TAC for each species is based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC), at their September and December 1992 meetings, reviewed current biological information about the condition of groundfish stocks in the BSAI. This information was compiled by the Council's BSAI groundfish Plan Team and presented in the 1993 SAFE report for the BSAI groundfish fisheries. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters. From these data and analyses, the Plan Team estimates an acceptable biological catch (ABC) for each species category.

A summary of preliminary ABCs for each species for 1993 and other biological data from the September 1992 draft SAFE report were provided in the discussion supporting proposed 1993 specifications (57 FR 57718, December 7, 1992). The Plan Team's recommended ABCs were reviewed by the SSC, AP, and Council at their September 1992 meetings. Based on the SSC's comments concerning technical methods and new biological data not available in September, the Plan Team revised its ABC recommendations in the final SAFE report dated November 1992. The revised ABC recommendations were again reviewed by the SSC, AP, and Council at their December 1992 meetings. While the SSC endorsed most of the Plan Team's recommendations for 1993 ABCs set forth in the final SAFE report, the SSC recommended revisions to ABC amounts calculated for Aleutian Basin pollock, Pacific cod, and Atka mackerel. With the exception of Atka mackerel, the Council adopted the SSC's recommendations for 1993 ABCs. The recommended ABCs, listed in Table 1, reflect harvest amounts that would not cause overfishing as defined in the FMP. A brief discussion of the SSC's revisions to the ABCs recommended by the Plan Team and the Council's ABC recommendation for Atka mackerel follows:

Aleutian Basin (Bogoslof) Pollock

The Plan Team indicated in the final SAFE report that the current biomass (B) of Aleutian Basin pollock (650,000 mt), as predicted by a stock cohort analysis, is about 10 percent of the largest observed biomass and well below former "pristine" biomass levels (B_{MSY}).

Information is not available to precisely estimate the ratio of B/B_{MSY}, but based on historical biomass survey information, the SSC believes the ratio is about 0.25. Given the Council's overfishing definition and the low abundance level of Aleutian Basin pollock, the SSC recommended that an exploitation rate (F) equal to 25 percent of that recommended by the Plan Team (0.26) is appropriate. The SSC used this F to calculate an ABC, applying the rate (0.26×0.25) to the 1993 biomass estimate to obtain an ABC of 42,000 mt (650,000)(0.26×0.25).

Pacific Cod

During the December 1992 meeting of the Council and its SSC and AP, NMFS presented new information on Pacific cod biomass and exploitation rates. Analytic results based on this information were not completed and available to the Plan Team during its November 1992 meeting and, therefore, were not included in the Plan Team's final SAFE report. The new information included a revised estimate of 1993 exploitable biomass (624,000 mt) based on an updated stock synthesis model. The new analysis confirmed the declining biomass trend estimated for the past 3 years by the Plan Team, including the 1993 biomass estimate set forth in the final SAFE report (655,000 mt). Furthermore, NMFS presented a new data set on size-at-maturity that differs from that used by the Plan Team to calculate the $F_{0.35}$ exploitation rate. The SSC noted that the two data sets were collected in the 1970's and early 1980's and may not reflect the current size at maturity for the BSAI Pacific cod stock. No information is available to select a preferred data set to estimate the $F_{0.35}$ exploitation rate, but the SSC believed the true value falls within the range derived from the two sets of maturity data.

The SSC believed the new information suggests that Pacific cod biomass is less abundant than estimated in 1992, and this decrease should be considered in setting ABC. The SSC agreed with the Plan Team's strategy for calculating ABC and recommended that ABC be calculated by applying an $F_{0.35}$ exploitation rate to the revised estimate of 1993 biomass (624,000 mt). The SSC recommended that the two exploitation rates derived from the two sets of maturity data be averaged to calculate ABC. The ABC, based on the averaged exploitation rates and new estimate of exploitable biomass, is 164,500 mt.

Atka Mackerel

The SSC's December 1992 recommendation for the 1993 ABC remained unchanged from that proposed by the SSC in September. The SSC accepted the Plan Team's 1993 estimate of exploitable biomass (1,171,000 mt) and ABC (351,000 mt), although it expressed concern about limited data upon which the annual biomass estimate is based. The SSC also was apprehensive about possible environmental problems that may result from an increased harvest of the magnitude supported by the Plan Team's estimate of 1993 ABC. Atka mackerel is a prey species of northern fur seals and Steller sea lions. During their migrations, northern fur seals (a depleted species) feed heavily on Atka mackerel as they move through the Aleutian passes. Given these concerns, the SSC maintained its 1992 recommendation to phase in the Plan Team's estimate of ABC over a 6-year period by adopting the 1993 biomass estimate and raising the exploitation rate in steps from the natural mortality rate (M)/6 in 1992, M/3 in 1993, to M in 1997. According to this schedule, the recommended ABC for 1993 (0.30/3)(1,171,000) is 117,100 mt.

The main purpose of this approach is to postpone a large ABC increase until it has been confirmed by additional data and analysis. The SSC recommended this level of ABC, provided that regulatory measures are implemented to distribute the Atka mackerel harvest over the range of the stock in proportion to the distribution of biomass. This approach would require 70 percent of the catch to be taken west of 180° W. longitude. Corresponding ABCs in the eastern and western Aleutians would be 32,100 mt and 85,000 mt, respectively.

In response to concerns about spatial distribution of harvest, the SSC recommended that the 1993 ABC for Atka mackerel be reduced to 32,100 mt to avoid a disproportionate harvest of Atka mackerel in the eastern Aleutian Islands and possible impacts on marine mammals. The SSC believed that an ABC of 32,100 mt would protect marine mammals while an FMP amendment is being developed that would authorize regulations to distribute Atka mackerel TAC amounts and associated fishing effort in proportion to biomass distribution.

While acknowledging the SSC's concerns about spatial distribution of Atka mackerel harvest, the Council recommended that an ABC level of 117,100 mt be established for 1993. The Council further recommended that the TAC amount be set at a level equal to the SSC's recommended ABC level of 32,100 mt until such time that an FMP amendment is implemented that would allow for the spatial distribution of a higher TAC.

