

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 060997A]

RIN 0648-AH65

Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program (LLP); Community Development Quota (CDQ) Program

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

ACTION: Notice of availability of amendments to fishery management plans; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 39 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands (BSAI) Area, Amendment 41 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA), and Amendment 5 to the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the BSAI. If approved by NMFS, these amendments would establish two Council-recommended regulatory programs affecting groundfish fisheries in the BSAI and GOA and crab fisheries in the BSAI. Comments are requested from the public. Copies of the amendments may be obtained from the Council (see **ADDRESSES**).

DATES: Comments on the amendments must be received by August 15, 1997.

ADDRESSES: Comments on the proposed amendments must be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, Room 405, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Copies of the proposed amendments and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for the amendments may be obtained from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99510-2252.

FOR FURTHER INFORMATION CONTACT: John Lepore, with respect to the LLP, or David C. Ham, with respect to the CDQ Program, at 907-586-7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act

(Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any fishery management plan (FMP) or FMP amendment that it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon reviewing an FMP or amendment, must immediately publish a notice that the FMP or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the plan or amendment.

The three proposed FMP amendments would establish two fishery management programs that would provide exclusive fishing privileges to persons or groups of persons who meet specified qualifications. Under one system, the LLP, a limited number of licenses would be granted to persons who owned vessels that harvested and landed fish in the FMP fisheries during specified qualifying periods. The program would be implemented through the issuance of Federal vessel licenses. Except for certain exemptions, using a vessel in one of the FMP fisheries without a valid license would be prohibited. Qualification for a BSAI or GOA groundfish license would require a vessel to have made a legal landing of groundfish during a general qualification period and an area endorsement qualification period. Licensed vessels would be limited to fishing only in the areas for which they have endorsements. Qualification for a BSAI crab fishing license similarly would require a specified number of landings during general and endorsement qualification periods. Crab fishing license endorsements would limit a vessel to fishing only for the species and in the area specified on the endorsement. Licenses would be initially issued to persons who owned qualified vessels on June 17, 1995. The transfer of licenses would be allowed within certain limitations. Potentially affected persons are requested to review all proposed licensing provisions and exceptions in the FMP amendments and proposed implementing regulations, which will soon be published in the **Federal Register**.

The proposed LLP is designed to halt the increase in the number of participating fishing vessels and to limit their fishing capacity. This program evolved from a longstanding Council concern that excess harvesting capacity in the fisheries governed by the FMPs increases the risk of management failure

and inability to achieve optimum yield (OY) in these fisheries. The problem statement that guided the Council's analysis of management alternatives indicated that the domestic harvesting fleet had expanded beyond the size necessary to efficiently harvest the OY of the FMP fisheries. The problem statement also confirmed the Council's commitment to the long-term health and productivity of the fisheries and other living marine resources in North Pacific and Bering Sea ecosystems. Establishment of the LLP form of limited access system is authorized under section 303(b)(6) of the Magnuson-Stevens Act.

The other proposed regulatory program would extend the existing CDQ programs for pollock, halibut, and sablefish, at 50 CFR 679 subpart C, to all other groundfish fisheries in the BSAI groundfish FMP and to the crab fisheries in the crab FMP. The proposed multi-species CDQ program is modeled on the existing pollock CDQ program, established originally in 1992, in that a specified percentage of the annually specified total allowable catch would be reserved for the exclusive use of persons fishing for qualified communities under approved community development plans. Unlike the pollock CDQ program, the multi-species CDQ program would not be scheduled to cease, but would continue until modified or revoked by a future regulatory action. The existing CDQ programs for halibut and sablefish would be merged into the multi-species CDQ program, but integration of the pollock CDQ program would depend on Council action to propose its re-authorization after 1998.

The overall goal of the CDQ programs (existing and proposed) is to provide the means for starting or supporting commercial seafood activities in western Alaska that will result in ongoing, regionally-based commercial seafood or related businesses. The multi-species CDQ proposal is specifically authorized under section 305 of the Magnuson-Stevens Act.

NMFS will consider the public comments received during the comment period in determining whether to approve the proposed amendments. The proposed regulations are scheduled to be published within 15 days of this notice.

Dated: June 11, 1997.

Gary Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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