fraction was 15 percent based on three seasons of sea surface temperature at Scripps Pier, California.

Based on the estimated biomass of 1,193,515 mt and the formula in the FMP, a harvest guideline of 136,179 mt was determined for the fishery beginning January 1, 2005. The harvest guideline is allocated one-third for Subarea A, which is north of 39° 00′ N. lat. (Pt. Arena, CA) to the Canadian border, and two-thirds for Subarea B, which is south of 39° 00′ N. lat. to the Mexican border. The northern allocation is 45,393 mt; the southern allocation is 90,786 mt.

Classification

These proposed specifications are issued under the authority of, and NMFS has preliminarily determined that it is in accordance with, the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and the regulations implementing the FMP at 50 CFR part 660, subpart I.

This proposed rule is exempt from review under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

The purpose of the proposed rule is to inform the public of the 2005 harvest guideline for Pacific sardine in the EEZ off the Pacific coast. The CPS FMP and its implementing regulations require NMFS to set an annual harvest guideline for Pacific sardine based on the formula in the FMP. The harvest guideline is derived by a formula applied to the current biomass estimate. The formula leaves little latitude for discretion except when errors are found in the calculations or in the data then those adjustments may be made. There is no alternative to the harvest guideline as specified; there is no discretion to use an adjusted formula. Further, there is only one stock assessment method available to establish the adult biomass used to derive the harvest guideline. No changes are proposed in the regulations governing the fishery.

The proposed harvest guideline for the 2005 fishing season is 136,179 mt, which is approximately 10 percent higher than that of the 2004 harvest guideline which could result in increased revenue to the fleet. Whether this occurs depends on market forces and the ability of the fishing fleet to find pure schools of Pacific sardine. If the fleet were to take the full harvest guideline, and assuming no change in average exvessel price from the current level, the total revenue to the fleet would be $15 million. However, even if there is no change in market conditions, it is not likely that the full harvest guideline will be taken in the 2005 fishing year (because of the availability of the fleet to find pure schools of Pacific sardine), in which case total revenue would likely be lower. The Pacific sardine season begins on January 1, 2005, and ends on December 31, 2005, or when the harvest guideline is caught and the fishery is closed.

The harvest guideline would apply to the CPS purse seine fleet, which consists of 62 small vessels fishing under a limited entry program within U.S. waters. They have been actively regulated since the year 2000 without difficulty. The limited entry program was initiated because before 2000 the fleet was overcapitalized characterized by excessive harvest capacity for current biomass conditions. As a fishery becomes overcapitalized, economic efficiency is reduced and pressure to over harvest stocks increases. Setting the Pacific sardine harvest guideline under the limited entry program may affect the CPS vessels but will affect them less than if there were no limited entry program. Specifically that overcapitalization would be a greater risk (economic efficiency is reduced, pressure to over harvest stocks increases, and other serious biological [resource depletion] and practical problems [short seasons, wastage, dangerous fishing practices] are typical of open access conditions) to their income than that of setting a harvest guideline under the limited entry program. These vessels fish for small pelagic fish (Pacific sardine, Pacific mackerel) all year and for market squid in the winter, and may harvest tuna in the U.S. exclusive economic zone seasonally when they are available, usually late in the summer and early fall. These vessels are considered small business entities. There should not be any significant economic impact to a substantial number of these small entities.

As a result, a regulatory flexibility analysis is not required and none has been prepared.

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

Dated: December 2, 2004.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 04–26953 Filed 12–7–04; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126332–4332–01; I.D. 112204A]

Fisheries of the Exclusive Economic Zone off Alaska; Bering Sea and Aleutian Islands; 2005 and 2006 Proposed Harvest Specifications for Groundfish

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

ACTION: 2005 and 2006 proposed harvest specifications for groundfish; request for comments.

SUMMARY: NMFS proposes 2005 and 2006 harvest specifications and prohibited species catch (PSC) allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits for groundfish during the 2005 and 2006 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 (FMP). 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 (Magnuson-Stevens Act).

DATES: Comments must be received by January 7, 2005.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Lori Durall. Comments may be submitted by:

- Mail to P.O. Box 21668, Juneau, AK 99802;
- Hand Delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, AK;
- E-mail to *2005AKgroundfish.tacspecs@noaa.gov* and include in the subject line of the e-mail comments the document identifier: 2005 Proposed Specifications (E-mail comments, with or without attachments, are limited to 5 megabytes);
- FAX to 907–586–7557; or
- Webform at the Federal eRulemaking Portal: *www.regulations.gov*. Follow the instructions at that site for submitting comments.

Copies of the draft Environmental Assessment/Initial Regulatory Flexibility Analysis (EA/IRFA) prepared for this action are available from NMFS at the addresses above or from the Alaska Region website at *www.fakr.noaa.gov*. Copies of the final 2003 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2003, are available from the North Pacific Fishery Management Council (Council), West 4th Avenue, Suite 306, Anchorage, AK 99510–2252 (907–271–2809), or from its website at *www.fakr.noaa.gov/npfmc*.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228, or e-mail at *mary.furuness@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

Federal regulations at 50 CFR part 679 implement the FMP and govern the groundfish fisheries in the BSAI. The Council prepared the FMP and NMFS approved it under the 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 and the ''other 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)). Regulations at § 679.20(c)(1) further require NMFS to solicit public comment on proposed annual TACs and apportionments thereof, PSC allowances and prohibited species quota (PSQ) reserves established by § 679.21, seasonal allowances of pollock, Pacific cod and Atka mackerel TAC, including pollock Community Development Quota (CDQ), and CDQ reserve amounts established by § 679.20(b)(1)(iii) and to publish proposed harvest specifications in the **Federal Register**. The proposed harvest specifications set forth in Tables 1 through 13 of this action satisfy these requirements.

Under § 679.20(c)(3), NMFS will publish the final annual specifications for 2005 and 2006 after (1) considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its next meeting beginning the week of December 6, 2004, and (3) considering new information presented in the EA and the final 2004 SAFE reports prepared for the 2005 and 2006 groundfish fisheries.

With some exceptions, regulations at § 679.20(c)(2)(ii) require that one-fourth of each proposed initial TAC (ITAC) amount and apportionment thereof, one-fourth of each CDQ reserve established under § 679.20(b)(1)(iii), and one-fourth of each proposed PSC allowance established under § 679.21 become available at 0001 hours, Alaska local time (A.l.t.), January 1, on an interim basis and remain in effect until superseded by the final harvest specifications. Regulations at § 679.20(c)(2)(ii)(A) and (B) require that the proposed first seasonal allowance of non-CDQ and CDQ pollock, Pacific cod, and Atka mackerel becomes available at 0001 hours, A.l.t., January 1, on an interim basis and remains in effect until superseded by the final harvest specifications. Regulations at § 679.20(c)(2)(ii) do not provide for an interim harvest specification for either the hook-and-line and pot gear sablefish CDQ reserve or for sablefish managed under the Individual Fishing Quota (IFQ) program. Interim harvest specifications and apportionments thereof for the 2005 fishing year will be published in a separate **Federal Register** notice.

Other Rules Affecting the 2005 and 2006 Harvest Specifications

Amendments 48/48 to the FMP and to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) were unanimously recommended by the Council in October 2003 and approved by NMFS on October 12, 2004. The final rule implementing Amendments 48/48 was published November 8, 2004, (69 FR 64683). Amendments 48/48 revise the administrative process used to establish annual specifications for the groundfish fisheries of the GOA and the BSAI. The goals of Amendments 48/48 in revising the harvest specifications process are to (1) manage fisheries based on the best scientific information available, (2) provide for adequate prior public review and comment on Council recommendations, (3) provide for additional opportunity for Secretarial review, (4) minimize unnecessary disruption to fisheries and public confusion, and (5) promote administrative efficiency.

Based on the approval of Amendments 48/48, the Council recommended 2005 and 2006 proposed harvest specifications for BSAI groundfish. These proposed harvest specifications are based on the 2003 SAFE report. In November 2004, the 2004 SAFE report will be used to develop the final 2005 and 2006 groundfish acceptable biological catch amounts (ABC). When possible, this proposed rule will identify any proposal that may be anticipated to change in the final specifications. The 2006 harvest specification will be updated in early 2006, when final harvest specifications for 2006 and new harvest specification for 2007 are implemented.

In June 2004, the Council adopted Amendment 82 to the FMP. This amendment would establish a framework for management of the Aleutian Islands (AI) directed pollock fishery. If approved by NMFS, this amendment would be implemented after the commencement of the 2005 fishing year. Section 803 of the Consolidated Appropriations Act of 2004 (CAA), Pub. L. No. 108–199, requires the AI directed pollock fishery to be allocated to the Aleut Corporation for economic development of Adak, Alaska. Prior to the CAA, the AI directed pollock fishery was managed pursuant to the American Fisheries Act (AFA), Pub. L. No. 105–277, Title II of Division C. The AFA allocated the AI directed pollock fishery to specific harvesters and processors named in the AFA. The CAA supersedes that portion of the AFA. Together, the CAA and the AFA effectively allocate the AI directed pollock fishery to the Aleut Corporation after subtraction of the CDQ directed fishing allowance and incidental catch allowance (ICA) from the pollock TAC. The implementation of section 803 of the CAA requires amending AFA provisions in the FMP and in the regulations at 50 CFR part 679. This would be accomplished by Amendment 82, if it is approved.

