positive rate has remained below 1.0 percent for the last two years. The Federal Railroad Administrator (Administrator) has therefore determined that the minimum annual random drug testing rate for the period January 1, 2012, through December 31, 2012, will remain at 25 percent of covered railroad employees. In addition, because the industry-wide random alcohol testing violation rate has remained below 0.5 percent for the last two years, the Administrator has determined that the minimum random alcohol testing rate will remain at 10 percent of covered railroad employees for the period January 1, 2012, through December 31, 2012. Railroads remain free, as always, to conduct random testing at higher rates.

DATES: This notice of determination is effective December 27, 2011.

FOR FURTHER INFORMATION CONTACT: Lamar Allen, Alcohol and Drug Program Manager, Office of Safety Enforcement, Mail Stop 25, Federal Railroad Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, (telephone (202) 493–6313); or Kathy Schnakenberg, FRA Alcohol/Drug Program Specialist, (telephone (719) 633–8955).

Issued in Washington, DC, on December 20, 2011.

Joseph C. Szabo,

Administrator.

[FR Doc. 2011–33046 Filed 12–23–11; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111213751–1748–01]

RIN 0648–XA758

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Proposed 2012 and 2013 Harvest Specifications for Groundfish

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes 2012 and 2013 harvest specifications, apportionments, and prohibited species catch (PSC) allowances for the groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) management area. This action is necessary to establish harvest limits for groundfish during the 2012 and 2013 fishing years, and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Comments must be received by January 26, 2012.

ADDRESSES: Send comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by FDMS Docket Number NOAA–NMFS–2011–0230, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal at *http://www.regulations.gov.* To submit comments via the e-Rulemaking Portal, first click the ''submit a comment'' icon, then enter NOAA–NMFS–2011–0230 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the ''Submit a Comment'' icon on the right of that line.
- *Mail:* Submit written comments to P.O. Box 21668, Juneau, AK 99802.
- *Fax:* (907) 586–7557.
- *Hand delivery to the Federal Building:* 709 West 9th Street, Room 420A, Juneau, AK.

Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered.

All comments received are a part of the public record. Comments will generally be posted for public viewing on *www.regulations.gov* without change. All Personal Identifying Information (for example, name, address) voluntarily submitted by the commenter will be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (EIS), the Initial Regulatory Flexibility Analysis (IRFA), and the Supplemental IRFA prepared for this action may be obtained from *http://www.regulations.gov* or from the Alaska Region Web site at *http://alaskafisheries.noaa.gov.* Copies of the final 2010 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2010, are available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99501–2252, phone (907) 271–2809, or from the Council's Web site at *http://alaskafisheries.noaa.gov/npfmc.* The 2011 SAFE report for the BSAI became available from the same sources in November 2011.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, (907) 586–7269.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR part 679 implement the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) and govern the groundfish fisheries in the BSAI. The Council prepared the FMP and NMFS approved it under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species category, the sum of which must be within the optimum yield range of 1.4 million to 2.0 million metric tons (mt) (see § 679.20(a)(1)(i)). This proposed rule specifies 2.0 million mt for both 2012 and 2013. Section 679.20(c)(1) further requires NMFS to publish proposed harvest specifications in the **Federal Register** and solicit public comments on proposed annual TACs and apportionments thereof, PSC allowances, prohibited species quota (PSQ) reserves established by § 679.21, seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC, American Fisheries Act allocations, Amendment 80 allocations, and Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii). The proposed harvest specifications set forth in Tables 1 through 12 of this action satisfy these requirements.

Under § 679.20(c)(3), NMFS will publish the final harvest specifications

for 2012 and 2013 after (1) considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its December 5 through 13, 2011 meeting, and (3) considering new information presented in the final 2011 SAFE reports prepared for the 2012 and 2013 groundfish fisheries.

Other Actions Potentially Affecting the 2012 and 2013 Harvest Specifications

The Council is currently considering implementing management measures in the event that Pacific cod is split from a BSAI-wide fishery into separate OFLs, ABCs and TACs for the Bering Sea subarea and the Aleutian Island districts. This split is dependent upon the development of an age-structured model for the Aleutian Islands Pacific cod stock assessment that will be reviewed by the Plan Team and SSC in 2012 or 2013. This could impact the over fishing levels (OFL), acceptable biological catches (ABC), and total allowable catches (TAC) for Pacific cod on Table 1 for 2013.

In 2011, Kamchatka flounder had OFLs, ABCs, and TACs in the harvest specifications (76 FR 11139, March 1, 2011). In the proposed 2011 and 2012 harvest specifications (75 FR 76372, December 8, 2010) NMFS requested public comment on the proposal to allocate 10.7 percent of the Kamchatka flounder TAC to the CDQ program. Comments were received from each of the six CDQ groups requesting that NMFS not allocate Kamchatka flounder to the CDQ program. Based upon these comments, NMFS determined to not allocate Kamchatka flounder to the six CDQ groups in 2011. However, in 2011, a vessel fishing on behalf of one of the CDQ groups conducted directed fishing as defined at § 679.2 for Kamchatka flounder. That activity indicates that Kamchatka flounder may constitute a directed fishery of the Bering Sea and Aleutian Islands under section 305(i)(1)(B)(i) of the Magnuson-Stevens Act, which may make it necessary to make an allocation for Kamchatka flounder. Therefore, NMFS requests comment about whether the CDQ groups intend to conduct directed fishing for Kamchatka flounder in 2012 or 2013. For the final 2012 and 2013 groundfish harvest specifications for the BSAI NMFS will consider any comments received in determining whether to allocate Kamchatka flounder to the CDQ program. Specifically, if NMFS receives information that none of the CDQ groups intend to conduct directed fishing for Kamchatka flounder, then NMFS would not allocate 10.7 percent of the Kamchatka flounder TAC to the CDQ program. However, if any one of the six CDQ groups intends to conduct directed fishing for Kamchatka flounder, or if NMFS does not receive information that demonstrates unanimity among the CDQ groups about the economic value of Kamchatka flounder to the CDQ groups, NMFS would allocate 10.7 percent of the TAC to the CDQ program in 2012 and 2013.

If an allocation of Kamchatka flounder is made to the CDQ program in the final 2012 and 2013 groundfish harvest specifications for the BSAI, this CDQ reserve will be allocated among the CDQ groups using the same percentage allocations currently used to allocate the arrowtooth flounder complex among the CDQ groups. These percentage allocations are shown in Table 1 of a notice published in the **Federal Register** on August 31, 2006 (71 FR 51804). The current percentage allocations of arrowtooth flounder among the CDQ groups would be used to allocate Kamchatka flounder among the CDQ groups because the new TAC category was created by splitting Kamchatka flounder from the arrowtooth flounder complex.

Proposed ABC and TAC Harvest Specifications

The amounts proposed for the 2012 and 2013 harvest specifications are based on the 2010 SAFE report and are subject to change in the final harvest specifications to be published by NMFS following the Council's December 2011 meeting. At that meeting the Council will consider information contained in the final 2011 SAFE report, recommendations from the November 2011 BSAI Groundfish Plan Team (Plan Team) meeting, the December 2011 Scientific and Statistical Committee (SSC), the Advisory Panel (AP) meetings, and public testimony in making its recommendations for the final 2012 and 2013 harvest specifications.

At the October 2011 Council meeting, the SSC, AP, and Council reviewed the most recent biological and harvest information about the condition of the BSAI groundfish stocks. The Council's Plan Team compiled and presented this information, which was initially compiled by the Plan Team and presented in the final 2010 SAFE report for the BSAI groundfish fisheries, dated November 2010 (see **ADDRESSES**). In November 2011, the Plan Team updated the 2010 SAFE report to include new information collected during 2011, such as revised stock assessments and catch data. The Plan Team compiled this information and produced the 2011 SAFE report. The Council will review the 2011 SAFE report during the December 2011 Council meeting. At that meeting the Council will consider information contained in the 2011 SAFE report, recommendations made by the Plan Team during its November 2011 meeting, the December 2011 SSC and AP meetings, public testimony, and relevant written public comments in making its recommendations for the final 2012 and 2013 harvest specifications.

In previous years some of the largest changes from the proposed to the final harvest specifications have been based on the most recent NMFS surveys, which provide updated estimates of stock biomass and spatial distribution, and changes to the models used in the stock assessments. These changes are recommended by the November 2011 Plan Team and are included in the final 2011 SAFE report. The final 2011 SAFE report includes the most recent information, such as 2011 catch. The final harvest specification amounts for these stocks are not expected to vary greatly from the proposed specification amounts published here.

