

than 60 ft (18.3 m) that made halibut landings in 1996.

Although this action could result in economic impacts on small entities, the no-action alternative could result in even more severe economic impacts. Failure to establish seabird avoidance measures under this action could increase the likelihood of exceeding the incidental take limit to be specified for the short-tailed albatross. In that event, additional measures to minimize the take of short-tailed albatross could be implemented, ranging from those in this rule to more stringent measures, including closures. The economic impacts to small entities resulting from such measures would depend on a variety of factors, although very significant negative impacts could be expected if the halibut fishery were closed due to takes of short-tailed albatross in excess of the incidental take authorized under the section 7 consultation with the USFWS. A copy of the EA/RIR/FRFA is available from NMFS (see ADDRESSES).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: March 2, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.24, paragraphs (e)(2)(iv) introductory text, and (e)(2)(iv)(A) through (e)(2)(iv)(D) are redesignated as paragraphs (e)(3) introductory text, and (e)(3)(i) through (e)(3)(iv), respectively, and paragraphs (e)(1), (e)(2)(ii), and newly designated paragraph (e)(3) introductory text are revised to read as follows:

§ 679.24 Gear limitations.

* * * * *

(e) *Seabird avoidance gear and methods for hook-and-line vessels fishing for groundfish*—(1) *Applicability.* The operator of a vessel that is required to obtain a Federal fisheries permit under § 679.4(b)(1) must comply with the seabird avoidance measures in paragraphs (e)(2) and (e)(3) of this section while fishing for

groundfish with hook-and-line gear in the BSAI, in the GOA, or in waters of the State of Alaska that are shoreward of the BSAI and the GOA.

(2) Requirements. * * *

(ii) If offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable. The discharge site on board a vessel must be either aft of the hauling station or on the opposite side of the vessel from the hauling station.

* * * * *

(3) For a vessel greater than or equal to 26 ft (7.9 m) LOA, the operator of that vessel described in paragraph (e)(1) of this section must employ one or more of the following seabird avoidance measures:

* * * * *

3. In § 679.42, paragraph (b) is revised to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(b) *Gear*—(1) *IFQ Fisheries.* Halibut IFQ must be used only to harvest halibut with fishing gear authorized in § 679.2. Sablefish fixed gear IFQ must not be used to harvest sablefish with trawl gear in any IFQ regulatory area, or with pot gear in any IFQ regulatory area of the GOA.

(2) *Seabird avoidance gear and methods.* The operator of a vessel using gear authorized at § 679.2 while fishing for IFQ halibut or hook-and-line gear while fishing for IFQ sablefish must comply with requirements for seabird avoidance gear and methods set forth at § 679.24(e).

[FR Doc. 98-5834 Filed 3-5-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket no. 971112269-8047-02; I.D. 102997A]

RIN 0648-AK13

Fisheries of the Exclusive Economic Zone off Alaska; Management Authority for Black and Blue Rockfish

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 46 to the

Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). Amendment 46 removes black and blue rockfish from the complex of species managed under the FMP. The rule makes conforming changes to the FMP implementing regulations to reflect the removal of black and blue rockfish from the complex. The State of Alaska (State) will regulate fishing for these species by vessels registered under State law. This action is necessary to allow the State to implement more responsive, regionally based, management of these species than is currently possible under the FMP. The intended effect of this action is to repeal duplicative Federal regulations, provide for more responsive State management and prevent localized overfishing of black and blue rockfish stocks.

DATES: Effective April 6, 1998.

ADDRESSES: Copies of Amendment 46 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) and related economic analysis prepared for this action are available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252; telephone: 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Management Background and Need for Action

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska (GOA) are managed by NMFS under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries of the GOA appear at 50 CFR parts 600 and 679.

Amendment 46 was adopted by the Council at its June 1997 meeting and submitted for Secretarial review. A Notice of Availability of the FMP amendment was published in the **Federal Register** on November 5, 1997 (62 FR 59844), with comments invited through January 5, 1998. A proposed rule to implement Amendment 46 was published in the **Federal Register** on December 2, 1997 (62 FR 63690), with comments invited through January 16, 1998. No letters of comment were received on the amendment or on the proposed rule.

Upon reviewing Amendment 46 and the rationale for its adoption by the Council, NMFS has determined that this action is necessary for the conservation

and management of the groundfish fishery of the GOA, and that it is consistent with the Magnuson-Stevens Act and other applicable laws. NMFS approved Amendment 46 on February 3, 1998, under section 304(a) of the Magnuson-Stevens Act.

Amendment 46 transfers the management of black and blue rockfish to the State of Alaska by removing both species from the FMP. This will allow the State to extend its management authority for State registered vessels harvesting black and blue rockfish into Federal waters and should result in more effective conservation measures in both nearshore and offshore areas. By extending the State's existing rockfish sampling programs into Federal waters and using an existing framework of small area harvest guidelines, the State can more rationally manage black and blue rockfish resources. However, the State may impose on State-registered vessels fishing in Federal fisheries only such additional State measures, like bycatch retention limits for blue and black rockfish, as are consistent with the applicable Federal fishing regulations for the fishery in which the vessel is operating. The Council and NMFS do not intend to give the State authority to indirectly regulate other Federal fisheries through State implementation of gear restrictions, area closures or other bycatch control measures. Additional information on this action may be found in the preamble to the proposed rule and in the EA/RIR.

Classification

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when this rule was proposed that this rule, if approved, would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

This final rule has been determined to be not significant for the purposes of E.O. 12866.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: March 2, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, a definition of "rockfish" is added in alphabetical order to read as follows:

§ 679.2 Definitions.

* * * * *

Rockfish means:

(1) For the Gulf of Alaska: Any species of the genera *Sebastes* or *Sebastes* except *Sebastes melanops*, (black rockfish), and *Sebastes mystinus*, (blue rockfish).

(2) For the Bering Sea and Aleutian Islands Management Area: Any species of the genera *Sebastes* or *Sebastes*.

* * * * *

3. In § 679.21, paragraph (e)(3)(iv)(D) is revised to read as follows:

§ 679.21 Prohibited species bycatch management.

* * * * *

(e) * * *

(3) * * *

(iv) * * *

(D) *Rockfish fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of rockfish species that is greater than the retained amount

of any other fishery category defined under this paragraph (e)(3)(iv).

* * * * *

4. In § 679.23, paragraph (d)(1) is revised to read as follows:

§ 679.23 Seasons.

* * * * *

(d) * * *

(1) *Directed fishing for trawl rockfish.* Directed fishing for rockfish with trawl gear is authorized from 1200 hours, A.l.t., on the first day of the third quarterly reporting period of a fishing year through 2400 hours, A.l.t., December 31, subject to other provisions of this part.

* * * * *

5. In § 679.50, paragraph (c)(2)(iv) is revised to read as follows:

§ 679.50 Groundfish Observer Program applicable through December 31, 1998.

* * * * *

(c) * * *

(2) * * *

(iv) *Rockfish fishery.* In a retained aggregate catch of rockfish that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (c)(2).

* * * * *

Table 3 to part 679 [Amended]

6. In Table 3 to Part 679, footnote reference 1 is removed and footnotes 2 and 3 are redesignated as 1 and 2.

Table 10 to part 679 [Amended]

7. In Tables—Part 679, Table 10, footnote 2 is revised to read as follows:

Table 10 to Part 679--Current Gulf of Alaska Retainable Percentage

* * * * *

2/ *Aggregated Rockfish* means any rockfish except in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category.

* * * * *

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