Until a decision is made on whether to approve Amendment 82, NMFS will prohibit the non-CDQ AI directed pollock fishery in the interim and final harvest specifications for 2005 and 2006 based on the statutory language of section 803 of the CAA. The AI pollock TAC recommended by the Council under the provisions of proposed Amendment 82 will be included in the 2005 and 2006 proposed, interim, and final harvest specifications to allow the Administrator, Alaska Region, NMFS (Regional Administrator), to open the AI directed pollock fishery if and when the regulations for Amendment 82 are effective. As stated above, this prohibition is authorized by section 803 of the CAA, which requires that only those who are selected by the Aleut Corporation and approved by NMFS may participate in the non-CDQ AI directed pollock fishery. For additional information, see the November 16, 2004, notice of availability (69 FR 67107) and the December 7, 2004, proposed rule for Amendment 82.

The Council recommended an upper limit for the AI pollock TAC equal to 19,000 mt, except that when the AI pollock ABC is less than 19,000 mt, AI pollock TAC shall be no more than 40 percent of the Allowable Biological Catch (ABC). The directed pollock fishery allocation to the Aleut Corporation would be seasonally apportioned. The Council also adopted a chinook salmon bycatch limit for the AI directed pollock fishery. Tables 1 and 2 list the 2005 and 2006 proposed allocations and seasonal apportionments of the AI pollock TAC based on regulations that would implement Amendment 82, if it is approved.

Other actions that may affect the 2005 and 2006 harvest specifications are based on recommendations from the Council's Plan Team. The Council may consider apportionment of the Pacific

cod ABC or TAC by Bering Sea subarea and AI subarea separately instead of by the full BSAI management area. Also, the Council may consider separating some rockfish species from the ''other rockfish'' species category.

Proposed ABC and TAC Harvest Specifications

The proposed ABC levels are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. In general, the development of ABCs and overfishing levels (OFLs) involves sophisticated statistical analyses of fish populations and is based on a successive series of six levels, or tiers, of reliable information available to fishery scientists. Tier one represents the highest data quality and tier six the lowest level of data quality available.

The best information currently available is set forth in Appendix A to the final SAFE report for the 2004 BSAI groundfish fisheries dated November 2003 (see **ADDRESSES**). Information on the status of stocks will be updated with the 2004 survey results and reconsidered by the Plan Team in November 2004 for the 2004 SAFE report. The final harvest specifications will be based on the 2004 SAFE report.

In October 2004, the Scientific and Statistical Committee (SSC) and the Council reviewed the Plan Team's preliminary projections for 2004 biomass amounts, as presented in the 2003 SAFE report, as the basis for the 2005 and 2006 proposed ABC, OFL, and TAC amounts. Due to time constraints, the Council's Advisory Panel did not provide recommendations for the proposed harvest specifications. The SSC concurred with the Plan Team's recommendations, which estimate the 2005 and 2006 proposed ABCs and OFLs by using a projection of 2004 and 2005 groundfish harvest with the November 2003 SAFE report model projections of 2004 ABCs for groundfish stocks managed at tiers 1–3. The Council adopted the OFL and ABC amounts recommended by the SSC (Table 1), except for Atka mackerel. The Council recommended using the 2004 OFL and ABC amounts for Atka mackerel based on survey data that became available October 8, 2004, instead of using the projected amounts for 2005 and 2006. The Council recommended that the 2005 and 2006 proposed TACs be set equal to the 2004 TACs, except for minor decreases for sablefish and Pacific ocean perch and minor increases in 2005 for Pacific cod and rock sole based on preliminary data evaluated by the Plan Team. The Council also recommended an AI pollock TAC to support a directed pollock fishery, pending approval of Amendment 82. The Council recommended using the 2004 PSC allowances for the 2005 and 2006 proposed allowances. The Council will reconsider the OFL, ABC, TAC, and PSC amounts in December 2004 after the Plan Team incorporates new status of stocks information into a final 2004 SAFE report, for the 2005 and 2006 BSAI groundfish fishery. None of the Council's recommended proposed TACs for 2005 or 2006 exceed the recommended 2005 or 2006 proposed ABC for any species category. NMFS finds the Council's recommended proposed 2005 and 2006 OFLs, ABCs, and TACs are consistent with the best available information on the biological condition of the groundfish stocks.

Table 1 lists the 2005 and 2006 proposed OFL, ABC, and TAC, ITAC and CDQ amounts for groundfish in the BSAI. The proposed apportionment of TAC amounts among fisheries and seasons is discussed below.

TABLE 1—2005 AND 2006 PROPOSED 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	2005					2006				
		OFL	ABC	TAC	ITAC[2]	CDQ[3]	OFL	ABC	TAC	ITAC[2]	CDQ[3]
Pollock[4]	BS[2]	2,909,800	2,363,000	1,474,450	1,327,005	147,445	2,542,900	2,087,800	1,474,000	1,326,600	147,400
	AI[2]	52,600	39,400	19,000	17,100	1,900	52,600	39,400	19,000	17,100	1,900
	Bogoslof	39,600	2,570	50	50	.....	39,600	2,570	50	50	.....
Pacific cod	BSAI	352,500	225,500	215,952	183,559	16,196	344,700	220,500	215,500	183,175	16,163
Sablefish[5]	BS	3,432	2,418	2,418	1,028	332	3,184	2,244	2,244	954	84
	AI	3,960	2,790	2,790	592	471	3,674	2,589	2,589	550	49
Atka mackerel	BSAI	78,500	66,700	63,000	53,550	4,725	78,500	66,700	63,000	53,550	4,725
	WAI	.....	24,360	20,660	17,561	1,550	.....	24,360	20,660	17,561	1,550
	CAI	.....	31,100	31,100	26,435	2,333	.....	31,100	31,100	26,435	2,333
	EAI/BS	.....	11,240	11,240	9,554	843	.....	11,240	11,240	9,554	843
Yellowfin sole	BSAI	129,710	109,300	86,075	73,164	6,456	124,900	105,250	86,075	73,164	6,456
Rock sole	BSAI	153,290	128,370	41,450	35,233	3,109	136,240	114,060	41,000	34,850	3,075
Greenland turbot	BSAI	17,740	11,230	3,500	2,975	263	16,490	10,430	3,500	2,975	263
	BS	.....	7,524	2,700	2,295	203	.....	6,988	2,700	2,295	203
	AI	.....	3,706	800	680	60	.....	3,442	800	680	60
Arrowtooth flounder	BSAI	144,990	96,140	12,000	10,200	900	145,480	96,300	12,000	10,200	900
Flathead sole	BSAI	69,100	56,860	19,000	16,150	1,425	64,870	53,380	19,000	16,150	1,425
Other flatfish[6]	BSAI	18,100	13,500	3,000	2,550	225	18,100	13,500	3,000	2,550	225
Alaska plaice	BSAI	254,970	159,040	10,000	8,500	750	255,220	159,230	10,000	8,500	750
Pacific ocean perch	BSAI	15,790	12,020	12,020	10,217	902	15,990	12,170	12,170	10,345	913
	BS	.....	1,923	1,923	1,635	144	.....	1,947	1,947	1,655	146
	WAI	.....	4,655	4,655	3,957	349	.....	4,713	4,713	4,006	353
	CAI	.....	2,655	2,655	2,257	199	.....	2,689	2,689	2,286	202
	EAI	.....	2,787	2,787	2,369	209	.....	2,821	2,821	2,398	212
Northern	BSAI	7,900	6,030	5,000	4,250	375	7,670	5,850	5,000	4,250	375
Shortraker	BSAI	701	526	526	447	39	701	526	526	447	39
Rougheye	BSAI	259	195	195	166	15	259	195	195	166	15
Other rockfish[7]	BS	1,280	960	460	391	35	1,280	960	460	391	35
	AI	846	634	634	539	48	846	634	634	539	48
Squid	BSAI	2,620	1,970	1,275	1,084	.....	2,620	1,970	1,275	1,084	.....
Other species[8]	BSAI	81,150	46,810	27,205	23,124	2,040	81,150	46,810	27,205	23,124	2,040
TOTAL		4,338,838	3,345,963	2,000,000	1,771,874	187,651	3,936,974	3,043,068	1,998,423	1,770,714	186,881

[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 and the portion of the sablefish TAC allocated to hook-and-line and pot gear, 15 percent of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.

[3]Except for pollock, squid and the hook-and-line or pot gear allocation of sablefish, one half of the amount of the TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (see §§ 679.20(b)(1)(iii) and 679.31).