If the final 2011 SAFE report indicates that the stock biomass trend is increasing for a species, then the final 2012 and 2013 harvest specifications may reflect that increase from the proposed harvest specifications. Conversely, if the final 2011 SAFE report indicates that the stock biomass trend is decreasing for a species, then the final 2012 and 2013 harvest specifications may reflect a decrease from the proposed harvest specifications. In addition to changes driven by biomass trends, there may be changes in TACs due to the sum of ABCs exceeding 2 million mt. Since the FMP requires TACs to be set to an optimum yield between 1.4 and 2 million mt, the Council may be required to recommend TACs that are lower than the ABCs recommended by the Plan Team if setting TACs equal to ABC would cause the TAC to exceed an optimum yield of 2 million mt. Generally, ABCs greatly exceed 2 million mt in years with a large pollock biomass. Based upon the 2011 SAFE report, it is anticipated that both 2012 and 2013 will have large pollock biomasses, and the sum of the ABCs will exceed 2 million mt.

The proposed ABCs and TACs are based on the best available biological and socioeconomic data, including projected biomass trends, information on assumed distribution of stock biomass, and revised methods used to calculate stock biomass. The FMP specifies a series of six tiers to define OFLs and ABCs based on the level of reliable information available to fishery

scientists. Tier one represents the highest level of information quality available while tier six represents the lowest.

In November 2011, the Plan Team recommended a predation-based estimate to octopus mortality as an alternative Tier 6 estimate. If the SSC and Council approve this approach, the OFL and ABC for octopus will likely be larger in 2012 than in 2011.

In October 2011, the SSC adopted the proposed 2012 and 2013 OFLs and ABCs recommended by the Plan Team for all groundfish species. The Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations. These amounts are unchanged from the final 2012 harvest specifications published in the **Federal Register** on March 1, 2011 (76 FR 11139). For 2012 and 2013, the Council recommended and NMFS proposes the OFLs, ABCs, and TACs listed in Table 1. The proposed ABCs reflect harvest amounts that are less than the specified overfishing amounts. The sum of the proposed 2012 and 2013 ABCs for all assessed groundfish is 2,911,610 mt, which is higher than the final 2011 ABC total of 2,534,729 mt (76 FR 11139, March 1, 2011).

Specification and Apportionment of TAC Amounts

The Council recommended proposed TACs for 2012 and 2013 that are equal to proposed ABCs for sablefish, Kamchatka flounder, Pacific ocean perch, shortraker rockfish, and rougheye rockfish. The Council recommended proposed TACs for 2012 and 2013 that are less than the proposed ABCs for pollock, Pacific cod, Atka mackerel, yellowfin sole, rock sole, Greenland turbot, arrowtooth flounder, flathead sole, ''other flatfish,'' Alaska plaice, northern rockfish, ''other rockfish,'' squids, sharks, skates, sculpins, and octopuses.

Section 679.20(a)(5)(iii)(B)(*1*) requires the Aleutian Islands (AI) pollock TAC to be set at 19,000 mt when the AI pollock ABC equals or exceeds 19,000 mt. The Bogoslof pollock TAC is set to accommodate incidental catch amounts. With the exceptions of sablefish, Kamchatka flounder, Pacific ocean perch, shortraker rockfish, and rougheye rockfish; TACs are set below ABCs. TACs are set so that the sum of the overall TAC does not exceed the BSAI optimum yield.

The proposed groundfish OFLs, ABCs, and TACs are subject to change pending the completion of the 2011 SAFE report and the Council's recommendations for final 2012 and 2013 harvest specifications during its December 2011 meeting. These proposed amounts are consistent with the biological condition of groundfish stocks as described in the 2010 SAFE report, and adjusted for other biological and socioeconomic considerations. Pursuant to section 3.2.3.4.1 of the Fishery Management Plan, the Council could recommend adjusting the TACs if warranted on the basis of bycatch considerations, management uncertainty, or socioeconomic considerations, or if required in order to cause the sum of the TACs to fall within the OY range. Table 1 lists the proposed 2012 and 2013 OFL, ABC, TAC, initial TAC (ITAC), and CDQ amounts for groundfish for the BSAI. The proposed apportionment of TAC amounts among fisheries and seasons is discussed below.

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TABLE 1– PROPOSED 2012 AND 2013 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI[1]

[Amounts are in metric tons]

Species	Area	Proposed 2012 and 2013				
		OFL	ABC	TAC	ITAC[2]	CDQ[3,4,5]
Pollock	BS	3,170,000	1,600,000	1,253,658	1,128,292	125,366
	AI	50,400	41,600	19,000	17,100	1,900
	Bogoslof	22,000	156	150	150	n/a
Pacific cod[4]	BSAI	329,000	281,000	229,608	205,040	24,568
Sablefish[5]	BS	3,080	2,610	2,610	1,109	98
	AI	2,060	1,740	1,740	370	33
Atka mackerel	BSAI	92,200	77,900	48,593	43,394	5,199
	EAI/BS	n/a	36,800	36,800	32,862	3,938
	CAI	n/a	21,900	10,293	9,192	1,101
	WAI	n/a	19,200	1,500	1,340	161
Yellowfin sole	BSAI	266,000	242,000	197,660	176,510	21,150
Rock sole[6]	BSAI	243,000	219,000	85,000	75,905	9,095
Greenland turbot	BSAI	6,760	5,750	4,950	4,208	n/a
	BS	n/a	4,300	3,500	2,975	375
	AI	n/a	1,450	1,450	1,233	n/a
Arrowtooth flounder	BSAI	191,000	157,000	25,900	22,015	2,771
Kamchatka flounder	BSAI	23,600	17,700	17,700	15,045	n/a
Flathead sole[7]	BSAI	82,100	68,300	41,548	37,102	4,446
Other flatfish[8]	BSAI	19,500	14,500	3,000	2,550	n/a
Alaska plaice	BSAI	83,800	69,100	16,000	13,600	n/a
Pacific ocean perch	BSAI	34,300	24,700	24,700	21,812	n/a
	BS	n/a	5,710	5,710	4,854	n/a
	EAI	n/a	5,660	5,660	5,054	606
	CAI	n/a	4,960	4,960	4,429	531
	WAI	n/a	8,370	8,370	7,474	896
Northern rockfish	BSAI	10,400	8,330	4,000	3,400	n/a
Shortraker rockfish	BSAI	524	393	393	334	n/a
Rougheye rockfish[9]	BSAI	563	465	465	395	n/a
	EBS/EAI	n/a	240	240	204	n/a
	CAI/WAI	n/a	225	225	191	n/a
Other rockfish[10]	BSAI	1,700	1,280	1,000	850	n/a
	BS	n/a	710	500	425	n/a
	AI	n/a	570	500	425	n/a
Squids	BSAI	2,620	1,970	425	361	n/a
Sharks	BSAI	1,360	1,020	50	43	n/a
Skates	BSAI	37,200	31,000	16,500	14,025	n/a
Sculpins	BSAI	58,300	43,700	5,200	4,420	n/a
Octopuses	BSAI	528	396	150	128	n/a
TOTAL		4,731,995	2,911,610	2,000,000	1,788,157	197,032

[1] These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

[2] Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species (Atka mackerel, Aleutian Islands Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod), 15 percent of each TAC is put into a reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves.

[3] Under § 679.20(a)(5)(i)(A)(1), the annual Bering Sea subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance 3 percent), is further allocated by sector for a directed pollock fishery as follows: inshore - 50 percent; catcher/processor - 40 percent; and motherships - 10 percent. Under § 679.20(a)(5)(iii)(B)(2)(i) and (ii), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (1,600 mt), is allocated to the Aleut Corporation for a directed pollock fishery.

[4] The Pacific cod TAC is reduced by three percent from the ABC to account for the State of Alaska guideline harvest level in state waters of the Aleutian Islands subarea.

[5] For the Amendment 80 species (Atka mackerel, Aleutian Islands Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for Bering Sea Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). Aleutian Islands Greenland turbot, "other flatfish," Alaska plaice, Bering Sea Pacific ocean perch, northern rockfish, shortraker rockfish, rougheye rockfish, "other rockfish," squids, octopuses, skates, sculpins, and sharks are not allocated to the CDQ program.

[6] ''Rock sole'' includes Lepidopsetta polyxystra (Northern rock sole) and Lepidopsetta bilineata (Southern rock sole).

[7] ''Flathead sole'' includes Hippoglossoides elassodon (flathead sole) and Hippoglossoides robustus (Bering flounder).

[8] "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder, Kamchatka flounder, and Alaska plaice.

[9] ''Rougheye rockfish'' includes Sebastes aleutianus (rougheye) and Sebastes melanostictus (blackspotted).

