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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 95022357-5057-01; I.D. 120594A]

RIN 0648-AG95

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Pacific Halibut Bycatch

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

ACTION: Final rule; final 1995 specification of Pacific halibut bycatch allowances; change of effective date.

SUMMARY: On March 6, 1995, NMFS published a final rule that authorizes NMFS to determine annually whether to apportion a Pacific halibut bycatch allowance to the Bering Sea and Aleutian Islands management area (BSAI) or Gulf of Alaska (GOA) hook-and-line gear fisheries for sablefish, or to exempt these fisheries from halibut bycatch restrictions. Final 1995 halibut bycatch allowances also were specified for the BSAI nontrawl fisheries and GOA hook-and-line gear fisheries that exempted the sablefish hook-and-line gear fisheries from halibut bycatch restrictions. NMFS is changing the effective date of a portion of the final rule from April 3, 1995, to March 15, 1995, to avoid a closure of the GOA sablefish Individual Fishing Quota (IFQ) fishery when it opens on March 15.

EFFECTIVE DATE: Section 672.20(f)(1)(ii) and (f)(3)(ii) of the final rule published March 6, 1995, at 60 FR 12149, are effective March 15, 1995; the remaining portion of the final rule which amends § 675.21 will be effective, April 15, 1995.

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

SUPPLEMENTARY INFORMATION: NMFS published a final rule in the **Federal Register** (60 FR 12149, March 6, 1995) that revises the management of the halibut bycatch limits established for the GOA hook-and-line gear groundfish fisheries and the BSAI nontrawl fisheries. The final rule is scheduled to become effective April 3, 1995, and authorizes the exemption of the GOA and BSAI hook-and-line gear sablefish

fisheries from halibut bycatch restrictions to support the new sablefish/halibut IFQ program. The final rule also addresses concern about the potential closure of the BSAI jig gear fishery due to halibut bycatch in other nontrawl fisheries and allows for the management of the seasonal apportionment of the halibut bycatch allowances annually specified for the BSAI Pacific cod hook-and-line gear fishery consistent with the management of the amount of Pacific cod total allowable catch allocated to this fishery. Final 1995 specifications of halibut bycatch allowances were published with the final rule that exempted the GOA and BSAI hook-and-line sablefish fisheries and the BSAI jig gear fishery from halibut bycatch restrictions. The effective date of the final rule was established as the date 30 days after publication in the **Federal Register**, or April 3, 1995.

The 1995 sablefish/halibut IFQ fishery is scheduled to open on March 15, 1995 (60 FR 12152, March 6, 1995). Halibut bycatch mortality in the GOA Pacific cod hook-and-line gear fishery has accrued at a rate higher than anticipated and will reach the first seasonal bycatch mortality allowance currently specified for all GOA hook-and-line gear fisheries (60 FR 8476, February 14, 1995) before the final rule becomes effective on April 3, 1995. As a result, the sablefish IFQ fishery would be closed until this date when the exemption of this fishery from halibut bycatch restrictions becomes effective. NMFS has determined that the closure of the sablefish IFQ fishery due to halibut bycatch in the Pacific cod fishery imposes an unnecessary restriction on the IFQ fishery and directly counters the intent of the final rule and associated 1995 final specifications of halibut bycatch allowances. Therefore, NMFS is waiving a portion of the 30-day delayed effective period so that the final rule authorizing the exemption of the GOA sablefish IFQ fishery from halibut bycatch restrictions becomes effective on March 15, 1995, when the sablefish IFQ fishery opens.

Classification

Implementation of § 672.20(f)(1)(ii) and (f)(3)(ii) of the final rule published in the **Federal Register** March 6, 1995 (60 FR 12149) in a timely manner will avoid an unnecessary closure of the GOA sablefish IFQ fishery. Since implementation of these provisions will relieve a restriction, a 30-day delay in the effective date is not required under 5 U.S.C. 553(d)(1). Therefore, the effective date of the portion of the final rule and associated final 1995

specifications that authorize the exemption of the GOA sablefish IFQ fishery from 1995 halibut bycatch restrictions is changed to March 15, 1995.

This action modifies the effective dates of a final rule that is exempt from review under E.O. 12866.

Dated: March 15, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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50 CFR Part 675

[Docket No. 950206040-5040-01; 031495A]

Groundfish of the Bering Sea and Aleutian Islands Area; Trawl Rockfish Fishery

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for species in the rockfish fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first seasonal bycatch allowance of Pacific halibut apportioned to the trawl rockfish fishery category in the BSAI.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 15, 1995, until 12 noon, A.l.t., April 1, 1995.

FOR FURTHER INFORMATION CONTACT: Michael L. Sloan, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The first seasonal bycatch allowance of Pacific halibut for the BSAI trawl rockfish fishery category, which is defined at § 675.21(b)(1)(iii)(D), was established as 30 metric tons by the final initial 1995 specifications for groundfish (60 FR 8479, February 14, 1995).

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(iii), that the first seasonal bycatch allowance of Pacific halibut

apportioned to the trawl rockfish fishery in the BSAI has been caught. Therefore, NMFS is prohibiting directed fishing for species in the rockfish fishery category by vessels using trawl gear in the BSAI from 12 noon, A.l.t., March 15, 1995, until 12 noon, A.l.t., April 1, 1995.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under § 675.20 and is exempt from review under E.O. 12866.

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

Dated: March 15, 1995.

David S. Crestin,

*Acting Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.*

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