[4]Under § 679.20(a)(5)(i)(A)(*1*), the annual Bering Sea pollock TAC after subtraction for the CDQ directed fishing allowance - 10 percent and the ICA - 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. Pending approval of Amendment 82, the annual AI pollock TAC, after subtraction for the CDQ directed fishing allowance - 10 percent and the ICA - 2,000 mt, would be allocated to the Aleut Corporation for a directed pollock fishery.

[5]The ITAC for sablefish reflected in Table 1 is for trawl gear only. Regulations at § 679.20(b)(1) do not provide for the establishment of an ITAC for the hook-and-line and pot gear allocation for sablefish. Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear and 7.5 percent of the sablefish TAC allocated to trawl gear is reserved for use by CDQ participants (see § 679.20(b)(1)(iii)).

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

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

[8]"Other species" includes sculpins, sharks, skates and octopus. Forage fish, as defined at § 679.2, are not included in the "other species" category.

Reserves and the ICA for Pollock

Regulations at § 679.20(b)(1)(i) require that 15 percent of the TAC for each target species or species group, except for pollock and the hook-and-line and pot gear allocation of sablefish, be placed in a non-specified reserve. Regulations at § 679.20(b)(1)(iii) require that one half of each TAC amount placed in the non-specified reserve (7.5 percent), with the exception of squid, be allocated to the groundfish CDQ reserve and that 20 percent of the hook-and-line and pot gear allocation of sablefish be allocated to the fixed gear sablefish CDQ reserve. Regulations at §§ 679.20(a)(5)(i)(A) and 679.31(a)(2) also require that 10 percent of the Bering Sea and Aleutian Islands pollock TAC be allocated to the pollock CDQ directed fishing allowance. 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. Regulations at § 679.21(e)(1)(i) also require that 7.5 percent of each PSC limit, with the exception of herring, be withheld as a PSQ reserve for the CDQ fisheries. Regulations governing the management of the CDQ and PSQ reserves are set forth at §§ 679.30 and 679.31.

Under regulations at § 679.20(a)(5)(i)(A)(*1*), NMFS allocates a pollock ICA of 3 percent of the Bering Sea pollock TAC after subtraction of the 10 percent CDQ reserve. This allowance is based on an examination of the incidental catch of pollock in target fisheries other than pollock from 1998 through 2003. During this 6-year period, the incidental catch of pollock ranged from a low of 2 percent in 2003 to a high of 5 percent in 1999, with a 6-year average of 3 percent. Because these incidental percentages are contingent on the relative amounts of other groundfish TACs, NMFS will be better able to assess the ICA amount when the Council makes final ABC and TAC amount recommendations in December. Under regulations that would be effective with the final rule implementing Amendment 82, NMFS recommends setting a 2,000 mt ICA for AI subarea pollock after a subtraction of the 10 percent CDQ directed fishing allowance. The Aleut Corporation's directed pollock fishery will be closed until regulations implementing Amendment 82 (if approved) become effective.

The regulations do not designate the remainder of the non-specified reserve by species or species group, and any amount of the reserve may be reapportioned to a target species or the ''other species'' category during the year, providing that such reapportionments do not result in overfishing, see § 679.20(b)(1)(ii).

Allocations of Pollock TAC Under the AFA

Regulations at § 679.20(a)(5)(i)(A) require that 10 percent of the Bering Sea subarea pollock TAC be allocated as a directed fishing allowance to the CDQ program. The remainder of the Bering Sea subarea pollock TAC, after the subtraction of an allowance (3 percent) for the incidental catch of pollock by vessels, including CDQ vessels, catching other groundfish species, is allocated as follows: 50 percent to AFA catcher vessels harvesting pollock for processing by the inshore component, 40 percent to AFA catcher/processors and catcher vessels harvesting pollock for processing by catcher/processors in the offshore component, and 10 percent to catcher vessels harvesting pollock for processing by AFA motherships. Table 2 lists these 2005 and 2006 proposed amounts.

The regulations also contain several specific requirements concerning pollock and pollock allocations under § 679.20(a)(5)(i)(A)(*4*). 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 between 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 2005 and 2006 proposed allocations of pollock TAC. Tables 8 through 13 list other provisions of the AFA, including inshore pollock cooperative allocations and listed catcher/processor and catcher vessel harvesting sideboard limits.

Table 2 also lists seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest within the SCA, as defined at § 679.22(a)(7)(vii), is limited to 28 percent of the annual directed fishing allowance (DFA) until April 1. The remaining 12 percent of the 40 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 the 28 percent of the annual DFA is not taken inside the SCA before April 1, the remainder will be available to be taken inside the SCA after 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 by sector these 2005 and 2006 proposed amounts.

TABLE 2—2005 AND 2006 PROPOSED 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	2005 allocations	2005 A season[1]		2005 B season[1]	2006 allocations	2006 A season[1]		2006 B season
		A season DFA	SCA harvest limit[2]	B season DFA		A season DFA	SCA harvest limit[2]	B season DFA
Bering Sea subarea	1,474,450	.....	.....	.....	1,474,000	.....	.....	.....
CDQ DFA	147,445	58,978	41,285	88,467	147,400	58,960	41,272	88,440
ICA[1]	46,445	.....	.....	.....	46,431	.....	.....	.....
AFA Inshore	640,280	256,112	179,278	384,168	640,085	256,034	179,224	384,051
AFA Catcher/Processors[3]	512,224	204,890	143,423	307,334	512,068	204,827	143,379	307,241
Catch by C/Ps	468,685	187,474	.....	281,211	468,542	187,417	.....	281,125
Catch by CVs[3]	43,539	17,416	.....	26,123	43,526	17,410	.....	26,115
Unlisted C/P Limit[4]	2,561	1,024	.....	1,537	2,560	1,024	.....	1,536
AFA Motherships	128,056	51,222	35,856	76,834	128,017	51,207	35,845	76,810
Excessive Harvesting Limit[5]	224,098	.....	.....	.....	224,030	.....	.....	.....

TABLE 2—2005 AND 2006 PROPOSED ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)[1]—Continued

[Amounts are in metric tons]

Area and sector	2005 allocations	2005 A season[1]		2005 B season[1]	2006 allocations	2006 A season[1]		2006 B season
		A season DFA	SCA harvest limit[2]	B season DFA		A season DFA	SCA harvest limit[2]	B season DFA
Excessive Processing Limit[6]	384,168	.....	.....	.....	384,051	.....	.....	.....
Total Bering Sea DFA	1,474,450	571,202	399,841	856,803	1,474,000	571,028	399,719	856,541
Aleutian Islands subarea[1]	19,000	.....	.....	.....	19,000	.....	.....	.....
CDQ DFA	1,900	760	.....	1,140	1,900	760	.....	1,140
ICA	2,000	1,200	.....	800	2,000	1,200	.....	800
Aleut Corporation	15,100	13,800	.....	1,300	15,100	13,640	.....	1,460
Bogoslof District ICA[7]	50	.....	.....	.....	50	.....	.....	.....

[1]Under § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock after subtraction for the CDQ DFA - 10 percent and the ICA - 3 percent, the pollock TAC is allocated as a DFA as follows: inshore component - 50 percent, catcher/processor component - 40 percent, and mothership component - 10 percent. In the Bering Sea subarea, the A season, January 20 - June 10, is allocated 40 percent of the DFA and the B season, June 10 - November 1 is allocated 60 percent of the DFA. The Aleutian Islands (AI) AI directed pollock fishery allocation to the Aleut Corporation remains after subtraction for the CDQ DFA - 10 percent and the ICA - 2,000 mt. The Aleut Corporation directed pollock fishery is closed to directed fishing until the management provisions for the AI directed pollock fishery become effective under Amendment 82. 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 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]Under § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4]Under § 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/processors sector's allocation of pollock.

[5]Under § 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.

[6]Under § 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.

[7]The Bogoslof District is closed by the proposed harvest specifications to directed fishing for pollock. The amounts specified are for ICA only, and are not apportioned by season or sector.

Allocation of the Atka Mackerel TAC

Under § 679.20(a)(8)(i), up to 2 percent of the Eastern Aleutian District and the 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 that 1 percent of the Atka mackerel ITAC in the Eastern Aleutian District and the Bering Sea subarea be allocated to jig gear in 2005 and 2006. Based on an ITAC of 9,554 mt, the jig gear allocation is 96 mt for 2005 and 2006.

Regulations at § 679.20(a)(8)(ii)(A) apportion the Atka mackerel ITAC into two equal seasonal allowances. After subtraction of the jig gear allocation, the first allowance is made available for directed fishing from January 1 (January 20 for trawl gear) to April 15 (A season), and the second seasonal allowance is made available from September 1 to November 1 (B season) (Table 3).

Under § 679.20(a)(8)(ii)(C)(*1*), the Regional Administrator will establish a harvest limit area (HLA) limit of no more than 60 percent of the seasonal TAC for the Western and Central Aleutian Districts. A lottery system is used for the HLA Atka mackerel directed fisheries to reduce the amount of daily catch in the HLA by about half and to disperse the fishery over two districts, see § 679.20(a)(8)(iii).