[10] "Other rockfish" includes all Sebastes and Sebastolobus species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

Groundfish Reserves and the Incidental Catch Allowance (ICA) for Pollock, Atka Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and AI Pacific Ocean Perch

The regulations at section 679.20(b) require NMFS to place certain amounts of BSAI TAC in reserve. Section 679.20(b)(1)(i) requires the placement of 15 percent of the TAC for each target species category, except for pollock, hook-and-line and pot gear allocation of sablefish, and Amendment 80 species, in a non-specified reserve. Section 679.20(b)(1)(ii)(B) requires that 20 percent of the hook-and-line and pot gear allocation of sablefish be allocated to the fixed gear sablefish CDQ reserve. Section 679.20(b)(1)(ii)(D) requires that 7.5 percent of the trawl gear allocations of sablefish and 10.7 percent of Bering Sea Greenland turbot, and arrowtooth flounder be allocated to the respective CDQ reserves. Additionally, unless NMFS receives comments that the CDQ groups do not intend to conduct directed fisheries for Kamchatka flounder, NMFS will assume that a directed fishery exists, under section 305(i)(1)(B)(i) of the MSA, and allocate 10.7 percent of the TAC for Kamchatka flounder to the CDQ reserves. Section 679.20(b)(1)(ii)(C) requires that 10.7 percent of the TACs for Atka mackerel, AI Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod be allocated to the CDQ reserves. Sections 679.20(a)(5)(i)(A) and 679.31(a) also require the allocation of 10 percent of the BSAI pollock TACs to the pollock CDQ directed fishing allowance (DFA). The entire Bogoslof District pollock TAC is allocated as an ICA (see § 679.20(a)(5)(ii)). With the exception of the hook-and-line and pot gear sablefish CDQ reserve, the regulations do not further apportion the CDQ reserves by gear. Sections 679.30 and 679.31 set forth regulations governing the management of the CDQ reserves.

Pursuant to § 679.20(a)(5)(i)(A)(*1*), NMFS proposes a pollock ICA of 3 percent of the Bering Sea subarea pollock TAC after subtraction of the 10 percent CDQ reserve. This allowance is based on NMFS' examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 1999 through 2011. During this 13-year period, the pollock incidental catch ranged from a low of 2.4 percent in 2006 to a high of 5 percent in 1999, with a 13-year average of 3.2 percent. Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) and (*ii*), NMFS proposes a pollock ICA of 1,600 mt for the AI subarea after subtraction of the 10 percent CDQ DFA. This allowance is based on NMFS' examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2003 through 2011. During this 9-year period, the incidental catch of pollock ranged from a low of 5 percent in 2006 to a high of 10 percent in 2003, with a 9-year average of 7 percent.

Pursuant to § 679.20(a)(8) and (10), NMFS proposes ICAs of 5,000 mt of flathead sole, 10,000 mt of rock sole, 2,000 mt of yellowfin sole, 10 mt of Western Aleutian District Pacific ocean perch, 75 mt of Central Aleutian District Pacific ocean perch, 100 mt of Eastern Aleutian District Pacific ocean perch, 40 mt for Western Aleutian District Atka mackerel, 75 mt for Central Aleutian District Atka mackerel, and 1,000 mt of Eastern Aleutian District and Bering Sea subarea Atka mackerel after subtraction of the 10.7 percent CDQ reserve. These allowances are based on NMFS' examination of the average incidental

catch in other target fisheries from 2003 through 2011.

The regulations do not designate the remainder of the non-specified reserve by species or species group. Any amount of the reserve may be apportioned to a target species that contributed to the non-specified reserve, provided that such apportionments do not result in overfishing (see § 679.20(b)(1)(i)).

Allocations of Pollock TAC Under the American Fisheries Act (AFA)

Section 679.20(a)(5)(i)(A) requires that the pollock TAC apportioned to the Bering Sea subarea, after subtraction of 10 percent for the CDQ program and 3 percent for the ICA, be allocated as a DFA as follows: 50 percent to the inshore sector, 40 percent to the catcher/processor sector, and 10 percent to the mothership sector. In the Bering Sea subarea, 40 percent of the DFA is allocated to the A season (January 20 to June 10) and 60 percent of the DFA is allocated to the B season (June 10 to November 1) (§ 679.20(a)(5)(i)(B)). The AI directed pollock fishery allocation to the Aleut Corporation is the amount of pollock remaining in the AI subarea after subtracting 1,900 mt for the CDQ DFA (10 percent) and 1,600 mt for the ICA (§ 679.20(a)(5)(iii)(B)(*2*)(*ii*)). In the AI subarea, 40 percent of the ABC is allocated to the A season and the remainder of the directed pollock fishery is allocated to the B season. Table 2 lists these proposed 2012 and 2013 amounts.

Section 679.20(a)(5)(i)(A)(*4*) also includes several specific requirements regarding Bering Sea subarea pollock allocations. First, 8.5 percent of the pollock allocated to the catcher/processor sector will be available for harvest by AFA catcher vessels with catcher/processor sector endorsements, unless the Regional Administrator receives a cooperative contract that provides for the distribution of harvest among AFA catcher/processors and AFA catcher vessels in a manner agreed to by all members. Second, AFA catcher/processors not listed in the AFA are limited to harvesting not more than 0.5 percent of the pollock allocated to the catcher/processor sector. Table 2 lists the proposed 2012 and 2013 allocations of pollock TAC. Tables 9 through 12 list the AFA catcher/processor and catcher vessel harvesting sideboard limits. In past years, the proposed harvest specifications included text and tables describing pollock allocations to the Bering Sea subarea inshore pollock cooperatives and open access sector. These allocations are based on the submission of AFA inshore cooperative applications due to NMFS on December 1 of each calendar year. Because AFA inshore cooperative applications for 2012 have not been submitted to NMFS, thereby preventing NMFS from calculating 2012 allocations, NMFS has not included inshore cooperative text and tables in these proposed harvest specifications. NMFS will post 2012 AFA inshore cooperative allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov* when they become available in December 2011.

Table 2 also lists proposed seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest of pollock within the SCA, as defined at § 679.22(a)(7)(vii), is limited to 28 percent of the DFA until 12 noon, April 1 as provided in § 679.20(a)(5)(i)(C). The remaining 12 percent of the 40 percent annual DFA allocated to the A season may be taken outside the SCA before 12 noon, April 1 or inside the SCA after 12 noon, April 1. The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector's allocated percentage of the DFA. Table 2 lists these proposed 2012 and 2013 amounts by sector.

TABLE 2–PROPOSED 2012 AND 2013 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)[1]

[Amounts are in metric tons]

Area and sector	2012 and 2013 Allocations	A season		B season[1]
		A season DFA	SCA harvest limit[2]	B season DFA
Bering Sea subarea TAC	1,253,658	N/A	N/A	N/A
CDQ DFA	125,366	50,146	35,102	75,219
ICA[1]	33,849	N/A	N/A	N/A
AFA Inshore	547,222	218,889	153,222	328,333
AFA Catcher/Processors[3]	437,777	175,111	122,578	262,666
Catch by C/Ps	400,566	160,227	N/A	240,340
Catch by C/Vs[3]	37,211	14,884	N/A	22,327
Unlisted C/P Limit[4]	2,189	876	N/A	1,313
AFA Motherships	109,444	43,778	30,644	65,667
Excessive Harvesting Limit[5]	191,528	N/A	N/A	N/A
Excessive Processing Limit[6]	328,333	N/A	N/A	N/A
Total Bering Sea DFA (non-CDQ)	1,094,443	437,777	306,444	656,666
Aleutian Islands subarea[1]	19,000	N/A	N/A	N/A
CDQ DFA	1,900	760	N/A	1,140
ICA	1,600	800	N/A	800
Aleut Corporation	15,500	10,600	N/A	4,900
Bogoslof District ICA[7]	150	N/A	N/A	N/A

[1] Pursuant to § 679.20(a)(5)(i)(A), the annual Bering Sea subarea pollock TAC, after subtraction for the CDQ DFA (10 percent) and the ICA (3 percent), is allocated as a DFA as follows: inshore sector 50 percent, catcher/processor sector 40 percent, and mothership sector 10 percent. In the Bering Sea subarea, 40 percent of the DFA is allocated to the A season (January 20–June 10) and 60 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), the annual AI pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second the ICA (1,600 mt), is allocated to the Aleut Corporation for a directed pollock fishery. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the directed pollock fishery.

[2] In the Bering Sea subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1. The remaining 12 percent of the annual DFA allocated to the A season may be taken outside of the SCA before April 1 or inside the SCA after April 1. If 28 percent of the annual DFA is not taken inside the SCA before April 1, the remainder is available to be taken inside the SCA after April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors (C/Ps) shall be available for harvest only by eligible catcher vessels (CVs) delivering to listed catcher/processors.

[4] Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processor sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the pollock DFAs not including CDQ.

[6] Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the pollock DFAs not including CDQ.

[7] The Regional Administrator proposes closing the Bogoslof pollock fishery for directed fishing under the final 2012 and 2013 harvest specifications for the BSAI. The amounts specified are for incidental catch only and are not apportioned by season or sector.

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Allocation of the Atka Mackerel TACs

Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs to the Amendment 80 and BSAI trawl limited access sectors, after subtraction of the CDQ reserves, jig gear allocation, and ICAs for the BSAI trawl limited access sector and non-trawl gear (Table 3). The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to part 679 and in § 679.91. Pursuant to § 679.20(a)(8)(i), up to 2 percent of the Eastern Aleutian District and Bering Sea subarea Atka mackerel ITAC may be allocated to jig gear. The amount of this allocation is determined annually by the Council based on several criteria, including the anticipated harvest capacity of the jig gear fleet. The Council recommended and NMFS proposes a 0.5 percent allocation of the Atka mackerel ITAC in the Eastern Aleutian District and Bering Sea subarea to jig gear in 2012 and 2013. This percentage is applied after the subtraction of the CDQ reserve and the ICA.