A draft analysis examining options for splitting the Aleutian Islands subarea to allow for the spatial distribution of Atka mackerel TAC is scheduled to be presented to the Council during early 1993. Pending Council action and, if approved by the Secretary, a final rule implementing new management areas could be implemented by late summer 1993.

TAC Specifications

The Council developed its TAC recommendations (Table 1) based on the final ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC between the OY range of 1.4–2.0 million mt. Each of the Council's recommended TACs for 1993 is equal to or less than the final 1993 ABC for each species category. Therefore, NMFS finds that the recommended TACs are consistent with the biological condition of groundfish stocks. The Council also recommended division of certain TACs between seasons and gear types, as described below.

Apportionment of TAC

As required by § 675.20(a)(3) and 675.20(a)(7)(i), each species TAC initially is reduced by 15 percent. The sum of these 15-percent amounts is the reserve. The reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing.

The initial TAC (ITAC) for each target species and the "other species" category at the beginning of the year, which is equal to 85 percent of TAC, is then apportioned between DAH and TALFF. Each DAH amount is further apportioned between two categories of U.S. fishing vessels. The domestic annual processing (DAP) category includes U.S. vessels that process catch on board or deliver it to U.S. fish processors. The joint venture processing (JVP) category includes U.S. fishing vessels working in joint ventures with foreign processing vessels authorized to receive catches in the U.S. exclusive economic zone.

In consultation with the Council, the initial amounts of DAP and JVP are determined by the Director, Alaska Region, NMFS (Regional Director). Consistent with the final 1991 and 1992 initial groundfish specifications, the Council recommended that 1993 DAP

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specifications be set equal to TAC and that zero amounts of groundfish be allocated to JVP and TALFF. In making this recommendation, the Council considered the capacity of DAP harvesting and processing operations and anticipates that 1993 DAP operations will harvest the full TAC specified for each BSAI groundfish species category.

The final TACs, ITACs, and initial apportionments of BSAI groundfish for 1993 are listed in Table 1 of this action. The apportionment of pollock TACs among fisheries and seasons is discussed below.

TABLE 1.—FINAL 1993 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND ITAC APPORTIONMENTS OF GROUNDFISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA [1 2]

Species	ABC	TAC	Initial TAC (ITAC) = DAP [3 4]
Pollock			
Bering Sea (BS)	1,340,000	1,300,000	1,105,000
Aleutian Islands (AL)	58,700	51,600	43,860
Bogoslof Subarea	42,000	1,000	850
Pacific cod	164,500	164,500	139,825
Sablefish			
BS	1,500	1,500	1,275
AL	2,600	2,600	2,210
Atka mackerel	117,100	32,000	27,200
Yellowfin sole	238,000	220,000	187,000
Rock sole	185,000	75,000	63,750
Greenland turbot	7,000	7,000	5,950
Arrowtooth flounder	72,000	10,000	8,500
Other flatfish [5]	191,000	79,000	67,150
Pacific Ocean perch			
BS	3,330	3,330	2,831
AL	13,900	13,900	11,815
Other red rockfish [6]			
BS	1,400	1,200	1,020
Sharpchin/Northern			
AL	5,670	5,100	4,335
Shortraker/Rougheye			
AL	1,220	1,100	935
Other rockfish [7]			
BS	400	360	306
AL	925	830	706
Squid	3,400	2,000	1,700
Other Species [8]	26,600	26,600	26,610
Totals	2,476,245	1,998,620	1,698,827

[1] Amounts are in metric tons. These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) area unless otherwise specified. With the exception of pollock and for the purpose of these specifications, the BS includes the Bogoslof subarea.
[2] Zero amounts of groundfish are specified for Joint Venture Processing (JVP) and Total Allowable Level of Foreign Fishing (TALFF).
[3] Initial TAC (ITAC) = 0.85 of TAC; Initial reserve = TAC—ITAC = 299,793 mt.
[4] DAP = domestic annual processing = ITAC.
[5] "Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species) and all other flatfish species that have a separate specified TAC amount.
[6] "Other red rockfish" includes shortraker, rougheye, northern and sharpchin.
[7] "Other rockfish" includes *Sebastes* and *Sebastolobus* species except for Pacific ocean perch and the "other red rockfish" species.
[8] "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

Apportionment of the Pollock TAC to the Inshore and Offshore Components and to the Western Alaska Community Development Quota (CDQ) Reserve

Regulations at § 675.20(a)(3)(ii) require one-half of the pollock TAC placed in the non-specific reserve for each subarea, or 7.5 percent of the pollock TACs, be assigned to a Western Alaska Community Development Quota (CDQ) reserve. Given the 1993 pollock TACs recommended by the Council, the 1993 CDQ reserve amounts for each subarea are as follows:

BSAI subarea	Pollock CDQ (mt)
Bering Sea	97,500
Aleutian Islands	3,870
Bogoslof	75

Under regulations governing the CDQ program (50 CFR 675.27), NMFS may allocate the 1993 pollock CDQs established for each subarea to eligible Western Alaska communities or groups of communities that have an approved community development plan (CDP). The Secretary has approved six CDPs and associated percentages of the CDQ reserve for each CDP recipient for 1993 (57 FR 58157, December 9, 1992). Table 2 lists the approved CDP recipients, and each recipient's allocation of the 1993 pollock CDQ reserve for each subarea. Seasonal allowances of the CDQ reserve are discussed below.

Regulations at § 675.20(a)(2)(iii) require that the 1993 pollock ITAC specified for each subarea of the BSAI be allocated 35 percent to the inshore component and 65 percent to the offshore component (Table 3). Definitions of these components are found at § 675.2. Seasonal allowances of the inshore and offshore pollock allocations are discussed below.