TABLE 3—2005 AND 2006 PROPOSED SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, AND CDQ RESERVE OF THE BSAI ATKA MACKEREL TAC[1]

[Amounts are in metric tons]

Subarea and component	2005 and 2006 TAC	CDQ reserve	CDQ reserve HLA limit[4]	ITAC	Seasonal allowances[2]			
					A season[3]		B season[3]	
					Total	HLA limit[4]	Total	HLA limit[4]
Western AI District	20,660	1,550	930	17,561	8,781	5,268	8,781	5,268
Central AI District	31,100	2,333	1,400	26,435	13,218	7,931	13,218	7,931
EAI/BS subarea[5]	11,240	843	.....	9,554	.....	.....	.....	.....
Jig (1%)[6]	.....	.....	.....	96	.....	.....	.....	.....
Other gear (99%)	.....	.....	.....	9,458	4,729	.....	4,729	.....
Total	63,000	4,725	.....	53,550	26,727	.....	26,727	.....

[1]Regulations at §§ 679.20(a)(8)(ii) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

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

[3]The A season is January 1 (January 20 for trawl gear) to April 15 and the B season is September 1 to November 1.

[4]Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see § 679.2). In 2005 and 2006, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

[5]Eastern Aleutian District and the Bering Sea subarea.
[6]Regulations at § 679.20 (a)(8)(i) require that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea ITAC be allocated to jig gear. The proposed amount of this allocation is 1 percent. The jig gear allocation is not apportioned by season.

Allocation of the Pacific Cod TAC

Under § 679.20(a)(7)(i)(A), 2 percent of the Pacific cod ITAC is allocated to vessels using jig gear, 51 percent to vessels using hook-and-line or pot gear, and 47 percent to vessels using trawl gear. Under regulations at § 679.20(a)(7)(i)(B), the portion of the Pacific cod TAC allocated to trawl gear is further allocated 50 percent to catcher vessels and 50 percent to catcher/processors. Under regulations at § 679.20(a)(7)(i)(C)(*1*), a portion of the Pacific cod TAC allocated to hook-and-line or pot gear is set aside as an ICA of Pacific cod in directed fisheries for groundfish using these gear types. Based on anticipated incidental catch in these fisheries, NMFS proposes an ICA of 500 mt. The remainder of Pacific cod is further allocated to vessels using hook-and-line or pot gear as the following DFAs: 80 percent to hook-and-line catcher/processors, 0.3 percent to hook-and-line catcher vessels, 3.3 percent to pot catcher processors, 15 percent to pot catcher vessels, and 1.4 percent to catcher vessels under 60 feet (18.3 m) length overall (LOA) using hook-and-line or pot gear.

Due to concerns about the potential impact of the Pacific cod fishery on Steller sea lions and their critical habitat, the apportionment of the ITAC disperses the Pacific cod fisheries into seasonal allowances (see §§ 679.20(a)(7)(iii)(A) and 679.23(e)(5)). For most hook-and-line and pot gear, the first seasonal allowance of 60 percent of the ITAC is made available for directed fishing from January 1 to June 10, and the second seasonal allowance of 40 percent of the ITAC is made available from June 10 (September 1 for pot gear) to December 31. No seasonal harvest constraints are imposed on the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is January 20 to April 1 and is allocated 60 percent of the ITAC. The second season, April 1 to June 10, and the third season, June 10 to November 1, are each allocated 20 percent of the ITAC. The trawl catcher vessel allocation is further allocated as 70 percent in the first season, 10 percent in the second season, and 20 percent in the third season. The trawl catcher/processor allocation is allocated 50 percent in the first season, 30 percent in the second season, and 20 percent in the third season. For jig gear, the first and third seasonal allowances are each allocated 40 percent of the ITAC and the second seasonal allowance is allocated 20 percent of the ITAC. Table 4 lists the 2005 and 2006 proposed allocations and seasonal apportionments of the Pacific cod ITAC. In accordance with §§ 679.20(a)(7)(ii)(D) and 679.20(a)(7)(iii)(B), any unused portion of a seasonal Pacific cod allowance will become available at the beginning of the next seasonal allowance.

TABLE 4—2005 AND 2006 PROPOSED GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC

Gear Sector	Percent	2005 Share of gear sector total	2005 Subtotal percentages for gear sectors	2005 Share of gear sector total	2005 Seasonal apportionment[1]		2006 Share of gear sector total	2006 Subtotal percentages for gear sectors	2006 Share of gear sector total	2006 Seasonal apportionment[1]	
					Date	Amount				Date	Amount
Total hook-and-line/pot gear	51	93,615	.....	.....	.....	.....	93,419	.....	.....	.....	.....
Hook-and-line/pot ICA	.....	.....	.....	500	.....	.....	.....	.....	500	.....	.....
Hook-and-line/pot sub-total	.....	93,115	.....	.....	.....	.....	92,919	.....	.....	.....	.....
Hook-and-line C/P	.....	.....	80	74,492	Jan 1 – Jun 10 Jun 10 – Dec 31	44,695 29,797	.....	80	74,335	Jan 1 – Jun 10 Jun 10 – Dec 31	44,601 29,734
Hook-and-line CV	.....	.....	0.3	279	Jan 1 – Jun 10 Jun 10 – Dec 31	167 112	.....	0.3	279	Jan 1–Jun 10 Jun 10 – Dec 31	167 112
Pot C/P	.....	.....	3.3	3,073	Jan 1 – Jun 10 Sept 1 – Dec 31	1,844 1,229	.....	3.3	3,066	Jan 1 – Jun 10 Sept 1 – Dec 31	1,840 1,226
Pot CV	.....	.....	15	13,967	Jan 1 – Jun 10 Sept 1 – Dec 31	8,380 5,587	.....	15	13,938	Jan 1 – Jun 10 Sept 1 – Dec 31	8,363 5,575
CV < 60 feet LOA using Hook-and-line or Pot gear	.....	.....	1.4	1,304	.....	.....	.....	1.4	1,301	.....	.....
Total Trawl Gear	47	86,273	.....	.....	.....	.....	86,092	.....	.....	.....	.....
Trawl CV			50	43,136	Jan 20 – Apr 1	30,195		50	43,046	Jan 20 – Apr 1	30,132
				.....	Apr 1 – Jun 10	4,314			.....	Apr 1 – Jun 10	4,305
				.....	Jun 10 – Nov 1	8,627			.....	Jun 10 – Nov 1	8,609
Trawl CP			50	43,136	Jan 20 – Apr 1	21,568		50	43,046	Jan 20 – Apr 1	21,523
				.....	Apr 1 – Jun 10	12,941			.....	Apr 1 – Jun 10	12,914
				.....	Jun 10 – Nov 1	8,627			.....	Jun 10 – Nov 1	8,609
Jig	2	3,671	.....	.....	Jan 1 – Apr 30	1,468	3,664	.....	.....	Jan 1 – Apr 30	1,465
			.....	.....	Apr 30 – Aug 31	734		.....	.....	Apr 30 – Aug 31	733
			.....	.....	Aug 31 – Dec 31	1,469		.....	.....	Aug 31 – Dec 31	1,466
Total	100	183,559	.....	.....	.....	.....	183,175	.....	.....	.....	.....

[1]For most non-trawl gear the first season is allocated 60 percent of the ITAC and the second season is allocated 40 percent of the ITAC. For jig gear, the first season and third seasons are each allocated 40 percent of the ITAC and the second season is allocated 20 percent of the ITAC. No seasonal harvest constraints are imposed for the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is allocated 60 percent of the ITAC and the second and third seasons are each allocated 20 percent of the ITAC. The trawl catcher vessels' allocation is further allocated as 70 percent in the first season, 10 percent in the second season and 20 percent in the third season. The trawl catcher/processors' allocation is allocated 50 percent in the first season, 30 percent in the second season and 20 percent in the third season. Any unused portion of a seasonal Pacific cod allowance will be reapportioned to the next seasonal allowance.