Section 679.20(a)(8)(ii)(C)(*3*) limits the annual TAC for Area 542 to no more than 47 percent of the Area 542 ABC. Section 679.7(a)(19) prohibits retention of Atka mackerel in Area 543, and the proposed amount is set to account for discards in other fisheries.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel TAC (including the CDQ reserve) into two equal seasonal allowances. The first seasonal allowance is made available for directed fishing with trawl gear from January 20 to June 10 (A season), and the second seasonal allowance is made available from June 10 to November 1 (B season). The jig gear allocation is not apportioned by season.

Sections 679.20(a)(8)(ii)(C)(*1*)(*i*) and (*ii*) require the Amendment 80 cooperatives and CDQ groups to limit harvest to 10 percent of their Central Aleutian District Atka mackerel allocation equally divided between the A and B seasons within waters 10 nm to 20 nm of Gramp Rock and Tag Island, as described on Table 12 to part 679. Vessels not fishing under the authority of an Amendment 80 cooperative quota or CDQ allocation are prohibited from conducting directed fishing for Atka mackerel inside Steller sea lion critical habitat in the Central Aleutian District.

Two Amendment 80 cooperatives have formed for the 2012 fishing year. Because all Amendment 80 vessels are part of a cooperative, no allocation to the Amendment 80 limited access sector is required. NMFS will post 2012 Amendment 80 cooperative allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov* prior to the start of the fishing year on January 1, 2012, based on the harvest specifications effective on that date.

Table 3 lists these 2012 and 2013 Atka mackerel season and area allowances, as well as the sector allocations. The 2013 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2012.

TABLE 3–PROPOSED 2012 AND 2013 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector[1]	Season[2,3,4]	Allocation by area		
		Eastern Aleutian District/Bering Sea	Central Aleutian District	Western Aleutian District
TAC	n/a	36,800	10,293	1,500
CDQ reserve	Total	3,938	1,101	161
	Critical habitat[5]	n/a	661	96
ICA	Total	1,000	75	40
Jig[6]	Total	159	0	0
BSAI trawl limited access	Total	3,170	912	0
	A	1,585	456	0
	B	1,585	456	0
Amendment 80	Total	28,533	8,205	1,300
Alaska Seafood Cooperative	Total	11,896	3,393	539
	A	5,948	1,697	270
	Critical habitat[5]	n/a	1,018	162
	B	5,948	1,697	270
	Critical habitat[5]	n/a	1,018	162
Alaska Groundfish Cooperative	Total	16,637	4,812	761
	A	8,319	2,406	381
	Critical habitat[5]	n/a	1,444	228
	B	8,319	2,406	381
	Critical habitat[5]	n/a	1,444	228

[1] Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtraction of the CDQ reserves, ICAs, and the jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

[2] Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

[3] The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

[4] Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10, and the B season from June 10 to November 1.

[5] Section 679.20(a)(8)(ii)(C) requires the TAC in area 542 shall be no more than 47% of ABC, and Atka mackerel harvests for Amendment 80 cooperatives and CDQ groups within waters 10 nm to 20 nm of Gramp Rock and Tag Island, as described in Table 12 to part 679, in Area 542 are limited to no more than 10 percent of the Amendment 80 cooperative Atka mackerel allocation or 10 percent of the CDQ Atka mackerel allocation.

[6] Section 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and Bering Sea subarea TAC be allocated to jig gear after subtraction of the CDQ reserve and ICA. The amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

Allocation of the Pacific Cod TAC

Sections 679.20(a)(7)(i) and (ii) allocate the Pacific cod TAC in the BSAI, after subtraction of 10.7 percent for the CDQ program, as follows: 1.4 percent to vessels using jig gear, 2.0 percent to hook-and-line and pot catcher vessels less than 60 ft (18.3 m) length overall (LOA), 0.2 percent to hook-and-line catcher vessels greater than or equal to 60 ft (18.3 m) LOA, 48.7 percent to hook-and-line catcher/processors, 8.4 percent to pot catcher vessels greater than or equal to 60 ft (18.3 m) LOA, 1.5 percent to pot catcher/processors, 2.3 percent to AFA trawl catcher/processors, 13.4 percent to non-AFA trawl catcher/processors, and 22.1 percent to trawl catcher vessels. The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. For 2012 and 2013, the Regional Administrator proposes an ICA of 500 mt based on anticipated incidental catch in these fisheries.

The allocation of the ITAC for Pacific cod to the Amendment 80 sector is established in Table 33 to part 679 and

§ 679.91. Two Amendment 80 cooperatives have formed for the 2012 fishing year. Because all Amendment 80 vessels are part of a cooperative, no allocation to the Amendment 80 limited access sector is required. NMFS will post 2012 Amendment 80 cooperative allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov* prior to the start of the fishing year on January 1, 2012, based on the harvest specifications effective on that date.

The 2013 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants to apply for participation in the program by November 1, 2012. NMFS will post 2013 Amendment 80 cooperatives and Amendment 80 limited access allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov* when they become available in December 2012.

The Pacific cod ITAC is apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7) and 679.23(e)(5)). In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a seasonal Pacific cod allowance will become available at the beginning of the next seasonal allowance.

The CDQ and non-CDQ season allowances by gear based on the proposed 2012 and 2013 Pacific cod TACs are listed in Table 4 based on the sector allocation percentages of Pacific cod set forth at §§ 679.20(a)(7)(i)(B) and 679.20(a)(7)(iv)(A); and the seasonal allowances of Pacific cod set forth at § 679.23(e)(5). Section 679.7(a)(19) prohibits retention of Pacific cod in Area 543 and § 679.7(a)(23) prohibits directed fishing for Pacific cod with hook-and-line, pot, or jig gear in the AI subarea November 1 through December 31.

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TABLE 4–PROPOSED 2012 AND 2013 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC

[Amounts are in metric tons]

Gear sector	Percent	2012 and 2013 share of gear sector total	2012 and 2013 share of sector total	2012 and 2013 seasonal apportionment	
				Season	Amount
Total TAC	100	229,608	n/a	n/a	n/a
CDQ	10.7	24,568	n/a	See §679.20(a)(7)(i)(B)	n/a
Total hook-and-line/pot gear	60.8	124,664	n/a	n/a	n/a
Hook-and-line/pot ICA[1]	n/a	n/a	500	n/a	n/a
Hook-and-line/pot sub-total	n/a	124,164	n/a	n/a	n/a
Hook-and-line catcher/processors	48.7	n/a	99,454	Jan-1-Jun 10	50,722
				Jun 10-Dec 31	48,732
Hook-and-line catcher vessels≥ 60 ft LOA	0.2	n/a	408	Jan 1-Jun 10	208
				Jun 10-Dec 31	200
Pot catcher/processors	1.5	n/a	3,063	Jan 1-Jun 10	1,562
				Sept 1-Dec 31	1,501
Pot catcher vessels≥ 60 ft LOA	8.4	n/a	17,154	Jan 1-Jun 10	8,749
				Sept-1-Dec 31	8,406
Catcher vessels < 60 ft LOA using hook-and-line or pot gear	2	n/a	4,084	n/a	n/a
Trawl catcher vessels	22.1	45,314	n/a	Jan 20-Apr 1	33,532
				Apr 1-Jun 10	4,985
				Jun 10-Nov 1	6,797
AFA trawl catcher/processors	2.3	4,716	n/a	Jan 20-Apr 1	3,537
				Apr 1-Jun 10	1,179
				Jun 10-Nov 1	0
Amendment 80	13.4	27,475	n/a	Jan 20-Apr 1	20,607
				Apr 1-Jun 10	6,869
				Jun 10-Nov 1	0
Alaska Groundfish Cooperative for 2012[2]	n/a	5,116	n/a	Jan 20-Apr 1	3,837
				Apr 1-Jun 10	1,279
				Jun 10-Nov 1	0
Alaska Seafood Cooperative for 2012[2]	n/a	22,359	n/a	Jan 20- Apr 1	16,769
				Apr 1-Jun 10	5,590
				Jun 10-Nov 1	0
Jig	1.4	2,871	n/a	Jan 1-Apr 30	1,722
				Apr 30-Aug 31	574
				Aug 31-Dec 31	574

[1] The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator proposes an ICA of 500 mt for 2012 and 2013 based on anticipated incidental catch in these fisheries.

[2] The 2013 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2012.