TABLE 2.—APPROVED SHARES (%'S) AND RESULTING ALLOCATIONS AND SEASONAL ALLOWANCES (METRIC TONS) OF THE 1993 POLLOCK CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS), ALEUTIAN ISLANDS (AI), AND BOGOSLOF (BF) SUBAREAS AMONG APPROVED CDP RECIPIENTS

CDP recipient	Percent	Allocation	BSAI roe season allowance [1]
Aleutian Pribilof Island Community Development Assn.:			
BS	18	17,550	8,217
AI		697	
BF		13	
Subtotal		18,260	
Bristol Bay Economic Development Corp.:			
BS	20	19,500	9,130
AI		774	
BF		15	
Subtotal		20,289	
Central Bering Sea Fishermen's Assn.:			
BS	10	9,750	4,565
AI		387	
BF		7	
Subtotal		10,144	
Coastal Villages Fishing Coop.:			
BS	27	26,325	12,325
AI		1,045	
BF		20	
Subtotal		27,390	
Norton Sound Fisheries Development Assn.:			
BS	20	19,500	9,130
AI		774	
BF		15	
Subtotal		20,289	
Yukon Delta Fisheries Development Assn.:			
BS	5	4,875	2,283
AI		194	
BF		4	
Subtotal		5,073	
Total	100	101,445	45,650

[1] No more than 45 percent of a CDP recipient's 1993 pollock allocation may be harvested during the pollock roe season, January 1 through April 15.

TABLE 3.—SEASONAL ALLOWANCES OF THE INSHORE AND OFFSHORE COMPONENT ALLOCATIONS OF POLLOCK TACS [1,2]

Subarea	TAC	ITAC [3]	Roe season [4]	Non-roe season [5]
Bering Sea:				
Inshore		386,750	174,038	212,712.
Offshore		718,250	323,212	395,038.
Total	1,300,000	1,105,000	497,250	607,750.
Aleutian Islands:				
Inshore		15,351	15,351	Remainder.
Offshore		28,509	28,509	Remainder
Total	51,600	43,860	43,860	Remainder.
Bogoslof:				
Inshore		298	298	Remainder.
Offshore		552	552	Remainder.
Total	1,000	850	850	Remainder.

[1] TAC=total allowable catch.
[2] Based on an offshore component allocation of 0.65(TAC) and an inshore component allocation of 0.35(TAC).
[3] ITAC=initial TAC=0.85 of TAC; 0.15 of TAC is apportioned to the reserve.
[4] January 1 through April 15.
[5] June 1 through December 31, although the Council has adopted for Secretarial review a regulatory amendment that would delay the start of the 1993 non-roe season to August 15.

Seasonal Allowances of the Pollock ITAC and CDQ Reserve

Under § 675.20(a)(2)(ii), the ITAC of pollock for each subarea of the BSAI is divided between two seasons (i.e., January 1 through April 15, the roe season, and June 1 through December 31, the non-roe season). For purposes of pollock management, regulations at § 675.20(a)(2)(ii) authorize the specification of separate TAC amounts for pollock in each subarea of the BSAI management unit. These subareas are

defined at § 675.2 as the Bering Sea, Aleutian Islands, and Bogoslof subareas.

When specifying seasonal allowances of the pollock ITACs, the Council also considered the following nine factors as listed in section 14.4.10 of the FMP:

1. Estimated monthly pollock catch and effort in prior years;
2. Expected changes in harvesting and processing capacity and associated pollock catch;
3. Current estimates of, and expected changes in, pollock biomass and stock conditions; conditions of marine mammal stocks, and biomass and stock conditions of species taken as bycatch in directed pollock fisheries;
4. Potential impacts of expected seasonal fishing for pollock on pollock stocks, marine mammals, and stocks and species taken as bycatch in directed pollock fisheries;
5. The need to obtain fishery-related data during all or part of the fishing year;
6. Effects on operating costs and gross revenues;
7. The need to spread fishing effort over the year, minimize gear conflicts, and allow participation by various elements of the groundfish fleet and other fisheries;
8. Potential allocative effects among users and indirect effects on coastal communities; and
9. Other biological and socioeconomic information that affects the consistency of seasonal pollock harvests with the goals and objectives of the FMP.

The record of these considerations is summarized at Agenda D–1(e) for the December 1992 Council meeting and in appendix D of the final SAFE report dated November 1992. Also, at its December 1992 meeting, the Council adopted a regulatory amendment for Secretarial review that, if approved, would delay the start of the pollock non-roe season from June 1 to August 15. This action was considered by the Council when recommending seasonal apportionments of pollock because the proposed delay would enhance the quality, recovery rates, and value of pollock harvested during the non-roe season.

Based on the above criteria, the Council has recommended that the seasonal allowances of the pollock ITAC specified for the Bering Sea subarea be set at 45 percent of the ITAC during the roe season (497,250 mt) and 55 percent during the non-roe season (607,750 mt). The resulting seasonal allowances of the inshore and offshore component allocations of pollock are listed in Table 3. As in 1992, the Council recommended that the entire pollock ITAC specified for the Aleutian Islands and Bogoslof subareas (43,860 mt and 850 mt, respectively) be made available at the beginning of the fishing year and that the Bogoslof subarea be closed to directed fishing for pollock.

As authorized under § 675.20(a)(7)(ii), the Council recommended also that no more than 45 percent of the CDQ pollock reserve be harvested during the pollock roe season, January 1 through April 15. The remainder of the CDQ reserve may be harvested any time after April 15, consistent with other regulatory provisions governing the groundfish fisheries. The resulting seasonal allowance of each CDP's pollock allocation is listed in Table 2. The Council's recommended percentage of the CDQ reserve apportioned to the pollock roe season is consistent with and based on the same determinations as the percentage allowance of the ITAC recommended for the roe season.

The Council recommended that directed fishing for pollock in the Bogoslof subarea be prohibited and that a 1,000 mt pollock TAC be specified for the Bogoslof subarea for bycatch purposes only. NMFS concurs with the Council's recommendation and has prohibited directed fishing for pollock in this subarea (see Directed fishing closures, below). As a result, apportionment of the Bogoslof subarea pollock TAC into seasonal allowances is unnecessary.