Sablefish Gear Allocation

Regulations at § 679.20(a)(4)(iii) and (iv) require that sablefish TACs for the Bering Sea and AI subareas be allocated between trawl 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 and for the AI subarea are 25 percent for trawl gear and 75 percent for hook-and-line or pot gear. Regulations at § 679.20(b)(1)(iii)(B) require that 20 percent of the hook-and-line and pot gear allocation of sablefish be apportioned to the CDQ reserve. Additionally, regulations at § 679.20(b)(1)(iii)(A) require that 7.5 percent of the trawl gear allocation of sablefish (one half of the reserve) be apportioned to the CDQ reserve. Under regulations implementing Amendments 48/48, the harvest specifications for the hook-and-line gear and pot gear sablefish IFQ fisheries will be limited to the 2005 fishing year to ensure those fisheries are conducted concurrent with the halibut IFQ fishery. Having sablefish IFQ fisheries concurrent with the halibut IFQ fishery would reduce the potential for discards of halibut and sablefish in these 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. The trawl sablefish fishery would be managed using harvest specifications for a 2-year period concurrent with the remaining target species in the BSAI. Table 5 specifies the 2005 and 2006 proposed gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 5—2005 AND 2006 PROPOSED GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2005 Share of TAC	2005 ITAC[1]	2005 CDQ reserve	2006 Share of TAC	2006 ITAC	2006 CDQ reserve
Bering Sea							
Trawl[2]	50	1,209	1,028	91	1,122	954	84
Hook-and-line/pot gear[3]	50	1,209	.....	242	.....	.....	.....
TOTAL	100	2,418	1,028	332	2,244	954	84
Aleutian Islands							
Trawl[2]	25	697	592	52	647	550	49
Hook-and-line/pot gear[3]	75	2,093	.....	419	.....	.....	.....
TOTAL	100	2,790	592	471	2,589	550	49

[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 trawl gear, one half of the reserve (7.5 percent of the specified TAC) is reserved for the CDQ program.

[3]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. Regulations in § 679.20(b)(1) do not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear.

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

PSC limits for halibut are set in regulations at § 679.21(e). For the BSAI trawl fisheries, the limit is 3,675 mt of Pacific halibut mortality, and for non-trawl fisheries, the limit is 900 mt of mortality. Regulations at § 679.21(e)(1)(vii) specify the 2005 and 2006 proposed chinook salmon PSC limit for the pollock fishery to be 29,000 fish. Regulations at § 679.21(e)(1)(i) allocate 7.5 percent, or 2,175 chinook salmon, as the proposed PSQ for the CDQ program and the remaining 26,825 chinook salmon to the non-CDQ fisheries. If it is approved, Amendment 82 would establish an AI chinook salmon limit of 700 fish, applicable upon the implementation of the final rule for Amendment 82 in early 2005. Regulations at § 679.21(e)(1)(i) would allocate 7.5 percent, or 175 chinook salmon, as the proposed AI PSQ for the CDQ program and the remaining 525 chinook salmon to the non-CDQ fisheries. For non-chinook salmon, regulations at § 679.21(e)(1)(viii) specify the 2005 and 2006 proposed non-chinook salmon PSC limit to be 42,000 fish. Regulations at § 679.21(e)(1)(i) allocate 7.5 percent, or 3,150 non-chinook salmon, as the proposed PSQ for the CDQ program and the remaining 38,850 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 concerning PSC limits and apportionments in October 2004, the Council recommended using the halibut, crab, and herring 2004 PSC amounts for the proposed 2005 and 2006 amounts. The Council will reconsider these amounts in December 2004, based on recommendations by the Plan Team and the SSC.

The red king crab mature female abundance is estimated from the 2003 survey data to be 29.7 million king crab and the effective spawning biomass is estimated to be 60.7 million pounds (27,500 mt). Based on the criteria set out at § 679.21(e)(1)(ii), the 2005 and 2006 proposed PSC limit of red king crab in Zone 1 for trawl gear is 197,000 animals as a result of the mature female abundance being above 8.4 million king crab and of the effective spawning biomass estimate being greater than 55 million pounds (24,948 mt).

Regulations at § 679.21(e)(3)(ii)(B) establish 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 bycatch limits within the RKCSS up to 35 percent of the trawl bycatch allowance specified for the rock sole/flathead sole/''other flatfish'' fishery category and are based on the need to optimize the groundfish harvest relative to red king crab bycatch. The Council recommended, and NMFS proposed, a red king crab bycatch limit equal to 35 percent of the trawl bycatch allowance specified for the rock sole/flathead sole/''other flatfish'' fishery category within the RKCSS.

Based on 2003 survey data, the *Chionoecetes bairdi* crab abundance is estimated to be 448.8 million animals. Given the criteria set out at § 679.21(e)(1)(iii), the 2005 and 2006 proposed *C. bairdi* crab PSC limit for

trawl gear is 980,000 animals in Zone 1 and 2,970,000 animals in Zone 2, as a result of the *C. bairdi* crab abundance estimate of over 400 million animals.

Under § 679.21(e)(1)(iv), the PSC limit for *C. opilio* crab 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. Based on the 2003 survey estimate of 2.63 billion animals, the calculated limit is 2,981,000 animals. Because this limit is less than 4.5 million, under § 679.21(e)(1)(iv)(B), the 2005 and 2006 proposed *C. opilio* crab PSC limit is 4,350,000 million animals.

Under § 679.21(e)(1)(vi), the proposed PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. NMFS's best estimate of 2004 herring biomass is 187,648 mt. This amount was derived using 2003 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game (ADF&G). Therefore, the proposed herring PSC limit for 2005 and 2006 is 1,876 mt.

Under § 679.21(e)(1)(i), 7.5 percent of each PSC limit specified for crab and halibut is reserved as a PSQ reserve for use by the groundfish CDQ program. Regulations at § 679.21(e)(3) require the apportionment of each trawl PSC limit into PSC bycatch allowances for seven specified fishery categories. Regulations at § 679.21(e)(4)(ii) authorize the apportionment of the non-trawl halibut PSC limit into PSC bycatch allowances for five fishery categories. Table 6 lists the proposed fishery bycatch allowances for the trawl and non-trawl fisheries.

Regulations at § 679.21(e)(4)(ii) authorize exemption of specified non-trawl fisheries from the halibut PSC limit. As in past years, NMFS, after consultation with the Council, is proposing to exempt pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions because these fisheries use selective gear types that take few halibut compared with other gear types, such as non-pelagic trawl. In 2004, total groundfish catch for the pot gear fishery in the BSAI was approximately 17,648 mt, with an associated halibut bycatch mortality of about 9 mt. The 2004 groundfish jig gear fishery harvested about 215 mt of groundfish. Most vessels in the jig gear fleet are less than 60 ft (18.3 m) LOA and are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. However, a negligible amount of halibut bycatch mortality is assumed because of the selective nature of this gear type and the likelihood that halibut caught with jig gear have a high survival rate when released.

As in past years, the Council recommended that the sablefish IFQ fishery be exempt from halibut bycatch restrictions because of the sablefish and halibut IFQ program (subpart D of 50 CFR part 679). The sablefish IFQ program requires legal-sized halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder or his or her hired master is aboard and is holding unused halibut IFQ. NMFS concurs with the Council's recommendation. This provision results in reduced halibut discard in the sablefish fishery. In 1995, about 36 mt of halibut discard mortality was estimated for the sablefish IFQ fishery. The estimates for 1996 through 2004 have not been calculated; however, NMFS has no information indicating that it would be significantly different.

Regulations at § 679.21(e)(5) authorize NMFS, after consultation with the Council, to establish seasonal apportionments of PSC amounts in order to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors to be 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. The Council recommended seasonal PSC apportionments to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC based on the above criteria. NMFS concurs with the Council's recommendations. These recommendations are listed in Table 6.

TABLE 6—2005 AND 2006 PROPOSED PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

Trawl Fisheries	Prohibited species and zone					
	Halibut (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1[1]	*C. opilio* (animals) COBLZ[2]	*C. bairdi* (animals)	
					Zone 1[1]	Zone 2[1]
Yellowfin sole	886	171	33,843	2,776,981	340,844	1,788,459
January 20 - April 1	262	.....	.....	.....	.....	.....
April 1 - May 21	195	.....	.....	.....	.....	.....
May 21 - July 1	49	.....	.....	.....	.....	.....
July 1 - December 31	380	.....	.....	.....	.....	.....
Rock sole/other flat/flathead sole[4]	779	25	121,413	969,130	365,320	596,154
January 20 - April 1	448	.....	.....	.....	.....	.....
April 1 - July 1	164	.....	.....	.....	.....	.....
July 1 - December 31	167	.....	.....	.....	.....	.....
Turbot/arrowtooth/sablefish[5]	.....	11	.....	40,238	.....	.....
Rockfish	.....	.....	.....	.....	.....	.....
July 1 - December 31	69	9	.....	40,237	.....	10,988
Pacific cod	1,434	25	26,563	124,736	183,112	324,176
Midwater trawl pollock	.....	1,456	.....	.....	.....	.....
Pollock/Atka mackerel/other[6]	232	179	406	72,428	17,224	27,473
Red King Crab Savings Subarea[3]	.....	.....	.....	.....	.....	.....
(non-pelagic trawl)	.....	42,495	.....	.....	.....	.....
Total trawl PSC	3,400	1,876	182,225	4,023,750	906,500	2,747,250

TABLE 6—2005 AND 2006 PROPOSED PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES—Continued

Trawl Fisheries	Prohibited species and zone					
	Halibut (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1[1]	*C. opilio* (animals) COBLZ[2]	*C. bairdi* (animals)	
					Zone 1[1]	Zone 2[1]
Non-trawl Fisheries						
Pacific cod - Total	775					
January 1 - June 10	320					
June 10 - August 15	0					
August 15 - December 31	455					
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					
PSQ reserve[7]	342	.....	14,775	326,250	73,500	222,750
PSC grand total	4,575	1,876	197,000	4,350,000	980,000	2,970,000

[1]Refer to § 679.2 for definitions of areas.
[2]*C. opilio* Bycatch Limitation Zone. Boundaries are defined at 50 CFR part 679, Figure 13.
[3]''Other flatfish'' for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), greenland turbot, rock sole, yellowfin sole and arrowtooth flounder.
[4]Greenland turbot, arrowtooth flounder, and sablefish fishery category.
[5]Pollock other than pelagic trawl pollock, Atka mackerel, and ''other species'' fishery category.
[6]With the exception of herring, 7.5 percent of each PSC limit is allocated to the CDQ program as PSQ reserve. The PSQ reserve is not allocated by fishery, gear or season.
[7]In October 2004, the Council recommended that red king crab bycatch for trawl fisheries within the RKCSS be limited to 35 percent of the total allocation to the rock sole/flathead sole/≥other flatfish'' fishery category (see § 679.21(e)(3)(ii)(B)).