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Sablefish Gear Allocation

Sections 679.20(a)(4)(iii) and (iv) require the allocation of sablefish TACs for the Bering Sea and AI subareas between trawl gear and hook-and-line or pot gear. Gear allocations of the TACs for the Bering Sea subarea are 50 percent for trawl gear and 50 percent for hook-and-line or pot gear. Gear allocations for the AI subarea are 25 percent for trawl gear and 75 percent for hook-and-line or pot gear. Section 679.20(b)(1)(ii)(B) requires apportionment of 20 percent of the hook-and-line and pot gear allocation of sablefish from the nonspecified reserves to the CDQ reserve. Additionally, § 679.20(b)(1)(ii)(D) requires apportionment of 7.5 percent of the trawl gear allocation of sablefish to the CDQ reserve. The Council recommended that only trawl sablefish TAC be established biennially. The harvest specifications for the hook-and-line gear and pot gear sablefish Individual Fishing Quota (IFQ) fisheries will be limited to the 2012 fishing year to ensure those fisheries are conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries would reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries would remain

closed at the beginning of each fishing year until the final harvest specifications for the sablefish IFQ fisheries are in effect. Table 5 lists the proposed 2012 and 2013 gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 5–PROPOSED 2012 AND 2013 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

[Amounts are in metric tons]

Subarea gear	Percent of TAC	2012 Share of TAC	2012 ITAC[1]	2012 CDQ reserve	2013 Share of TAC	2013 ITAC	2013 CDQ reserve
Bering Sea							
Trawl	50	1,305	1,109	98	1,305	1,109	98
Hook-and-line gear[2]	50	1,305	n/a	261	n/a	n/a	n/a
TOTAL	100	2,610	1,109	359	2,610	1,109	98
Aleutian Islands							
Trawl	25	435	370	33	435	370	33
Hook-and-line gear[2]	75	1,305	n/a	261	n/a	n/a	n/a
TOTAL	100	1,740	370	294	1,740	370	33

[1] Except for the sablefish hook-and-line or pot gear allocation, 15 percent of TAC is apportioned to the reserve. The ITAC is the remainder of the TAC after the subtraction of these reserves.

[2] For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. Section 679.20(b)(1) does not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear.

Allocation of the Aleutian Islands Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs

Sections 679.20(a)(10)(i) and (ii) require that an allocation be made to the Amendment 80 and BSAI trawl limited access sectors for AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs, after subtraction of 10.7 percent for the CDQ reserve and an ICA for the BSAI trawl limited access sector and vessels using non-trawl gear. The allocation of the ITAC for AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole to the Amendment 80 sector is established in Tables 33 and 34 to part 679 and in § 679.91.

Two Amendment 80 cooperatives have formed for the 2012 fishing year. Because all Amendment 80 vessels are part of a cooperative, no allocation to the Amendment 80 limited access sector is required. NMFS will post 2012 Amendment 80 cooperative allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov* prior to the start of the fishing year on January 1, 2012, based on the harvest specifications effective on that date.

The 2013 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until after November 1, 2012, the deadline date for eligible participants to apply for participation in the program. NMFS will post 2013 Amendment 80 cooperatives and Amendment 80 limited access allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov* when they become available in December 2012.

Table 6 lists the proposed 2012 and 2013 allocations and seasonal apportionments of the AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs.

TABLE 6–PROPOSED 2012 AND 2013 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	2012 and 2013 allocations					
	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC	5,660	4,960	8,370	41,548	85,000	197,660
CDQ	606	531	896	4,446	9,095	21,150
ICA	100	75	10	5,000	10,000	2,000
BSAI trawl limited access	495	435	149	0	0	34,746
Amendment 80	4,459	3,919	7,315	32,102	65,905	139,764
Alaska Groundfish Cooperative for 2011[1]	2,364	2,078	3,879	6,269	18,498	59,326
Alaska Seafood Cooperative for 2011[1]	2,095	1,841	3,436	25,833	47,407	80,438

[1] The 2013 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2012.

Allocation of PSC Limits for Halibut, Salmon, Crab, and Herring

Section 679.21(e) sets forth the BSAI PSC limits. Pursuant to § 679.21(e)(1)(iv) and (e)(2), the 2012 and 2013 BSAI halibut mortality limits are 3,675 mt for trawl fisheries and 900 mt for the non-trawl fisheries. Sections 679.21(e)(3)(i)(A)(*2*) and (e)(4)(i)(A) allocate 326 mt of the trawl halibut mortality limit and 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the PSQ reserve for use by the groundfish CDQ program.

Section 679.21(e)(4)(i) authorizes the apportionment of the non-trawl halibut PSC limit into PSC bycatch allowances among six fishery categories. Table 7c lists the fishery bycatch allowances for the trawl and non-trawl fisheries.

Pursuant to section 3.6 of the BSAI FMP, the Council recommends, and NMFS agrees, that certain specified non-trawl fisheries be exempt from the halibut PSC limit. As in past years after consultation with the Council, NMFS exempts pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions for the following reasons: (1) The pot gear fisheries have low halibut bycatch mortality; (2) NMFS estimates halibut mortality for the jig gear fleet to be negligible because of the small size of the fishery and the selectivity of the gear; and (3) the sablefish and halibut IFQ fisheries have low halibut bycatch mortality because the IFQ program requires legal-size halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ (subpart D of 50 CFR part 679). In 2011, total groundfish catch for the pot gear fishery in the BSAI was 29,305 mt, with an associated halibut bycatch mortality of 6 mt.

The 2011 jig gear fishery harvested about 505 mt of groundfish. Most vessels in the jig gear fleet are less than 60 ft (18.3 m) LOA and thus are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. However, as mentioned above, NMFS estimates a negligible amount of halibut bycatch mortality because of the selective nature of jig gear and the low mortality rate of halibut caught with jig gear and released.

Section 679.21(f)(2), annually allocates portions of either 47,591 or 60,000 Chinook salmon PSC among the AFA sectors depending upon past catch performance and upon whether or not Chinook salmon bycatch incentive plan agreements are formed. If an AFA sector participates in an approved Chinook salmon bycatch incentive plan agreement, then NMFS will allocate a portion of the 60,000 PSC limit to that sector as specified in § 679.21(f)(3)(iii)(A). If no Chinook salmon bycatch incentive plan agreement is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), NMFS will allocate a portion of the 47,591 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(B). In 2012, the Chinook salmon PSC limit is 60,000 and the AFA sector Chinook salmon allocations are seasonally allocated with 70 percent of the allocation for the A season pollock fishery, and 30 percent of the allocation for the B season pollock fishery as stated in § 679.21(f)(3)(iii)(A). The basis for these PSC limits is described in detail in the final rule implementing management measures for Amendment 91 (75 FR 53026, August 30, 2010). NMFS publishes the approved Chinook salmon bycatch incentive plan agreements, allocations and reports at: *http://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm.*

Section 679.21(e)(1)(viii) specifies 700 fish as the 2012 and 2013 Chinook salmon PSC limit for the AI subarea pollock fishery. Section 679.21(e)(3)(i)(A)(*3*)(*i*) allocates 7.5 percent of the 700 fish, or 53 Chinook salmon, as the AI subarea PSQ for the CDQ program and allocates the remaining 92.5 percent, or 647 Chinook salmon, to the non-CDQ fisheries.

Section 679.21(e)(1)(vii) specifies 42,000 fish as the 2011 and 2012 non-Chinook salmon PSC limit. Section 679.21(e)(3)(i)(A)(*3*)(*ii*) allocates 10.7

percent, or 4,494 non-Chinook salmon, as the PSQ for the CDQ program and allocates the remaining 89.3 percent, or 37,506 non-Chinook salmon, to the non-CDQ fisheries.

PSC limits for crab and herring are specified annually based on abundance and spawning biomass. Due to the lack of new information as of October 2011 regarding red king crab and herring PSC limits and apportionments, the Council recommended and NMFS proposes using the crab and herring 2011 and 2012 PSC limits and apportionments based on the 2010 survey data for the proposed 2012 and 2013 limits and apportionments. The Council will reconsider these amounts in December 2011. Pursuant to § 679.21(e)(3)(i)(A)(*1*), 10.7 percent of each PSC limit specified for crab is allocated as a PSQ reserve for use by the groundfish CDQ program.

Based on 2010 survey data, the red king crab mature female abundance is estimated at 31.5 million red king crabs, and the effective spawning biomass is estimated at 67.4 million lb (30,572 mt). Based on the criteria set out at § 679.21(e)(1)(i), the proposed 2012 and 2013 PSC limit of red king crab in Zone 1 for trawl gear is 197,000 animals. This limit derives from the mature female abundance estimate of more than 8.4 million king crab and the effective spawning biomass estimate of more than 55 million lbs (24,948 mt).