In reviewing the Council's recommendations for seasonal allowances of the pollock ITACs specified for the Bering Sea and Aleutian Islands subareas, NMFS considered how the recommended allowances address the factors listed above and mitigate potential problems associated with the pollock roe fishery.

In the Bering Sea subarea, the recommended roe season allowance of the pollock ITAC and the CDQ reserve will prevent an inappropriate or unintended allocation of the pollock TAC between seasons and among industry sectors by limiting the roe season harvest to less than 42 percent of the pollock TAC and 45 percent each of the pollock ITAC and CDQ reserve. The recommended seasonal apportionment of the ITAC for the roe season is a 5 percent increase from the seasonal allowance specified for the 1991 and 1992 roe seasons (40 percent of the ITAC). In recommending this increase, the Council considered (1) the lack of evidence that an increased harvest during the pollock spawning period would have an adverse effect on spawning stocks, and (2) pollock harvests during this period allow for the best economic value and use of the pollock resource.

Without seasonal allowances in the Bering Sea subarea, pollock harvests during the roe season would increase because of (1) the high value of pollock roe relative to other pollock products and (2) the common property nature of the pollock resource and an open access management regime that gives no incentive to delay harvesting. Therefore, without a specified seasonal allowance, the potential exists for a disproportionately large roe season harvest. In this event, those vessels and processors that have the capacity to catch and process roe-bearing pollock most rapidly would have a competitive advantage over those elements of the industry that conduct slower, more evenly paced operations.

NMFS finds that the seasonal allowances of the Bering Sea pollock TAC prevent an inappropriate or unintended allocation of the pollock TAC between seasons and among industry sectors. Furthermore, the specified allowances of ITAC and the CDQ reserve between the roe and non-roe seasons, respectively, will provide a reasonable balance between roe and non-roe season harvests. The recommended roe season catch limit will allow production of valuable pollock products while preventing an excessively disproportionate harvest in the roe season. Relative to 1992, the amount of Bering Sea pollock harvested during the 1993 roe season will be increased from 40 percent to 45 percent of the ITAC, plus 45 percent of the CDQ reserve. The resulting 1993 roe season harvest amount is 542,900 mt.

Even with this roe season harvest increase, NMFS finds that the roe season allowances may help to prevent adverse effects on the ecosystem and on future pollock productivity from intensive fishing mortality during the roe season. Clear evidence does not exist to show that intensive fishing during a compressed season results in significant negative impacts on the ecosystem. The complexity of the ecosystem can easily mask any statistical relationship between the abundance of pollock eggs and larvae, and the future abundance of various pollock predators (including the threatened Steller sea lion) and of harvestable stocks of pollock. If commercial fishery removals are detrimental to sea lion foraging success, it is during the winter season that this effect would be the most pronounced. Steller sea lions are likely to be more nutritionally stressed during winter than summer because of ecological (e.g., fewer prey resources) and biological factors (e.g., pregnant females have higher nutritional needs and newly-

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weaned juveniles are less adept foragers). However, roe season pollock fisheries tend to harvest larger fish than non-roe season fisheries. Large fish are expected to be less important in the diet of Steller sea lions, particularly juveniles, than smaller fish. Thus, the increased roe season share of the pollock TAC may not be significant to sea lion feeding success. Furthermore, additional sea lion protection measures have been submitted for implementation in 1993 to extend the 10 nautical mile (nm) trawl closure around Ugamak Island to a 20 nm closure when directed fishing for pollock is open during the roe season. Given the remaining uncertainties about the effect of the BSAI pollock fishery on sea lions, NMFS has determined that the recommended season allowances for the Bering Sea roe season, together with existing sea lion protection measures, are adequate to ensure that the fishery will not adversely affect the survival or recovery of Steller sea lions.

The Council made no recommendation to allocate pollock by season in the Aleutian Islands subarea. Therefore, the entire 43,860 mt of pollock ITAC specified for this subarea will be available for harvest during the roe season, and any amount unharvested on April 15 will be available for harvest during the non-roe season beginning June 1, subject to other harvesting limitations.

The recommended 1993 pollock TAC for the Aleutian Islands subarea is unchanged from that specified for 1992. Similarly, the 1992 TAC also was not seasonally apportioned. In the discussion supporting the final 1992 initial groundfish specifications (57 FR 3952, February 3, 1992), NMFS presented its determination that the lack of seasonal apportionments of the Aleutian Islands pollock TAC would not have an adverse effect on Steller sea lions. Given existing sea lion protection measures, NMFS has similarly determined that seasonal apportionments of the 1993 Aleutian Island pollock TAC would not provide additional protection for sea lions that would be meaningful. NMFS also has determined that the Council's recommendation not to implement seasonal apportionments of the pollock ITAC in the Aleutian Islands subarea is consistent with Council objectives with respect to harvesting roe-bearing pollock. NMFS is preparing an analysis of options for spatially dispersing the harvest of Atka mackerel and other groundfish species in the Aleutian Islands subarea. As part of this analysis, NMFS will further explore the desirability of spatially and temporally dispersing groundfish harvests in the Aleutian Islands subarea to further protect Steller sea lions.

With respect to the Council recommendations for seasonal allowances of the pollock ITACs (Table 3), NMFS concurs in the nine findings considered by the Council as required by the FMP in setting these allowances. By basing these findings on the biological and socioeconomic information contained in the final SAFE report dated November 1992, NMFS finds that the recommended seasonal allowances of pollock are based on, and consistent with, the types of information required by the FMP under section 14.4.10.

Apportionment of Pollock TAC to the Non-pelagic Trawl Gear Fishery

Regulations under § 675.24(c)(2) authorize the Secretary, in consultation with the Council, to limit the amount of pollock TAC that may be taken in the directed fishery for pollock using non-pelagic trawl gear. This authority is intended to reduce the amount of halibut and crab bycatch that occurs in non-pelagic trawl operations.