Halibut Discard Mortality Rates

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator will use observed halibut bycatch rates, assumed discard mortality rates (DMR), 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.

The Council recommended and NMFS proposes that the recommended halibut DMRs developed by staff of the International Pacific Halibut Commission (IPHC) for the 2004 BSAI groundfish fisheries be used for monitoring halibut bycatch allowances established for the 2005 and 2006 groundfish fisheries (see Table 7). These DMRs were developed by the IPHC using the 10-year mean DMRs for the BSAI non-CDQ groundfish fisheries. Plots of annual DMRs against the 10-year mean indicated little change since 1990 for most fisheries. DMRs were more variable for the smaller fisheries that typically take minor amounts of halibut bycatch. The IPHC will analyze observer data annually and recommend changes to the DMRs where a fishery DMR shows large variation from the mean. The IPHC has been calculating the CDQ fisheries DMRs since 1998 and a 10-year mean is not yet available. The justification for these proposed DMRs is discussed in Appendix A to the final SAFE report dated November 2003. The proposed DMRs listed in Table 7 are subject to change pending the results of an updated analysis on halibut DMRs in the groundfish fisheries that IPHC staff is scheduled to present to the Council at its December 2004 meeting.

TABLE 7—2005 AND 2006 PROPOSED ASSUMED PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI FISHERIES

Fishery	Pre-season assumed mortality (percent)
Hook-and-line gear fisheries	
Greenland turbot	15
Other Species	11
Pacific cod	11
Rockfish	16
Trawl gear fisheries	
Atka mackerel	78
Flathead sole	67
Greenland turbot	72
Non-pelagic pollock	76
Pelagic pollock	85

TABLE 7—2005 AND 2006 PROPOSED ASSUMED PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI FISHERIES—Continued

Fishery	Pre-season assumed mortality (percent)
Other flatfish	71
Other species	67
Pacific cod	68
Rockfish	74
Rock sole	77
Sablefish	49
Yellowfin sole	78
Pot gear fisheries	
Other species	8
Pacific cod	8
CDQ trawl fisheries	
Atka mackerel	85
Flathead sole	90
Non-pelagic pollock	85
Pelagic pollock	89
Rockfish	90
Yellowfin sole	82
CDQ hook-and-line fisheries	
Greenland turbot	4
Pacific cod	11
CDQ pot fisheries	
Pacific cod	2
Sablefish	36

Bering Sea Subarea Inshore Pollock Allocations

Regulations at § 679.4(l) set forth procedures for AFA inshore catcher vessel pollock cooperatives to apply for and receive cooperative fishing permits and inshore pollock allocations. For 2004, NMFS received applications from seven inshore catcher vessel cooperatives. Applications for 2005 must be received by the Regional Administrator by December 1, 2004. Table 8 lists the proposed pollock allocations to the seven inshore catcher vessel pollock cooperatives based on 2004 cooperative allocations and the assumption that the cooperatives' membership will remain unchanged in 2005 and 2006. Allocations for cooperatives and vessels not participating in cooperatives are not made for the AI subarea because the AI subarea has been closed to directed fishing for pollock and the CAA requires the non-CDQ directed pollock fishery to be fully allocated to the Aleut Corporation. The Bering Sea subarea allocations may be revised pending adjustments to cooperatives' membership prior to 2005 and 2006.

TABLE 8—2005 AND 2006 PROPOSED BERING SEA SUBAREA INSHORE COOPERATIVE ALLOCATIONS

[Amounts are in metric tons]

Cooperative name and member vessels	Sum of member vessel's official catch histories[1] (mt)	Percentage of inshore sector allocation	2005 Annual co-op allocation (mt)	2006 Annual co-op allocation (mt)
Akutan Catcher Vessel Association ALDEBARAN, ARCTIC EXPLORER, ARCTURUS, BLUE FOX, CAPE KIWANDA, COLUMBIA, DOMINATOR, EXODUS, FLYING CLOUD, GOLDEN DAWN, GOLDEN PISCES, HAZEL LORRAINE, INTREPID EXPLORER, LESLIE LEE, LISA MELINDA, MAJESTY, MARCY J, MARGARET LYN, MARK I, NORDIC EXPLORER, NORTHERN PATRIOT, NORTHWEST EXPLORER, PACIFIC RAM, PACIFIC VIKING, PEGASUS, PEGGY JO, PERSEVERANCE, PREDATOR, RAVEN, ROYAL AMERICAN, SEEKER, SOVEREIGNTY, TRAVELER, VIKING EXPLORER	245,922	28.130%	180,110	180,055
Arctic Enterprise Association BRISTOL EXPLORER, OCEAN EXPLORER, PACIFIC EXPLORER	36,807	4.210%	26,957	26,948
Northern Victor Fleet Cooperative ANITA J, COLLIER BROTHERS, COMMODORE, EXCALIBUR II, GOLDRUSH, HALF MOON BAY, MISS BERDIE, NORDIC FURY, PACIFIC FURY, POSEIDON, ROYAL ATLANTIC, SUNSET BAY, STORM PETREL	73,656	8.425%	53,945	53,929
Peter Pan Fleet Cooperative AJ, AMBER DAWN, AMERICAN BEAUTY, ELIZABETH F, MORNING STAR, OCEAN LEADER, OCEANIC, PROVIDIAN, TOPAZ, WALTER N	23,850	2.728%	17,467	17,462
Unalaska Cooperative ALASKA ROSE, BERING ROSE, DESTINATION, GREAT PACIFIC, MESSIAH, MORNING STAR, MS AMY, PROGRESS, SEA WOLF, VANGUARD, WESTERN DAWN	106,737	12.209%	78,173	78,149
UniSea Fleet Cooperative ALSEA, AMERICAN EAGLE, ARGOSY, AURIGA, AURORA, DEFENDER, GUN-MAR, MAR-GUN, NORDIC STAR, PACIFIC MONARCH, SEADAWN, STARFISH, STARLITE, STARWARD	213,521	24.424%	156,380	156,333
Westward Fleet Cooperative ALASKAN COMMAND, ALYESKA, ARCTIC WIND, CAITLIN ANN, CHELSEA K, DONA MARTITA, FIERCE ALLEGIANCE, HICKORY WIND, OCEAN HOPE 3, PACIFIC KNIGHT, PACIFIC PRINCE, VIKING, WESTWARD I	189,942	21.727%	139,111	139,069
Open access AFA vessels	0	0%	0	0
Total inshore allocation	874,238	100%	640,280	640,085

[1]According to regulations at § 679.62(e)(1), the individual catch history for each vessel is equal to the vessel's best 2 of 3 years inshore pollock landings from 1995 through 1997 and includes landings to catcher/processors for vessels that made 500 or more mt of landings to catcher/processors from 1995 through 1997.

According to regulations at § 679.20(a)(5)(i)(A)(*3*), NMFS must further divided the inshore sector allocation into allocations for cooperatives and for inshore open access. In addition, according to regulations at § 679.22(a)(7)(vii), NMFS must establish harvest limits inside the SCA and provide a set-aside so that catcher vessels less than or equal to 99 ft (30.2 m) LOA have the opportunity to operate entirely within the SCA until April 1. Accordingly, Table 9 lists the proposed apportionment of the Bering Sea subarea inshore pollock allocation into allocations for vessels fishing in a cooperative and for vessels fishing for the inshore open access allocation and

establishes a cooperative-sector SCA set-aside for AFA catcher vessels less than or equal to 99 ft (30.2 m) LOA. The SCA set-aside for catcher vessels less than or equal to 99 ft (30.2 m) LOA that are not participating in a cooperative will be established inseason based on actual participation levels and is not included in Table 9. These proposed allocations may be revised pending final review and approval of 2005 and 2006 cooperative agreements.