Section 679.21(e)(3)(ii)(B)(*2*) establishes criteria under which NMFS must specify an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS). The regulations limit the RKCSS to up to 25 percent of the red king crab PSC allowance based on the need to optimize the groundfish harvest relative to red king crab bycatch. NMFS proposes the Council's recommendation that the red king crab bycatch limit be equal to 25 percent of the red king crab PSC allowance within the RKCSS (Table 7b). Based on 2010 survey data, Tanner crab (*Chionoecetes bairdi*) abundance is estimated at 379 million animals. Pursuant to criteria set out at § 679.21(e)(1)(ii), the calculated 2012 and 2013 *C. bairdi* crab PSC limit for trawl gear is 830,000 animals in Zone 1 and 2,520,000 animals in Zone 2. These limits derive from the *C. bairdi* crab abundance estimate being in excess of the 270 million animals for the Zone 1 allocation and 290 million animals for the Zone 2 allocation, but less than 400 million animals for both zones allocations. Pursuant to § 679.21(e)(1)(iii), the PSC limit for snow crab (*C. opilio*) is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit is set at 0.1133 percent of the Bering Sea abundance index minus 150,000 crab if left unajusted. However, if the abundance is less than 4.5 million animals, the minimum PSC limit will be 4,350,000 animals pursuant to § 679.21(e)(1)(iii)(A) and (B). Based on the 2010 survey estimate of 7.5 billion animals, the calculated limit is 8,310,480 animals.

Pursuant to § 679.21(e)(1)(v), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern Bering Sea herring biomass. The best estimate of 2012 and 2013 herring biomass is 197,400 mt. This amount was derived using 2010 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game. Therefore, the herring PSC limit proposed for 2012 and 2013 is 2,273 mt for all trawl gear as presented in Tables 7a and 7b.

Section 679.21(e)(3)(A) requires PSQ reserves to be subtracted from the total trawl PSC limits. The amount of the 2012 PSC limits assigned to the Amendment 80 and BSAI trawl limited access sectors are specified in Table 35 to part 679. The resulting allocation of PSC to CDQ PSQ, the Amendment 80 sector, and the BSAI trawl limited access sector are listed in Table 7a. Pursuant to § 679.21(e)(1)(iv) and § 679.91(d) through (f), crab and halibut trawl PSC assigned to the Amendment 80 sector is then further allocated to Amendment 80 cooperatives as PSC cooperative quota as presented in Table 7d. Two Amendment 80 cooperatives have formed for the 2012 fishing year. Because all Amendment 80 vessels are part of a cooperative, an allocation to the Amendment 80 limited access sector is not required. NMFS will post 2012 Amendment 80 cooperative allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov* prior to the start of the fishing year on January 1, 2012, based on the harvest specifications effective on that date.

The 2013 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until after November 1, 2012, the deadline date for eligible participants to apply for participation in the program. NMFS will post 2013 Amendment 80 cooperatives and Amendment 80 limited access allocations on the Alaska Region Web site at *http://alaskafisheries.noaa.gov* when they become available in December 2012.

Section 679.21(e)(5) authorizes NMFS, after consultation with the Council, to establish seasonal apportionments of PSC amounts for the BSAI trawl limited access and Amendment 80 limited access sectors in order to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors considered are (1) seasonal distribution of prohibited species, (2) seasonal distribution of target groundfish species, (3) PSC bycatch needs on a seasonal basis relevant to prohibited species biomass, (4) expected variations in bycatch rates throughout the year, (5) expected start of fishing effort, and (6) economic effects of seasonal PSC apportionments on industry sectors.

NMFS proposes the Council's recommendation of the seasonal PSC apportionments in Table 7c to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC based on the above criteria.

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TABLE 7a–PROPOSED 2012 AND 2013 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species	Total non-trawl PSC	Non-trawl PSC remaining after CDQ PSQ[1]	Total trawl PSC	Trawl PSC remaining after CDQ PSQ[1]	CDQ PSQ reserve[1]	Amendment 80 sector[2]	BSAI trawl limited access fishery
Halibut mortality (mt) BSAI	900	832	3,675	3,349	393	2,325	875
Herring (mt) BSAI	n/a	n/a	2,273	n/a	n/a	n/a	n/a
Red king crab (animals) Zone 1[1]	n/a	n/a	197,000	175,921	21,079	87,925	53,797
C. opilio (animals) COBLZ[3]	n/a	n/a	8,310,480	7,421,259	889,221	3,647,549	2,385,193
C. bairdi crab (animals) Zone 1[3]	n/a	n/a	830,000	741,190	88,810	312,115	348,285
C. bairdi crab (animals) Zone 2[3]	n/a	n/a	2,520,000	2,250,360	269,640	532,660	1,053,394

[1] Section 679.21(e)(3)(i)(A)(2) allocates 326 mt of the trawl halibut mortality limit and § 679.21(e)(4)(i)(A) allocates 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the PSQ reserve for use by the groundfish CDQ program. The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

[2] The Amendment 80 program reduced apportionment of the trawl PSC limits by 150 mt for halibut mortality and 20 percent for crab PSC. These reductions are not apportioned to other gear types or sectors.

[3] Refer to § 679.2 for definitions of zones.

TABLE 7b-PROPOSED 2012 AND 2013 HERRING AND RED KING CRAB SAVINGS SUBAREA PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

Fishery categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole	195	n/a
Rock sole/flathead sole/other flatfish [1]	33	n/a
Greenland turbot/arrowtooth/sablefish[2]	16	n/a
Rockfish	12	n/a
Pacific cod	33	n/a
Midwater trawl pollock	1,737	n/a
Pollock/Atka mackerel/other species[3,4]	247	n/a
Red king crab savings subarea non-pelagic trawl gear[5]	n/a	49,250
Total trawl PSC	2,273	197,000

[1]"Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

[2]"Arrowtooth flounder" for PSC monitoring includes Kamchatka flounder.

[3]Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

[4]"Other species" for PSC monitoring includes sculpins, sharks, skates, and octopuses.

[5]In October 2011 the Council recommended that the red king crab bycatch limit for non-pelagic trawl fisheries within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(2)).

TABLE 7c–PROPOSED 2012 AND 2013 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR AND NON-TRAWL FISHERIES

BSAI trawl limited access fisheries	Prohibited species and area[1]					
	Halibut mortality (mt) BSAI		Red king crab (animals) Zone 1	C. opilio (animals) COBLZ	C. bairdi (animals)	
					Zone 1	Zone 2
Yellowfin sole	167		47,397	2,247,640	293,234	1,005,879
Rock sole/flathead sole/other flatfish[2]	0		0	0	0	0
Turbot/arrowtooth/sablefish[3]	0		0	0	0	0
Rockfish April 15-December 31	5		0	3,821	0	848
Pacific cod	453		6,000	95,523	50,816	42,424
Pollock/Atka mackerel/other species[4]	250		400	38,209	4,235	4,242
Total BSAI trawl limited access PSC	875		53,797	2,385,193	348,285	1,053,394
Non-trawl fisheries	Catcher/processor	Catcher vessel				
Pacific cod-Total	760	15				
January 1-June 10	455	10				
June 10-August 15	190	3				
August 15-December 31	115	2				
Other non-trawl-Total	58					
May 1-December 31	58					
Groundfish pot and jig	Exempt					
Sablefish hook-and-line	Exempt					
Total non-trawl PSC	833					

[1] Refer to § 679.2 for definitions of areas.

[2] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

[3] "Arrowtooth flounder" for PSC monitoring includes Kamchatka flounder.

[4] "Other species" for PSC monitoring includes sculpins, sharks, skates, and octopuses.

TABLE 7d–PROPOSED 2012 PROHIBITED SPECIES BYCATCH ALLOWANCE FOR THE BSAI AMENDMENT 80 COOPERATIVES

Cooperative	Prohibited species and zones[1]				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	C. opilio (animals) COBLZ	C. bairdi (animals)	
				Zone 1	Zone 2
Alaska Seafood Cooperative	1,643	59,881	2,354,948	219,719	367,520
Alaska Groundfish Cooperative	732	28,045	1,292,600	92,396	165,140

[1] Refer to § 679.2 for definitions of zones.

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Halibut Discard Mortality Rates (DMRs)

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut bycatch rates, DMRs, and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. The DMRs are based on the best information available, including information contained in the annual SAFE report.

NMFS proposes the halibut DMRs developed and recommended by the International Pacific Halibut Commission (IPHC) and the Council for the 2012 and 2013 BSAI groundfish fisheries for use in monitoring the 2012 and 2013 halibut bycatch allowances (see Tables 7a–7d). The IPHC developed these DMRs for the 2010 to 2012 BSAI fisheries using the 10-year mean DMRs for those fisheries. The IPHC will analyze observer data annually and recommend changes to the DMRs when a fishery DMR shows large variation from the mean. A discussion of the DMRs and their justification is presented in Appendix 2 in the final 2009 SAFE report dated November 2009 (see **ADDRESSES**). Table 8 lists the 2012 and 2013 DMRs.