The Council has recognized that the existing definition of pelagic trawl gear at § 675.2 allows vessels using this gear type to circumvent the intent of non-pelagic trawl gear restrictions and continue fishing in contact with the seabed in a manner that results in halibut and crab bycatch rates that do not significantly differ from those experienced by vessels using trawl gear other than pelagic trawl gear. In response, at its April 22–26, 1992 meeting, the Council adopted for Secretarial review and approval a revised definition of pelagic trawl gear that is intended to more effectively reduce prohibited species bycatch rates experienced by vessels using this gear type. At its December 1992 meeting, the Council also adopted a performance based standard for pelagic trawl gear that would further Council intent to limit trawl operations in contact with the seabed when fishing with non-pelagic trawl gear is prohibited. NMFS intends to propose a rule that would implement the revised pelagic trawl gear definition and associated performance based standard. If approved, a final rule implementing the Council's action could be effective by the time the non-roe pollock season starts. This would allow for more effective non-pelagic trawl gear closures that are implemented to reduce halibut and crab bycatch under § 675.21(c).

Given the Council's concerns about the effectiveness of the existing pelagic trawl gear definition to reduce bycatch rates and recent Council action to address these concerns, the Council did not propose to limit the amount of pollock TAC that may be taken in the 1993 directed fishery for pollock by vessels using non-pelagic trawl gear. If the revised pelagic trawl definition and performance based standard are implemented, the Council believes that restrictions on the use of non-pelagic trawl gear to reduce prohibited species bycatch amounts will become more effective. NMFS concurs in the Council's recommendation, and no limit on the amount of pollock TAC that may be taken in the directed fishery for pollock using non-pelagic trawl gear is specified.

Sablefish Gear Allocation

Regulations at § 675.24(c)(1) divide sablefish TACs for the Bering Sea and Aleutian Islands subareas between trawl and hook-and-line/pot gear fisheries. Gear allocations of TACs are specified in the following proportions:

Bering Sea subarea: trawl gear—50 percent; hook-and-line/pot gear—50 percent, and

Aleutian Islands subarea: trawl gear—25 percent; hook-and-line/pot gear—75 percent.

Based on the 1993 TAC specifications in Table 1, trawl and hook-and-line/pot gear allocations of sablefish in each subarea are equivalent to the TACs and ITACs listed in Table 4.

TABLE 4.—FINAL 1993 GEAR SHARES OF BSAI SABLEFISH TAC

Subarea	Gear	Percent of TAC	Share of TAC (mt)	Share of ITAC (mt)[1]
Bering Sea[2]	Trawl	50	750	637
	Hook-and-line/pot gear	50	750	638

TABLE 4.—FINAL 1993 GEAR SHARES OF BSAI SABLEFISH TAC—Continued

Subarea	Gear	Percent of TAC	Share of TAC (mt)	Share of ITAC (mt)[1]
Aleutian Islands	Trawl	25	650	553
	Hook-and-line/pot gear	75	1,950	1,657

[1] Initial TAC (ITAC) = 0.85 of TAC, rounded to the nearest whole mt; 0.15 of TAC is apportioned to reserve. The sum of both ITAC gear shares in a subarea is equal to the ITAC for that subarea in Table 1.
[2] Includes Bogoslof subarea.

Allocation of Crab, Halibut, and Herring Prohibited Species Catch (PSC) Limits Established for the BSAI Trawl Gear Fisheries

PSC limits of red king crab and *C. bairdi* Tanner crab in Bycatch Limitation Zones (50 CFR 675.2) of the Bering Sea subarea and for Pacific halibut throughout the BSAI area are established for BSAI trawl fisheries under § 675.21(a). The PSC limits are:

—200,000 red king crabs applicable to Zone 1;
—one million *C. bairdi* Tanner crabs applicable to Zone 1;
—three million *C. bairdi* Tanner crabs applicable to Zone 2;
—4,400 mt of Pacific halibut (primary PSC limit) applicable to Zones 1 and 2H; and
—5,333 mt of Pacific halibut (secondary PSC limit) applicable to the entire BSAI area.

Under § 675.21(a)(6), the PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. At this time, the best estimate of 1993 Pacific herring biomass is 212,187 mt. This amount was derived using 1992 survey data on an age-structured biomas projection model developed by the Alaska Department of Fish and Game. Therefore, the 1993 Pacific herring PSC limit for 1993 is 2,122 mt.

Regulations under § 675.21(b) authorized the apportionment of each PSC limit established for the BSAI trawl fisheries into prohibited species bycatch allowances that are assigned to specified fishery categories. Regulations at § 675.21(b)(4) define seven trawl fishery categories for this purpose (midwater pollock, Greenland turbot/arrowtooth flounder/sablefish, rock sole/other flatfish, yellowfish sole, rockfish, Pacific cod, and pollock/Atka mackerel "other species").

At its December 1992 meeting, the Council recommended prohibited species bycatch allowances based on the anticipated bycatch of crabs, halibut, and herring during the 1993 fishing year and the assumption that halibut bycatch mortality limits proposed under Amendment 21 to the FMP would be approved and implemented by the Secretary. Under the proposed rule (57 FR 60788, December 22, 1992), halibut bycatch mortality limits would be established for trawl and non-trawl gear (3,775 mt and 900 mt, respectively) for 1993 and beyond. If the proposed halibut bycatch mortality limits are approved by the Secretary, the Council's recommended apportionments of the proposed halibut mortality limits among fisheries and seasons will be published in the **Federal Register** with the final rule implementing the halibut mortality limits. Also, if approved, the revised bycatch mortality allowances implemented under Amendment 21 would supersede the trawl bycatch allowances implemented under the final 1993 initial specifications. If the trawl and non-trawl halibut bycatch mortality limits proposed under Amendment 21 are implemented during 1993, the amount of halibut bycatch mortality experienced in the trawl and non-trawl fisheries from the beginning of the 1993 fishing year will be counted against the respective bycatch mortality allowances.