TABLE 9—2005 AND 2006 PROPOSED BERING SEA SUBAREA POLLOCK ALLOCATIONS TO THE COOPERATIVE AND OPEN ACCESS SECTORS OF THE INSHORE POLLOCK FISHERY

[Amounts are in metric tons]

	2005 A season TAC	2005 A season inside SCA[1]	2005 B season TAC	2006 A season TAC	2006 A season inside SCA	2006 B season TAC
Inshore cooperative sector						
Vessels > 99 ft	n/a	153,969	n/a	n/a	153,923	n/a
Vessels ≤ 99 ft	n/a	25,309	n/a	n/a	25,301	n/a
Total	256,112	179,278	384,168	256,034	179,224	384,051
Open access sector	0	0[2]	0	0	0[2]	0
Total inshore	256,112	179,278	384,168	256,034	179,224	384,051

[1]The Steller sea lion conservation area (SCA) established at § 679.22(a)(7)(vii).

[2]The SCA limitations for vessels less than or equal to 99 ft LOA that are not participating in a cooperative will be established on an inseason basis in accordance with § 679.22(a)(7)(vii)(C)(*2*) which specifies that ''the Regional Administrator will prohibit directed fishing for pollock by vessels greater than 99 ft (30.2 m) LOA, catching pollock for processing by the inshore component before reaching the inshore SCA harvest limit before April 1 to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA until April 1.''

Listed AFA Catcher/Processor Sideboard Limits

According to regulations at § 679.64(a), the Regional Administrator will restrict 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 sideboard limits is described in detail in the final rule implementing major provisions of the AFA (67 FR 79692, December 30, 2002). Table 10 lists the 2005 and 2006 proposed catcher/processor sideboard limits.

All groundfish other than pollock that are harvested by listed AFA catcher/processors, whether as targeted catch or incidental catch, will be deducted from the proposed sideboard limits in Table 10. However, groundfish other than pollock that are delivered to listed catcher/processors by catcher vessels will not be deducted from the 2005 and 2006 proposed sideboard limits for the listed catcher/processors.

TABLE 10—2005 AND 2006 PROPOSED LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUNDFISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Target species	Area	1995 - 1997			2005 Proposed ITAC available to trawl C/Ps	2005 Proposed C/P sideboard limit	2006 Proposed ITAC available to trawl C/Ps	2006 Proposed C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Pacific cod trawl	BSAI	12,424	48,177	0.258	43,136	11,129	43,046	11,106
Sablefish trawl	BS	8	497	0.016	1,028	16	954	15
	AI	0	145	0.000	592	0	550	0
Atka mackerel	Western AI	.....	.....	.....	.....	.....	.....	.....
	A season[1]	n/a	n/a	0.200	8,781	1,756	8,781	1,756
	HLA limit[2]	.....	.....	.....	5,269	1,054	5,269	1,054
	B season	n/a	n/a	0.200	8,781	1,756	8,781	1,756
	HLA limit	.....	.....	.....	5,269	1,054	5,269	1,054
	Central AI	.....	.....	.....	.....	.....	.....	.....
	A season[1]	n/a	n/a	0.115	13,218	1,520	13,218	1,520
	HLA limit	.....	.....	.....	7,931	912	7,931	912
	B season	n/a	n/a	0.115	13,218	1,520	13,218	1,520
	HLA limit	.....	.....	.....	7,931	912	7,931	912
Yellowfin sole	BSAI	100,192	435,788	0.230	73,164	16,828	73,164	16,828
Rock sole	BSAI	6,317	169,362	0.037	35,233	1,304	34,850	1,289
Greenland turbot	BS	121	17,305	0.007	2,295	16	2,295	16
	AI	23	4,987	0.005	680	3	680	3
Arrowtooth flounder	BSAI	76	33,987	0.002	10,200	20	10,200	20
Flathead sole	BSAI	1,925	52,755	0.036	16,150	581	16,150	581
Alaska plaice	BSAI	14	9,438	0.001	8,500	9	8,500	9
Other flatfish	BSAI	3,058	52,298	0.058	2,550	148	2,550	148
Pacific ocean perch	BS	12	4,879	0.002	1,635	3	1,655	3
	Western AI	54	13,598	0.004	3,957	16	4,006	16
	Central AI	3	5,698	0.001	2,257	2	2,286	2
	Eastern AI	6,179	125	0.020	2,369	47	2,398	48
Northern rockfish	BSAI	91	13,040	0.007	4,250	30	4,250	30
Shortraker rockfish	BSAI	50	2,811	0.018	447	8	447	8
Rougheye rockfish	BSAI	50	2,811	0.018	166	3	166	3
Other rockfish	BS	18	621	0.029	391	11	391	11
	AI	22	806	0.027	539	15	539	15
Squid	BSAI	73	3,328	0.022	1,084	24	1,084	24
Other species	BSAI	553	68,672	0.008	23,124	185	23,124	185

[1]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 TAC specified for the Western Aleutian District, and 11.5 percent of the annual TAC specified for the Central Aleutian District.

[2]Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see §679.2). In 2005 and 2006, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

Regulations at § 679.64(a)(5) establish a formula for PSC sideboard limits for listed AFA catcher/processors. These amounts are equivalent to the percentage of PSC amounts taken in the groundfish fisheries other than pollock by the AFA catcher/processors listed in subsection 208(e) and section 209 of the AFA from 1995 through 1997 (see Table 10). These amounts were used to calculate the relative amount of PSC that was caught by pollock catcher/processors shown in Table 10. The 2005 and 2006 PSC limits available to trawl catcher/processors are multiplied by the ratios to determine the PSC sideboard limits for listed AFA catcher/processors in the 2005 and 2006 groundfish fisheries other than pollock.

PSC that is caught by listed AFA catcher/processors participating in any groundfish fishery other than pollock listed in Table 11 would accrue against the 2005 and 2006 proposed PSC limits for the listed AFA catcher/processors. Regulations at § 679.21(e)(3)(v) authorize NMFS to close directed fishing for groundfish other than pollock for listed AFA catcher/processors once a 2005 and 2006 proposed PSC limit listed in Table 11 is reached.

Crab or halibut PSC that is 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 11—2005 AND 2006 PROPOSED BSAI AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS[1]

PSC species	1995 - 1997			2005 and 2006 Proposed PSC available to trawl vessels	2005 and 2006 Proposed C/P sideboard limit
	PSC catch	Total PSC	Ratio of PSC catch to total PSC		
Halibut mortality	955	11,325	0.084	3,400	286
Red king crab	3,098	473,750	0.007	182,225	1,276
C. opilio	2,323,731	15,139,178	0.153	4,023,750	615,634
C. bairdi	.....	.....	.....	.....	.....
Zone 1	385,978	2,750,000	0.140	906,500	126,910
Zone 2	406,860	8,100,000	0.050	2,747,250	137,363

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

AFA Catcher Vessel Sideboard Limits

According to regulations at § 679.64(b), the Regional Administrator restricts 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. Regulations at § 679.64(b) establish 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 rule implementing major provisions of the AFA (67 FR 79692, December 30, 2002). Tables 12 and 13 list the 2005 and 2006 proposed catcher vessel sideboard limits.

All harvests of groundfish sideboard species made by non-exempt AFA catcher vessels, whether as targeted catch or as incidental catch, will be deducted from the 2005 and 2006 proposed sideboard limits listed in Table 12.

TABLE 12—2005 AND 2006 PROPOSED BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS

[Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2005 Proposed initial TAC	2005 Proposed catcher vessel sideboard limits	2006 Proposed initial TAC	2006 Proposed catcher vessel sideboard limits
Pacific cod	BSAI	.....	.....	.....	.....	.....
	Jig gear	0.0000	3,671	0	3,664	0
	Hook-and-line CV	.....	.....	.....	.....	.....
	Jan 1 - Jun 10	0.0006	167	0	167	0
	Jun 10 - Dec 31	0.0006	112	0	112	0
	Pot gear CV	.....	.....	.....	.....	.....
	Jan 1 - Jun 10	0.0006	8,380	5	8,363	5
	Sept 1 - Dec 31	0.0006	5,587	3	5,575	3
	CV < 60 feet LOA using hook-and-line or pot gear	0.0006	1,304	1	1,301	1
	Trawl gear CV	.....	.....	.....	.....	.....
	Jan 20 - Apr 1	0.8609	30,195	25,995	30,132	25,941
	Apr 1 - Jun 10	0.8609	4,314	3,323	4,305	3,316
	Jun 10 - Nov 1	0.8609	8,627	6,645	8,609	6,632
Sablefish	BS trawl gear	0.0906	1,028	93	952	86
	AI trawl gear	0.0645	593	38	550	35
Atka mackerel	Eastern AI/BS	.....	.....	.....	.....	.....
	Jig gear	0.0031	96	0	96	0
	Other gear	.....	.....	.....	.....	.....

