

worst-case scenario (DiNardo, G.T. and J.A. Wetherall, 1999, "Accounting for Uncertainty in the Development of Harvest Strategies for the Northwestern Hawaiian Islands Lobster-trap Fishery", ICES J. Mar. Sci., 56:943-951). Additional sources of error or uncertainty that influence $F_{\text{risk-averse}}$ and ultimately r , could be easily incorporated using this approach.

Comment 17: One commenter stated that the supplemental amendments fail to consider a broad range of bycatch minimization alternatives and bycatch reporting alternatives.

Response: NMFS agrees that a large number of bycatch minimization tools and bycatch reporting tools exist, and that not all such tools were considered in the supplemental FMP amendments. Some were not considered because they are already being implemented under the existing management regime, as described in sections 4.1 and 4.2 of the supplemental amendment document for bycatch provisions. A relatively small number of alternatives that focused on those areas were then considered. Discussion of the reasons for eliminating alternatives from the broader pool of potential alternatives would have been desirable. However, NMFS finds that the range of alternatives considered is adequate given the existing bycatch patterns and bycatch reporting methodologies in the affected fisheries. The agency recognizes that achieving consistency with the bycatch-related provisions of the Magnuson-Stevens Act is an ongoing process that will require periodic identification of areas in which bycatch might be further reduced and bycatch reporting might be further improved, followed by consideration of a range of reasonable alternatives for each of those areas.

Comment 18: One commenter stated that the supplemental amendments fail to provide bycatch minimization and assessment measures that are consistent with the requirements of the Magnuson-Stevens Act, in part because some of the measures would be implemented only at the discretion of NMFS or the Council.

Response: A central purpose of the supplemental FMP amendments is to describe the existing situation with respect to bycatch patterns, bycatch minimization measures, and bycatch reporting measures. NMFS finds that the supplemental amendments accomplish this purpose. The amendments also serve the purpose of identifying weaknesses in the bycatch reporting systems and identifying areas in which bycatch or bycatch mortality might be successfully further reduced. However, identification of such weaknesses and

areas for improvement does not in itself mean that management action is required. The need to minimize bycatch and bycatch mortality and to establish a standardized bycatch reporting methodology must be balanced against other requirements of the Magnuson-Stevens Act, including the need to achieve OY (National Standard 1), the need to consider efficiency in the utilization of fishery resources (National Standard 5), and the need to minimize costs (National Standard 7). For similar reasons, the fact that some of the management actions under the preferred alternative will be taken at the discretion of the Council and/or NMFS does not mean that the actions are inconsistent with National Standard 9. NMFS finds that the existing bycatch-related management measures in the bottomfish and pelagics FMPs, combined with the additional actions that would be taken under the supplemental amendments, which include outreach to fishermen, research into fishing gear and method modifications, research into market development for discarded species, and improvement of information systems, satisfy the requirements of the Magnuson-Stevens Act. At the same time, NMFS recognizes the need to continue to reduce bycatch and bycatch mortality, and to continue to improve, where cost-effective, the standardized bycatch reporting methodologies.

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

Dated: July 31, 2003.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 021122286-3036-02; I.D. 073003A]

Fisheries of the Exclusive Economic Zone off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pelagic shelf rockfish in the

Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2003 total allowable catch (TAC) of pelagic shelf rockfish in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 31, 2003, through 2400 hrs, A.l.t., December 31, 2003.

FOR FURTHER INFORMATION CONTACT:

Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2003 TAC of pelagic shelf rockfish for the Central Regulatory Area was established as 3,480 metric tons (mt) by the final 2003 harvest specifications for groundfish in the GOA (68 FR 9924, March 3, 2003).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2003 TAC for pelagic shelf rockfish in the Central Regulatory Area will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,450 mt, and is setting aside the remaining 30 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pelagic shelf rockfish in the Central Regulatory Area of the GOA.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is contrary to the public interest. This requirement is contrary to the public interest as it would delay the closure of the fishery, lead to exceeding the 2003 TAC for pelagic shelf rockfish in the Central Regulatory Area of the GOA, and therefore reduce the public's ability to use and enjoy the fishery resource.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: July 30, 2003.

Bruce C. Morehead

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 03-19927 Filed 7-31-03; 2:59 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 021212307-3037-02; I.D. 073003B]

Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Greenland turbot in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2003 total allowable catch (TAC) of Greenland turbot in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 2, 2003, until 2400 hrs, A.l.t., December 31, 2003.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

The 2003 TAC of Greenland turbot in the Bering Sea subarea was established by the final 2003 harvest specifications for groundfish in the BSAI (68 FR 9907, March 3, 2003) as 2,278 metric tons (mt). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the TAC for Greenland turbot in the Bering Sea subarea will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,278 mt, and is setting aside the remaining 1,000 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for Greenland turbot in the Bering Sea subarea.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is contrary to the public interest. This requirement is contrary to the public interest as it would delay the closure of the fishery, lead to exceeding the 2003 TAC of Greenland turbot in the Bering Sea subarea of the BSAI, and therefore reduce the public's ability to use and enjoy the fishery resource.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: July 30, 2003.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 030417090-3183-02; I.D. 032403C]

RIN 0648-AQ73

Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to amend eligibility criteria for Bering Sea and Aleutian Islands (BSAI) crab species licenses issued under the License Limitation Program (LLP) and required for participation in the BSAI crab fisheries. This action is necessary to allow participation in the BSAI crab fisheries in a manner intended by the North Pacific Fishery Management Council (Council). The intended effect of this action is to allow vessels with recent participation in the BSAI crab fisheries to qualify for a LLP crab species license and to conserve and manage the crab resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective on September 4, 2003.

ADDRESSES: Copies of the Environmental Assessment prepared for Amendment 10 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs and the regulatory impact review/initial regulatory flexibility analysis (RIR/IRFA) and the Final Regulatory Flexibility Analysis (FRFA) prepared for this rule are available from NMFS, Alaska Region, P.O. Box 21668, Juneau, AK, 99802, Attn: Lori Durall, telephone 907-586-7247.

FOR FURTHER INFORMATION CONTACT: Gretchen Harrington, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the crab fisheries in the exclusive economic zone off Alaska under the Fishery Management Plan for Bering Sea and Aleutian Islands Management Area for King and Tanner Crabs (FMP). The Council prepared the FMP under the authority of the Magnuson-Stevens Act. Regulations governing U.S. fisheries and implementing this FMP appear at 50 CFR parts 600 and 679.