However, for purposes of specifying final 1993 initial specifications of prohibited species bycatch allowances, no assumption is made with respect to approval of the halibut bycatch mortality limits proposed under Amendment 21. Therefore, specified fishery bycatch allowances of Pacific halibut are based on the existing PSC limit of 5,333 mt. Tables 5 and 6 list prohibited species bycatch allowances and seasonal apportionments of the halibut bycatch allowances that are based on the Council's recommended halibut bycatch mortality allowances, but are proportionately revised to reflect the 5,333 mt halibut PSC limit set forth in existing regulations.

In general, the trawl fishery bycatch allowances listed in Table 5 reflect the recommendations made to the Council by its AP. These recommendations were based on 1992 bycatch amounts, anticipated 1993 harvest of groundfish by trawl gear, anticipated changes in fishery bycatch needs pending approval of a final rule implementing halibut bycatch mortality limits, and assumed halibut mortality rates in the different trawl fisheries based on analyses of 1991 observer data. Public testimony and Council debate centered on the halibut bycatch allowances recommended for the Pacific cod trawl fishery and whether the constraining nature of the recommended allowance would prematurely close the Pacific cod trawl fishery in a manner that resulted in an inappropriate allocation of Pacific cod to the hook-and-line fleet. The Council determined that the recommended halibut bycatch allowance for the Pacific cod trawl fishery was consistent with its intent to optimize the use of available halibut bycatch amounts under the existing PSC limit and proposed mortality limits. The Council further determined that the resulting bycatch allowance for the Pacific cod trawl fishery is similar to that specified for 1992 under a final rule implementing Amendment 19 to the FMP (57 FR 43926, September 23, 1992) and closure of the trawl fishery under 1993 halibut bycatch constraints should not result in additional significant allocative effects.

The Council expressed its intent to allow a directed fishery for Greenland turbot and recommended a halibut bycatch allowance for the Greenland turbot trawl fishery. The Council did not consider specifying a *C. bairdi* Tanner crab bycatch allowance for the Greenland turbot fishery in Zone 2, although such an allowance must be specified if a directed trawl fishery is to take place under 50 CFR 675.21. The Regional Director acknowledges that relatively small amounts of *C. bairdi* Tanner crab are taken in the Greenland turbot fishery. In 1991, the most recent year during which a directed fishery for Greenland turbot was authorized, a total of 15,145 *C. bairdi* Tanner crab was taken in the trawl fishery. Of this amount, only 1,100 crab were taken in Zone 2. Given these amounts and the uncertainty of where trawl vessels will fish for Greenland turbot during the 1993 fishery, the Regional Director is specifying a 10,000 crab bycatch allowance for the Greenland turbot fishery in Zone 2 to allow for a directed trawl fishery. The *C. bairdi* Tanner crab bycatch allowances recommended by the Council for other trawl fishery categories are proportionately reduced

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to provide a 10,000 crab bycatch allowance for the Greenland turbot fishery. Under § 675.20(e)(5), any amount of this PSC allowance that remains after the trawl fishery for Greenland turbot fishery is closed may be reapportioned to one or more of the bycatch allowances specified for other trawl fisheries under provisions set forth at § 675.20(e).

TABLE 5.—FINAL 1993 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL FISHERIES

Fisheries	Zone 1	Zone 2	Zones 1+2H	BSAI-wide
Red king crab, number of animals:				
Yellowfin sole	40,000			
Rcksol/othflat [1]	80,000			
Turb/arrow/sab [2]	0			
Rockfish	0			
Pacific Cod	40,000			
Pick/Atka/othr [3]	40,000			
Total	200,000			
C. bairdi Tanner crab, number of animals:				
Yellowfin sole	175,000	1,220,916		
Rcksol/oth. flat	475,000	199,333		
Turb/arrow/sabl	0	10,000		
Rockfish	0	24,917		
Pacific cod	175,000	398,667		
Pick/Atka/othr	175,000	1,146,167		
Total	1,000,000	3,000,000		
Pacific halibut, metric tons:			Primary halibut	Secondary halibut
Yellowfin sole			607	736
Rcksol/oth. flat			603	731
Turb/arrow/sabl			247	299
Rockfish			241	292
Pacific cod			1,197	1,451
Pick/Atka/othr			1,505	1,824
Total			4,400	5,333
Pacific herring, metric tons:				
Midwater pollock				1,534
Yellowfin sole				359
Rcksol/oth. flat				0
Turb/arrow/sabl				0
Rockfish				9
Pacific cod				27
Pick/Atka/othr [4]				193
Total				2,122

[1] Rock sole and other flatfish fishery category.
[2] Greenland turbot, arrowtooth flounder, and sablefish fishery category.
[3] Pollock, Atka mackerel, and "other species" fishery category.
[4] Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.

Seasonal Apportionments of PSC Limits

Regulations at § 675.21(b)(2) authorize the Secretary, after consultation with the Council, to establish seasonal apportionments of prohibited species bycatch allowances among the fisheries to which bycatch has been apportioned. Under § 675.21(b)(2), the basis for any such apportionment must be based on the following type of information:

1. The seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;
4. Expected variations in bycatch rates throughout the fishing year;
5. Expected changes in directed groundfish fishing seasons;
6. Expected start of fishing effort; and
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

At its December 1992 meeting, the Council recommended that the halibut bycatch allowances listed in Table 5 be seasonally apportioned as shown in Table 6. The recommended seasonal apportionments reflect recommendations made to the Council by its AP. The AP considered and balanced a variety of factors. In particular, it noted that bycatch allowances specified for 1992 resulted in premature closure of the Pacific cod trawl fishery and that, unlike in 1992, a directed fishery for Greenland turbot would be authorized in 1993. Therefore, prohibited species bycatch amounts would need to be apportioned to this fishery, to support directed fishing with trawl gear.

The Pacific cod fishery is expected to continue to be important as an early year target fishery due to the anticipated completion of the Bering Sea pollock roe fishery by mid-February and the start of the flatfish fisheries on May 1 (§ 675.23(c)). Pacific cod is most vulnerable to trawl gear early in the year when the catch per unit of effort is highest and historical halibut bycatch rates are lowest. Therefore, the AP determined that the Pacific cod trawl fishery could produce the largest economic return by having the opportunity to fish the resource early in the year. Consequently, the AP recommended that all the halibut PSC allowance apportioned to the Pacific cod trawl fishery be made available at the beginning of the 1993 fishing year.