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TABLE 8–PROPOSED 2012 AND 2013 ASSUMED PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI

Gear	Fishery	Halibut discard mortality rate (percent)
Non-CDQ hook-and-line	Greenland turbot	11
	Other species	10
	Pacific cod	10
	Rockfish	9
Non-CDQ trawl	Arrowtooth flounder	76
	Atka mackerel	76
	Flathead sole	74
	Greenland turbot	67
	Non-pelagic pollock	73
	Pelagic pollock	89
	Other flatfish	72
	Other species	71
	Pacific cod	71
	Rockfish	81
	Rock sole	82
	Sablefish	75
	Yellowfin sole	81
Non-CDQ pot	Other species	8
	Pacific cod	8
CDQ trawl	Atka mackerel	85
	Flathead sole	88
	Non-pelagic pollock	84
	Pelagic pollock	85
	Pacific cod	90
	Pelagic pollock	90
	Rockfish	84
	Rock sole	87
	Yellowfin sole	85
CDQ hook-and-line	Greenland turbot	4
	Pacific cod	10
CDQ pot	Pacific cod	8
	Sablefish	32

Listed AFA Catcher/Processor Sideboard Limits

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of listed AFA catcher/processors to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the directed pollock fishery. The basis for these proposed sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). Table 9 lists the proposed 2012 and 2013 catcher/processor sideboard limits.

All harvests of groundfish sideboard species by listed AFA catcher/processors, whether as targeted catch or incidental catch, will be deducted from the proposed sideboard limits in Table 9. However, groundfish sideboard species that are delivered to listed AFA catcher/processors by catcher vessels will not be deducted from the proposed 2012 and 2013 sideboard limits for the listed AFA catcher/processors.

TABLE 9–PROPOSED 2012 AND 2013 BSAI GROUNDFISH SIDEBOARD LIMITS FOR LISTED AMERICAN FISHERIES ACT CATCHER/PROCESSORS (C/Ps)

[Amounts are in metric tons]

Target species	Area	1995-1997			2012 and 2013 ITAC available to all trawl C/Ps[1]	2012 and 2013 AFA C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch of total catch		
Sablefish trawl	BS	8	497	0.016	1,109	18
	AI	0	145	0	370	0
Atka mackerel	Central AI					
	A season[2]	n/a	n/a	0.115	4,596	529
	B season[2]	n/a	n/a	0.115	4,596	529
	Western AI					
	A season[2]	n/a	n/a	0.2	670	134
	B season[2]	n/a	n/a	0.2	670	134
Yellowfin sole[3]	BSAI	100,192	435,788	0.23	176,510	40,597
Rock sole	BSAI	6,317	169,362	0.037	75,905	2,808
Greenland turbot	BS	121	17,305	0.007	2,975	21
	AI	23	4,987	0.005	1,233	6
Arrowtooth flounder	BSAI	76	33,987	0.002	22,015	44
Kamchatka flounder	BSAI	76	33,987	0.002	15,045	30
Flathead sole	BSAI	1,925	52,755	0.036	37,102	1,336
Alaska plaice	BSAI	14	9,438	0.001	13,600	14
Other flatfish	BSAI	3,058	52,298	0.058	2,550	148
Pacific ocean perch	BS	12	4,879	0.002	4,854	10
	Eastern AI	125	6,179	0.02	5,054	101
	Central AI	3	5,698	0.001	4,429	4
	Western AI	54	13,598	0.004	7,474	30
Northern rockfish	BSAI	91	13,040	0.007	3,400	24
Shortraker rockfish	BSAI	50	2,811	0.018	334	6
Rougheye rockfish	EBS/EAI	50	2,811	0.018	204	4
	CAI/WAI	50	2,811	0.018	191	3
Other rockfish	BS	18	621	0.029	425	12
	AI	22	806	0.027	425	11
Squids	BSAI	73	3,328	0.022	361	8
Sharks	BSAI	553	68,672	0.008	43	0
Skates	BSAI	553	68,672	0.008	14,025	112
Sculpins	BSAI	553	68,672	0.008	4,420	35
Octopuses	BSAI	553	68,672	0.008	128	1

[1] Aleutians Islands Pacific ocean perch, and BSAI Atka mackerel, flathead sole, rock sole, and yellowfin sole are multiplied by the remainder of the TAC of that species after the subtraction of the CDQ reserve under § 679.20(b)(1)(ii)(C).

[2] The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual ITAC specified for the Western Aleutian District, and 11.5 percent of the annual ITAC specified for the Central Aleutian District.

[3] Section 679.64(a)(1)(v) exempts AFA catcher/processors from a yellowfin sole sideboard limit because the 2012 and 2013 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Section 679.64(a)(2) and Tables 40 and 41 to part 679 establish a formula for calculating PSC sideboard limits for listed AFA catcher/processors. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007).

PSC species listed in Table 10 that are caught by listed AFA catcher/processors participating in any groundfish fishery other than pollock will accrue against the proposed 2012 and 2013 PSC sideboard limits for the listed AFA catcher/processors. Section 679.21(e)(3)(v) authorizes NMFS to close directed fishing for groundfish other than pollock for listed AFA catcher/processors once a proposed 2012 or 2013 PSC sideboard limit listed in Table 10 is reached.

Crab or halibut PSC caught by listed AFA catcher/processors while fishing for pollock will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/ ''other species'' fishery categories according to regulations at § 679.21(e)(3)(iv).

TABLE 10–PROPOSED 2012 AND 2013 BSAI PROHIBITED SPECIES SIDEBOARD LIMITS FOR AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSORS

PSC species and area	Ratio of PSC to total PSC	Proposed 2012 and 2013 PSC available to trawl vessels after subtraction of PSQ[1]	Proposed 2012 and 2013 C/P sideboard limit[1]
BSAI Halibut mortality	n/a	n/a	286
Red king crab Zone 1[2]	0.007	175,921	1,231
C. opilio (COBLZ) [2]	0.153	7,421,259	1,135,453
C. bairdi	n/a	n/a	n/a
Zone 1[2]	0.14	830,000	116,200
Zone 2[2]	0.05	2,250,360	112,518

[1] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals

[2] Refer to § 679.2 for definitions of areas.

AFA Catcher Vessel Sideboard Limits

Pursuant to § 679.64(b), the Regional Administrator is responsible for restricting the ability of AFA catcher vessels to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the directed pollock fishery. Section 679.64(b) establishes formulas for setting AFA catcher vessel groundfish and PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). Tables 11 and 12 list the proposed 2012 and 2013 AFA catcher vessel sideboard limits.

All catch of groundfish sideboard species made by non-exempt AFA catcher vessels, whether as targeted catch or as incidental catch, will be deducted from the proposed 2012 and 2013 sideboard limits listed in Table 11.

TABLE 11–PROPOSED 2012 AND 2013 BSAI GROUNDFISH SIDEBOARD LIMITS FOR AMERICAN FISHERIES ACT CATCHER VESSELS (CVs)

[Amounts are in metric tons]

Species	Fishery by area/gear/season	Ratio of 1995-1997 AFA CV catch to 1995-1997 TAC	2012-2013 initial TAC[1]	2012 and 2013 AFA catcher vessel sideboard limits
Pacific cod	BSAI	n/a	n/a	n/a
	Jig gear	0	2,871	0
	Hook-and-line CV	n/a	n/a	n/a
	Jan 1-Jun 10	0.0006	208	0
	Jun 10-Dec 31	0.0006	200	0
	Pot gear CV	n/a	n/a	n/a
	Jan 1-Jun 10	0.0006	8,749	5
	Sept 1-Dec 31	0.0006	8,406	5
	CV< 60 ft LOA using hook-and-line or pot gear	0.0006	4,084	2
	Trawl gear CV	n/a	n/a	n/a
	Jan 20-Apr 1	0.8609	33,532	28,868
	Apr 1-Jun 10	0.8609	4,985	4,292
	Jun 10-Nov 1	0.8609	6,797	5,852
Sablefish	BS trawl gear	0.0906	1,109	100
	AI trawl gear	0.0645	370	24
Atka mackerel	Eastern AI/BS	n/a	n/a	n/a
	Jan 1-Jun 10	0.0032	16,431	53
	Jun 10-Nov 1	0.0032	16,431	53
	Central AI	n/a	n/a	n/a
	Jan 1-Jun 10	0.0001	4,596	0
	Jun 10-Nov 1	0.0001	4,596	0
	Western AI	n/a	n/a	n/a
	Jan 1-Jun 10	0	670	0
	Jun 10-Nov 1	0	670	0
Yellowfin sole[2]	BSAI	0.0647	176,510	n/a
Rock sole	BSAI	0.0341	75,905	2,588
Greenland turbot	BS	0.0645	2,975	192
	AI	0.0205	1,233	25
Arrowtooth flounder	BSAI	0.069	22,015	1,519
Kamchatka flounder	BSAI	0.069	15,045	1,038
Flathead sole	BS trawl gear	0.0505	37,102	1,874
Alaska plaice	BSAI	0.0441	13,600	600
Other flatfish	BSAI	0.0441	2,550	112
Pacific ocean perch	BS	0.1	4,854	485
	Eastern AI	0.0077	5,054	39
	Central AI	0.0025	4,429	11
	Western AI	0	7,474	0
Northern rockfish	BSAI	0.0084	3,400	29
Shortraker rockfish	BSAI	0.0037	334	1
Rougheye rockfish	EBS/EAI	0.0037	204	1
	CAI/WAI	0.0037	191	1
Other rockfish	BS	0.0048	425	2
	AI	0.0095	425	4
Squids	BSAI	0.3827	361	138
Sharks	BSAI	0.0541	43	2
Skates	BSAI	0.0541	14,025	759
Sculpins	BSAI	0.0541	4,420	239
Octopuses	BSAI	0.0541	128	7

[1] Aleutians Islands Pacific ocean perch, Atka mackerel, flathead sole, rock sole, and yellowfin sole are multiplied by the remainder of the TAC of that species after the subtraction of the CDQ reserve under §

679.20(b)(1)(ii)(C).