TABLE 12—2005 AND 2006 PROPOSED BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS—Continued

[Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2005 Proposed initial TAC	2005 Proposed catcher vessel sideboard limits	2006 Proposed initial TAC	2006 Proposed catcher vessel sideboard limits
	Jan 1 - Apr 15	0.0032	4,729	15	4,729	15
	Sept 1 - Nov 1	0.0032	4,729	15	4,729	15
	Central AI	.....	.....	.....	.....	.....
	Jan - Apr 15	0.0001	13,218	1	13,218	1
	HLA limit	0.0001	7,931	1	7,931	1
	Sept 1 - Nov 1	0.0001	13,218	1	13,218	1
	HLA limit	0.0001	7,931	1	7,931	1
	Western AI	.....	.....	.....	.....	.....
	Jan - Apr 15	0.0000	8,781	0	8,781	0
	HLA limit	.....	5,269	0	5,269	0
	Sept 1 - Nov 1	0.0000	8,781	0	8,781	0
	HLA limit	.....	5,269	0	5,269	0
Yellowfin sole	BSAI	0.0647	73,164	4,734	73,164	4,734
Rock sole	BSAI	0.0341	35,233	1,201	34,850	1,188
Greenland Turbot	BS	0.0645	2,295	148	2,295	148
	AI	0.0205	680	14	680	14
Arrowtooth flounder	BSAI	0.0690	10,200	704	10,200	704
Alaska plaice	BSAI	0.0441	8,500	375	8,500	375
Other flatfish	BSAI	0.0441	2,550	112	2,550	112
Pacific ocean perch	BS	0.1000	1,635	164	1,655	166
	Eastern AI	0.0077	2,369	18	2,369	18
	Central AI	0.0025	2,257	6	2,286	6
	Western AI	0.0000	3,957	0	4,006	0
Northern rockfish	BSAI	0.0084	4,250	36	4,250	36
Shortraker rockfish	BSAI	0.0037	447	2	447	2
Rougheye rockfish	BSAI	0.0037	166	1	166	1
Other rockfish	BS	0.0048	391	2	391	2
	AI	0.0095	539	5	539	5
Squid	BSAI	0.3827	1,084	415	1,084	415
Other species	BSAI	0.0541	23,124	1,251	23,124	1,251
Flathead Sole	BS trawl gear	0.0505	16,150	816	16,150	816

The AFA catcher vessel PSC limits for halibut and crab species in the BSAI for which a trawl bycatch limit has been established will be a portion of the PSC limit equal to the ratio of aggregate retained groundfish catch by AFA catcher vessels in each PSC target category from 1995 through 1997 relative to the retained catch of all vessels in that fishery from 1995 through 1997. Table 13 lists the 2005 and 2006 proposed PSC sideboard limits for AFA catcher vessels.

Halibut and crab PSC caught by AFA catcher vessels participating in any fishery for groundfish other than pollock listed in Table 13 will accrue against the 2005 and 2006 proposed PSC sideboard limits for the AFA catcher vessels. Regulations at § 679.21(d)(8) and (e)(3)(v) provide authority to close directed fishing for groundfish other than pollock for AFA catcher vessels once a 2005 and 2006 proposed PSC sideboard limit listed in Table 13 is reached. The PSC by AFA catcher vessels, while fishing for pollock in the BSAI, 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 13—2005 AND 2006 PROPOSED AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI[1]

[Amounts are in metric tons]

PSC species	Target fishery category[2]	Ratio of 1995–1997 AFA CV retained catch to total retained catch	2005 and 2006 Proposed PSC limit	2005 and 2006 Proposed AFA catcher vessel PSC sideboard limit
Halibut	Pacific cod trawl	0.6183	1,434	887

TABLE 13—2005 AND 2006 PROPOSED AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI[1]—Continued

[Amounts are in metric tons]

PSC species	Target fishery category[2]	Ratio of 1995–1997 AFA CV retained catch to total retained catch	2005 and 2006 Proposed PSC limit	2005 and 2006 Proposed AFA catcher vessel PSC sideboard limit
	Pacific cod hook-and-line or pot	0.0022	775	2
	Yellowfin sole	0.1144	886	101
	Rock sole/flathead sole/other flatfish[5]	0.2841	779	221
	Turbot/Arrowtooth/Sablefish	0.2327	0	0
	Rockfish (July 1 - December 31)	0.0245	69	2
	Pollock/Atka mackerel/other species	0.0227	232	5
Red King Crab Zone 1[4]	Pacific cod	0.6183	26,563	16,424
	Yellowfin sole	0.1144	33,843	3,872
	Rock sole/flathead sole/other flatfish[5]	0.2841	121,413	34,493
	Pollock/Atka mackerel/other species	0.0227	406	9
C. opilio COBLZ[3]	Pacific cod	0.6183	124,736	77,124
	Yellowfin sole	0.1144	2,776,981	317,687
	Rock sole/flathead sole/other flatfish[5]	0.2841	969,130	275,330
	Pollock/Atka mackerel/other species	0.0227	72,428	1,644
	Rockfish	0.0245	40,237	986
	Turbot/Arrowtooth/Sablefish	0.2327	40,238	9,363
C. bairdi Zone 1	Pacific cod	0.6183	183,112	113,218
	Yellowfin sole	0.1144	340,844	38,993
	Rock sole/flathead sole/other flatfish[5]	0.2841	365,320	103,787
	Pollock/Atka mackerel/other species	0.0227	17,224	391
C. bairdi Zone 2	Pacific cod	0.6183	324,176	200,438
	Yellowfin sole	0.1144	1,788,459	204,600
	Rock sole/flathead sole/other flatfish[5]	0.2841	596,154	169,367
	Pollock/Atka mackerel/other species	0.0227	27,473	624
	Rockfish	0.0245	10,988	269

[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]*C. opilio* Bycatch Limitation Zone. Boundaries are defined at Figure 13 of 50 CFR part 679.
[4]In October 2004, the Council recommended that red king crab bycatch for trawl fisheries within the RKCSS be limited to 35 percent of the total allocation to the rock sole/flathead sole/''other flatfish'' fishery category (see § 679.21(e)(3)(ii)(B)).
[5]''Other flatfish'' for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder.

Classification

NMFS has determined that the proposed specifications are consistent with the FMP and preliminarily determined that the proposed 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.

An IRFA was prepared to evaluate the impacts of the 2005 and 2006 proposed harvest specifications on directly regulated small entities. This IRFA is intended to meet the statutory requirements of the Regulatory Flexibility Act (RFA). The reason for the action, a statement of the objective of the action and the legal basis are discussed in the preamble and are not repeated here.

The 2005 and 2006 harvest specifications establish harvest limits for the groundfish species and species groups in the BSAI. This action is necessary to allow fishing in 2005 and 2006. About 807 small catcher vessels, 23 small catcher/processors, and 6 small private non-profit CDQ groups may be directed regulated by these specifications.

The IRFA examined the impacts of the preferred alternative on small entities within fisheries defined by the harvest of species groups whose TACs might be affected by the specifications. The IRFA identified adverse impacts on small fishing operations harvesting for sablefish and Pacific ocean perch and on CDQ groups in the BSAI.

In the BSAI, 36 small Pacific ocean perch catcher vessels and catcher-processors, with average gross revenues of $1.8 million, would have a gross revenue reduction of a maximum of ⅓ of 1 percent; 63 small sablefish catcher vessels and catcher-processors, with average gross revenues of about $700,000, would have gross revenue reductions of a maximum of 6 percent; and the 6 CDQ groups, with estimated average 2004 gross revenues of about $19.5 million, would have gross revenue reductions of 2/10 of a percent.

Please refer to the IRFA for a fuller explanation of impacts on small entities. A copy of the IRFA is available from NMFS (see **ADDRESSES**).

This regulation does not impose new recordkeeping or reporting requirements on the regulated small entities. This analysis did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action.

This analysis examined four alternatives to the preferred alternative. These included alternatives that set TACs to produce fishing rates equal to $\max F_{ABC}$, $\frac{1}{2}\max F_{ABC}$, the recent 5 year average F, and zero. Only one of these alternatives, setting TACs to produce fishing rates of $\max F_{ABC}$, would potentially have a smaller adverse

impact on small entities than the preferred alternative. This alternative is associated with larger gross revenues for the BSAI fisheries. Many of the vessels identified above would share in these gross revenues. However, the $maxF_{ABC}$ is a fishing rate which may, and often does, exceed biologically recommended ABCs. For the sablefish and Pacific ocean perch fisheries described above, the preferred alternative, which produces fishing rates less than $maxF_{ABC}$, sets TACs equal to projected annual ABCs. In addition, the preferred alternative TACs for ''other rockfish'' in the Aleutian Islands subarea, rougheye rockfish, and shortraker rockfish, also equals the ABC. The increases in TACs related to producing fishing rates of $maxF_{ABC}$ would not be consistent with biologically prudent fishery management because they do not fall within the scientifically determined ABC.

Authority: Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; 16 U.S.C. 1540(f); Pub. L. 105 277, Title II of Division C; Pub L. 106 31, Sec. 3027; Pub L. 106 554, Sec. 209; and Pub. L. 108–199, Sec. 803.

Dated: December 3, 2004.

William T. Hogarth

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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