The AP also recommended that 73 percent of the halibut bycatch allowance apportioned to the rock sole/other flatfish fishery category be allocated to

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the first quarter of 1993 when most of the rock sole TAC is harvested in the highly valued rock sole roe fishery. Except for rock sole, directed fishing for all other flatfish species begins on May 1 of each year to reduce halibut and red king crab bycatch rates that occur earlier in the year (§ 675.23(c)). The remaining amounts of the bycatch allowance apportioned to this fishery category is equally apportioned to the second and the third and fourth quarters combined to support a small directed effort for rock sole and other flatfish outside the rock sole roe season.

As mentioned above, the yellowfin sole season begins on May 1 of each year. The halibut bycatch allowance apportioned to the yellowfin sole fishery is divided into two seasonal apportionments; May 1–July 31, and August 1–December 31. The recommended apportionments of the halibut bycatch allowance to each season (39 percent and 61 percent, respectively) are intended to prevent an excessive bycatch of halibut in July and August when halibut become more vulnerable to shallow water fisheries and bycatch rates increase, as well as reduce the likelihood of a premature closure of the yellowfin sole fishery.

The AP recommended that zero amounts of halibut be apportioned to the Greenland turbot/sablefish/arrowtooth flounder trawl fishery category during the first 2 months of the open season for Greenland turbot (May and June). This action would delay directed fishing for Greenland turbot and sablefish by vessels using trawl gear until halibut bycatch amounts become available on July 4, 1993. The intent of this recommendation was to delay the trawl fishery until midsummer when halibut have migrated to more shallow depths relative to Greenland turbot and sablefish, and halibut bycatch rates are significantly reduced.

The AP recommended that zero amounts of halibut be apportioned to the rockfish fishery during the first 3 months of 1993. Forty percent of this fishery's halibut bycatch allowance would be available on April 4, and the remainder would be available July 4. The intent of the AP's recommendation was to delay the start of the rockfish fishery to provide a greater opportunity for participants in this fishery to more fully harvest TAC amounts of all rockfish species under existing halibut bycatch limitations. A delay in the rockfish fishery also would minimize bycatch amounts of chinook salmon in the rockfish fishery, which are typically higher during the first 3 months of the year. The AP recognized that the delay of the rockfish trawl fishery to the second quarter of 1993 will allow more vessels to participate in the fishery after the seasonal allowance of pollock specified for the pollock roe season had been harvested, but that some vessels that would have fished for rockfish during the first quarter will be prohibited from fishing for rockfish during that time.

The AP's recommended seasonal apportionment of the halibut bycatch allowance specified for the pollock/Atka mackerel/"other species" fishery category is based on the seasonal allowances of the Bering Sea pollock ITAC recommended for the roe and non-roe seasons, and the assumption that most of the pollock taken during the roe season will be taken with pelagic trawl gear with reduced halibut bycatch rates. Therefore, the seasonal apportionments of the halibut bycatch allowance are 25 percent during the roe season and the remainder during the non-roe season.

The Council adopted the recommendations of the AP as an effective balance of the interests affected by halibut bycatch allowances specified for the trawl gear fisheries. The Council's recommended seasonal apportionments of the prohibited species bycatch allowances are intended to allow an increased amount of the groundfish OY to be harvested by providing for directed groundfish fisheries when catches per unit of effort are high and corresponding prohibited species bycatch rates are relatively low.

In approving the Council's recommended seasonal apportionment of the halibut bycatch allowances to the trawl fisheries, NMFS considered seven types of information specified at § 675.21(b)(2) as follows:

1. The biomass trends and distribution of Pacific halibut as summarized in appendix B of the SAFE report dated November 1992 and other scientific documents of the International Pacific Halibut Commission;

2. The seasonal distribution of the groundfish fisheries as described in the SAFE report dated November 1992 and other NMFS documents and the Council's recommendation that directed fisheries for arrowtooth flounder, "other rockfish," and sablefish with trawl gear be prohibited;

3. The expected halibut bycatch by each of the fishery categories that are eligible to receive prohibited species bycatch allowances based on historical bycatch rates presented in appendix E of the final SAFE report dated November 1992;

4. The expected variations in bycatch rates throughout the year based on the same data referenced in item 3;

5. The establishment of roe and non-roe seasons for pollock in the Bering Sea; and the start of directed fishing for flatfish species, except rock sole, on May 1;

6. The delay of the trawl fisheries on January 20 of each year (675.23(d)); and

7. Resulting economic effects of seasonal apportionments of the prohibited species bycatch allowances are expected to be positive if more groundfish are harvested with trawl gear than otherwise would be possible without the seasonal apportionments. However, no data are available to quantify the marginal benefit of this action.

TABLE 6.—FINAL SEASONAL APPORTIONMENTS OF THE 1993 PACIFIC HALIBUT BYCATCH ALLOWANCES FOR THE BSAI TRAWL FISHERIES

Fishery	Seasonal bycatch allowance (mt halibut)
Yellowfin sole:	
May 01–Jul. 31	286
Aug. 01–Dec. 31	450
Total	736
Rock sole/"other flatfish":	
Jan. 01–Apr. 03	531
Apr. 04–Jul. 03	100
Jul. 04–Dec. 31	100
Total	731
Turbot/arrowtooth flounder/sablefish:	
Jan. 01–Jul. 03	0
Jul. 04–Dec. 31	299
Total	299
Rockfish:	
Jan. 01–Apr. 03	0
Apr. 04–Jul. 03	118
Jul. 04–Dec. 31	174
Total	292
Pacific cod:	
Jan. 01–Dec. 31	1,451
Pollock/Atka mackerel/"other species":	
Jan. 01–Apr. 15	456
Apr 16–May 31	0
Jun. 01–Dec. 31	1,368
Total	1,824
Total 1993 Halibut Bycatch Limit	5,333

Directed Fishing Closures

A principal consideration for the Council in developing its 1993 TAC recommendations was ensuring that the sum of the species TACs did not exceed the maximum OY of 2 million mt. After consideration of the amounts of each species category TAC that is required for bycatch in other directed fisheries, the Council recommended that ABC amounts specified for "other rockfish," and the trawl allocation of sablefish TACs specified for the Bering Sea and Aleutian Islands subareas are not sufficient to support directed fisheries. As such, TAC amounts for these species

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were set either at 90 percent of, or equal to, ABC with the Council intent that these amounts would be used for bycatch purposes only.