[2] Section 679.64(b)(6) exempts AFA catcher vessels from a yellowfin sole sideboard limit because the 2012 and 2013 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Halibut and crab PSC limits listed in Table 12 that are caught by AFA catcher vessels participating in any groundfish fishery other than pollock will accrue against the proposed 2012 and 2013 PSC sideboard limits for the AFA catcher vessels. Sections 679.21(d)(8) and 679.21(e)(3)(v) authorize NMFS to close directed fishing for groundfish other than pollock for AFA catcher vessels once a proposed 2012 and 2013 PSC sideboard limit listed in Table 12 is reached. The PSC that is caught by AFA catcher vessels while fishing for pollock in the Bering Sea subarea will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/''other species'' fishery categories under regulations at § 679.21(e)(3)(iv).

TABLE 12–PROPOSED 2012 AND 2013 AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI[1]

PSC species	Target fishery category[2]	AFA catcher vessel PSC sideboard limit ratio	Proposed 2012 and 2013 PSC limit after subtraction of PSQ reserves[2]	Proposed 2012 and 2013 AFA catcher vessel PSC sideboard limit[2]
Halibut	Pacific cod trawl	n/a	n/a	887
	Pacific cod hook-and-line or pot	n/a	n/a	2
	Yellowfin sole total	n/a	n/a	101
	Rock sole/flathead sole/other flatfish[3]	n/a	n/a	228
	Greenland turbot/arrowtooth/sablefish	n/a	n/a	0
	Rockfish	n/a	n/a	2
	Pollock/Atka mackerel/other species[4]	n/a	n/a	5
Red king crab Zone 1	n/a	0.299	175,921	52,600
C. opilio COBLZ[5]	n/a	0.168	7,421,259	1,246,772
C. bairdi Zone 1[5]	n/a	0.33	741,190	244,593
C. bairdi Zone 2[5]	n/a	0.186	2,250,360	418,567

[1] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

[2] Target fishery categories are defined in regulation at § 679.21(e)(3)(iv).

[3] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

[4] "Other species" for PSC monitoring includes sculpins, sharks, skates, and octopuses.

[5] Refer to § 679.2 for definitions of areas.

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Classification

NMFS has determined that the proposed harvest specifications are consistent with the FMP and preliminarily determined that the proposed harvest specifications are consistent with the Magnuson-Stevens Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

NMFS prepared an EIS for this action (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the EIS. Copies of the EIS and ROD for this action are available from NMFS. The EIS analyzes the environmental consequences of the proposed groundfish harvest specifications and its alternatives on resources in the action area. The EIS found no significant environmental consequences from the proposed action or its alternatives.

NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) as required by section 603 of the Regulatory Flexibility Act analyzing the methodology for establishing the relevant TACs. The IRFA evaluates the impacts on small entities of alternative harvest strategies for the groundfish fisheries in the exclusive economic zone off Alaska. As set forth in the methodology, TACs are set to a level that fall within the range of ABCs recommended by the SSC; the sum of the TACs must achieve optimum yield specified in the FMP. While the specific numbers that the methodology may produce vary from year to year, the methodology itself remains constant.

A description of the proposed action, why it is being considered, and the legal basis for this proposed action are contained in the preamble above. A copy of the analysis is available from NMFS (see **ADDRESSES**). A summary of the IRFA follows. The action under consideration is a harvest strategy to govern the catch of groundfish in the BSAI. The preferred alternative is the existing harvest strategy in which TACs fall within the range of ABCs recommended by the SSC. This action is taken in accordance with the FMP prepared by the Council pursuant to the Magnuson-Stevens Act.

The directly regulated small entities include approximately 191 small catcher vessels, fewer than 18 small catcher/processors, and six CDQ groups.

The entities directly regulated by this action are those that harvest groundfish in the exclusive economic zone of the BSAI and in parallel fisheries within State of Alaska waters. These include entities operating CVs and C/Ps within the action area, and entities receiving direct allocations of groundfish. Catcher vessels and C/Ps were considered to be small entities if they had annual gross receipts of $4 million per year or less from all economic activities, including the revenue of their affiliated operations (see Table 37 to the Economic Status of the Groundfish off Alaska, 2010, in the 2010 SAFE report, dated November 2010, available from the Council (see **ADDRESSES**)).

The preferred alternative (Alternative 2) was compared to four other alternatives. These included Alternative 1, which would have set TACs to generate fishing rates equal to the maximum permissible ABC (if the full TAC were harvested), unless the sum of TACs exceeded the BSAI optimum yield, in which case TACs would have been limited to the optimum yield. Alternative 3 would have set TACs to produce fishing rates equal to the most recent five-year average fishing rates. Alternative 4 would have set TACs equal to the lower limit of the BSAI optimum yield range. Alternative 5, the ''no action'' alternative, would have set TACs equal to zero.

The Council adopted the TACs associated with the preferred harvest strategy, as per Alternative 2, in October 2011. OFLs and ABCs for the species were based on recommendations prepared by the Council's GOA Plan Team in August and September 2011, and reviewed and modified by the Council's SSC in October 2011. The Council based its TAC recommendations on those of its AP, which were consistent with the SSC's OFL and ABC recommendations.

Alternative 1 selects harvest rates that will allow fishermen to harvest stocks at the level of ABCs, unless total harvests were constrained by the upper bound of the BSAI OY of two million mt. As shown in Table 1 of the preamble, the sum of ABCs in 2012 and 2013 would be about 2,911,610 mt, which falls above the upper bound of the OY range. The sum of TACs is equal to the sum of ABCs. In this instance, Alternative 1 is consistent with the preferred alternative 2, meets the objectives of that action, and has small entity impacts that are equivalent to the preferred alternative.

Alternative 3 selects harvest rates based on the most recent five years of harvest rates (for species in Tiers 1 through 3) or for the most recent five years of harvests (for species in Tiers 4 through 6). This alternative is inconsistent with the objectives of this action, (the Council's preferred harvest strategy), because it does not take account of the most recent biological information for this fishery. Harvest rates are listed for each species category for each year in the SAFE reports (see **ADDRESSES**).

Alternative 4 would lead to significantly lower harvests of all species to reduce TACs from the upper end of the OY range in the BSAI, to its lower end of 1.4 million mt. Overall this would reduce 2012 TACs by about 30 percent. This would lead to significant reductions in harvests of species harvested by small entities. While reductions of this size would be associated with offsetting price increases, the size of these increases is very uncertain. There are close substitutes for BSAI groundfish species available from the GOA. While production declines in the BSAI would undoubtedly be associated with significant price increases in the BSAI, these increases would still be constrained by production of substitutes, and are very unlikely to offset revenue declines from smaller production. Thus, this alternative action would have a detrimental impact on small entities.

Alternative 5, which sets all harvests equal to zero, may also address conservation issues, but would have a significant adverse economic impact on small entities. Tables 2 and 3 from the IRFA provide information on numbers of individual vessels with gross revenues less than $4 million, and with the average gross revenues for these vessels. These tables indicate that the median annual aggregate revenues for these vessels in the years from 2005 to 2009 were $310 million; annual aggregate revenues for this group of vessels ranged from $286 to $347 million. These estimates do not take account of affiliations among vessels, and thus overstate the revenues flowing to small entities.

The proposed specifications extend the current 2012 OFLs, ABCs, and TACs, to 2012 and 2013. As noted in the IRFA, the Council may modify these OFLs, ABCs, and TACs in December 2011, when it reviews the November meeting reports from its groundfish plan teams, and the December Council meeting reports of its SSC and AP. Because most TACs in the proposed 2012 and 2013 harvest specifications are unchanged from the 2011 TACs, NMFS does not expect adverse impacts on small entities. Also, NMFS does not expect any changes made by the Council in December to be large enough to have an impact on small entities.

This action does not modify recordkeeping or reporting requirements, or duplicate, overlap, or conflict with any federal rules.

Adverse impacts on marine mammals resulting from fishing activities conducted under these harvest specifications are discussed in the EIS (see **ADDRESSES**).

Authority: 16 U.S.C. 773 *et seq.;* 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: December 21, 2011.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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