The Council also recommended that the TAC specified for Bogoslof pollock be set at a level to avoid a directed fishery for pollock in the Bogoslof subarea, yet provide for bycatch in other groundfish fisheries. The Council made this recommendation because of the poor status of the Bogoslof pollock population, the importance of supporting international efforts to curtail fishing on the Aleutian Basin pollock populations, and to minimize any potential adverse effects of the precipitous decline in the biomass of the Bogoslof pollock on marine mammals and seabirds.

The Council further recommended that the 1993 TAC specified for arrowtooth flounder be set at a level to support bycatch in other groundfish fisheries. Although the 1993 ABC calculated for arrowtooth flounder would support a larger TAC, arrowtooth flounder normally is retained only as a bycatch species, and significant target operations for this species do not yet exist.

NMFS concurs in the Council's recommendation to prohibit directed fishing for Bogoslof pollock and arrowtooth flounder and that specified ITACs of 850 mt and 8,500 mt, respectively, are sufficient to support bycatch amounts of these species caught incidental to other directed fishing operations.

Given the directed fishing standards for other rockfish under § 675.20(h), the Regional Director has determined that the entire initial TAC amounts specified for this complex in the Bering Sea and Aleutian Islands is needed to support incidental catch amounts in directed fisheries for other groundfish species. Therefore, NMFS is prohibiting directed fishing for "other rockfish" to prevent the specified TACs from being exceeded.

In summary, NMFS is prohibiting directed fishing for "other rockfish" and arrowtooth flounder in the Bering Sea and Aleutian Islands management areas and for pollock in the Bogoslof subarea effective February 11, 1993. This action is taken under authority provided at § 675.20(a)(8).

NMFS concurs in the Council's recommended seasonal apportionments of halibut bycatch allowances for the BASI trawl fisheries (Table 6). To support the Council recommendations, specified trawl fisheries are closed for periods of time when no prohibited species bycatch allowances are apportioned to support directed fishing. Therefore, under authority provided at § 675.21(c), NMFS is prohibiting operators of vessels using trawl gear from engaging in directed fishing for: (1) Greenland turbot in the BSAI from May 1, 1993 through July 3, 1993; (2) sablefish in the Bering Sea and Aleutian Islands management areas through July 3, 1993; (3) rockfish in the BSAI through April 3, 1993; and (4) Greenland turbot, sablefish, and rockfish in Bycatch Limitation Zone 1 during the remainder of 1993. These closures are effective February 11, 1993.

Groundfish PSC Limits

No PSC limits for groundfish species are specified under this action. Authority to annually specify PSC limits for groundfish species or species groups for which the TAC can be completely harvested by domestic fisheries is provided at § 675.20(a)(6). In practice, these PSC limits apply only to JVP or TALFF fisheries for species that have a zero JVP or TALFF apportionment. At this time, no groundfish are proposed to be allocated to either JVP or TALFF and specifications of groundfish PSC limits are unnecessary.

Expiration of Interim 1993 Specifications

Regulations under § 675.20(a)(7)(i) authorize one-fourth of each proposed ITAC and apportionment thereof, one-fourth of each PSC allowance, and the proposed first seasonal allowance of pollock to be in effect at the start of the 1993 fishing year on an interim basis and to remain in effect until superseded by final initial specifications for 1993. Hence, the final 1993 initial groundfish harvest specifications and prohibited species bycatch allowances implemented under this action supersede the interim 1993 specifications published in Tables 1 and 5 of the proposed specifications (57 FR 57718, December 7, 1992).

Classification

This action is authorized under 50 CFR 611.93(b) and 675.20 and complies with Executive Order 12291.

NMFS prepared an environmental assessment on the 1993 TAC specifications, which concludes that no significant impact on the environment will result from their implementation.

Immediate effectiveness of the directed fishing closures for pollock in the Bogoslof subarea, and for "other rockfish," arrowtooth flounder, and sablefish allocated to trawl gear is necessary to prevent excessive harvests of these species. Without this action, specified TAC amounts will be prematurely reached, retention of these species will become prohibited, and U.S. fishermen who retain bycatch amounts of these species will be disadvantaged. Similarly, the immediate effectiveness of the directed fishing closures for the rockfish, Greenland turbot, and sablefish trawl fisheries is necessary to reduce Pacific halibut bycatch rates in these fisheries, increase the harvest of these species under existing halibut bycatch limitations, and reduce the possibility for premature closure of these fisheries under specified bycatch allowances. Therefore, the Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment or to delay the effective date. As immediate effectiveness of this action is necessary to benefit fishermen who would otherwise forego harvestable amounts of groundfish, the 30-day delayed effectiveness also is waived. However, interested persons are invited to submit comments in writing to the Regional Director (see **ADDRESSES**) for 15 days after the effective date of this action.

An informal consultation under the Endangered Species Act was concluded for the final 1993 initial groundfish specifications on January 20, 1993. As a result of the informal consultation, the Regional Director determined that fishing activities under the final 1993 TACs are not likely to adversely affect endangered or threatened species.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations.

50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: February 9, 1993.

Samuel W. McKeen,

Program Management Officer.

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50 CFR Part 675

[Docket No. 921185-3021]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Prohibition of retention.

SUMMARY: NMFS is prohibiting retention of the shortraker/rougheye rockfish species group (SRRE) in the Aleutian Islands subarea (AI) of the Bering Sea