Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues final regulations to implement Amendment 17 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 22 to the FMP for Groundfish of the Gulf of Alaska (GOA). These regulations implement FMP amendment measures, which:

1. Establish a new management subarea in the BSAI; (2) establish area closures around walrus haulout sites in the BSAI; (3) remove Statistical Area 68 in the GOA; and (4) authorize the Regional Director, Alaska Region, NMFS, to issue experimental fishing permits in the GOA and/or BSAI. Certain technical changes to existing regulations are implemented. Two technical amendments to directed fishing standards for BSAI rockfish and GOA flatfish also are implemented. These actions are necessary to promote management and conservation of groundfish and other living marine resources. They are intended to further the goals and objectives contained in the FMPs that govern these fisheries.

EFFECTIVE DATE: Effective on April 24, 1992, except § 675.22(f) which is effective 12 noon, Alaska local time (Alit). April 1, 1992.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/ final regulatory flexibility analysis (EA/RIR/FRFA) may be obtained from the North Pacific Fishery Management Council, P.O. Box 103138, Anchorage, AK 99510 (telephone 907-271-2800).

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Acting Chief, Fishery Management Division, Alaska Region, NMFS, 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the GOA and BSAI are managed by the Secretary of Commerce (Secretary) according to FMPs prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fishery at 40 CFR part 611 and for the U.S. fishery at 50 CFR parts 672 and 675. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

During its August 13–15, 1991, meeting, the Council approved Amendments 17 and 22 for review by the Secretary under section 304(b) of the Magnuson Act. Section 304(b) requires the Secretary, or his designee, to approve, disapprove, or partially disapprove FMPs or FMP amendments any time after the 60th day after the receipt date and before the close of the 95th day following receipt. A Notice of Availability of the proposed amendments was published in the Federal Register (56 FR 56353; November 4, 1991). It invited review of, and comment on, the amendments until December 27, 1991. A notice of proposed rulemaking was published in the Federal Register on December 4, 1991 (56 FR 63487). It invited comments on the proposed rule implementing the amendments through January 13, 1992. One hundred and fifty letters of comments were received. They are summarized and responded to below in the “Response to comments” section.

The Regional Director has reviewed and approved the measures in amendments 17 and 22 and the reasons for them and has determined that they are necessary for conservation and management of the groundfish fisheries off Alaska. This final rule: (1) Establishes the Bogoslof subarea in the BSAI; (2) establishes groundfish fishing closures around walrus haulout sites in the BSAI; (3) rescinds Statistical Area 68 in the GOA; and (4) authorizes the Regional Director to issue experimental fishing permits for the GOA and/or BSAI. A full description of these measures and their justification are presented in the December 4, 1991, notice of proposed rulemaking.

With respect to measure (4) above, regulations are set forth for the GOA at 50 CFR 672.6. Regulations at 50 CFR 675.6 require persons interested in experimental fishing permits for the BSAI to comply with the provisions at § 672.6. In addition to the above measures, certain existing regulations were proposed to be amended as discussed in the December 4, 1991, notice of proposed rulemaking. These amendments are listed as follows:

1. In § 672.20(f)(1) (i), (ii), and (iii), the phrase "the Regional Director will publish a notice in the Federal Register prohibiting fishing by JVP and DAP vessels" was proposed to be revised to read, "NMFS will publish a notice in the Federal Register prohibiting directed fishing for groundfish by JVP and DAP vessels.

2. Section 672.20(g)(3) was proposed to be amended to clarify authority for State of Alaska management of the demersal shelf rockfish fishery by referring to Alaska Administrative Code 28.170 for directed fishing standards that apply to demersal shelf rockfish.

A definition of "non-pelagic trawl", a term already used elsewhere in implementing regulations, was proposed to be added to § 672.2 and 675.2.

4. In § 675.20(h)(2), the first sentence was proposed to be revised to read, "Using trawl gear for yellowfin sole, 'other flatfish,' or arrowtooth flounder until May 1.' After the general flatfish season starts on May 1, directed fishing standards apply that yellowfin sole, "other flatfish," or arrowtooth flounder will be allowed in amounts up to 20 percent of other fish species on board the vessel during the same trip.

5. Sections 672.2 and 675.2 were proposed to be amended by revising the definitions of "groundfish." Rather than listing individual groundfish species, the definitions would reference §§ 672.20(a)(1) or 675.20(a)(1).

6. Paragraphs 672.24(a) and 675.24(a) were proposed to be amended to require fishermen using pots in the groundfish fishery to mark each pot with a tag that identifies the pot as being used in the groundfish fishery.

Each of the above regulatory amendments was discussed in the same Federal Register notice (56 FR 63487; December 4, 1991) that proposed regulations implementing Amendments 17 and 22. Each of these amendments is intended to clarify, or promote, management of the groundfish fisheries off Alaska. The amendments were approved in principle by NMFS on January 31, 1992. However, a moratorium on proposed and final rules was issued by the President on January 28, 1992. Four of these six amendments do not fall within any of the exemptions to the moratorium and, although they have been approved in principle, are not included in this final rule. The two amendments concerning State of Alaska authority to manage the demersal shelf rockfish fishery and the definition of "groundfish are technical in nature and, because they do not constitute a substantive change to existing regulations, are implemented. A final rule implementing the remaining four regulatory amendments will be issued after the moratorium has ended.
Charges in the Final Rule From the Proposed Rule

This final rule includes changes from the proposed rule. These changes are described as follows:

1. Technical amendments to §§ 672.20(g)(1)(i) and 675.20(h)(3)(iii) are implemented. First, § 672.20(g)(1) presently contains a definition of a directed sablefish trawl fishery, which reads, in part:

   The operator of a vessel is engaged in the directed fishing for sablefish if he retains at any particular time during a trip sablefish caught using trawl gear in an amount equal to or greater than:
   (i) 15 percent of the aggregate amount of deepwater flatfish species, including Dover sole, rex sole, and flathead sole, * * *.

   Because flathead sole has been separated from the deepwater flatfish target species category identified in the notice of final specifications as provided in the § 672.20(c)(1)(ii), flathead sole is not a deepwater flatfish, and the current regulation technically is wrong. Section 672.20(g)(1)(i) is revised to reflect this.

   Second, the definition of a directed rockfish fishery contained in § 675.20(h)(3)(iii), reads:

   For rockfish, 10 percent of the total amount of all sablefish and Greenland turbot retained at the same time on the vessel during the same trip plus 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

   This definition is not operative when some rockfish fisheries are open and some are closed. Because a definition is necessary to allow measures against rockfish target species categories for which directed fisheries are open, § 675.20(h)(3)(iii) has been revised. Neither technical amendment has an impact other than to render effective management of directed fishing closures.

2. In § 675.24(c)(1)(i) and (f)(1), references to the Bogoslof Subarea are added to reflect the division of the former Bering Sea Subarea into a smaller Bering Sea Subarea and the newly established Bogoslof Subarea.

3. The final rule revises the definition of groundfish, removes Table 1 from §§ 672.20 and 675.20 and amends §§ 672.20(a)(1) and 675.20(a)(1) to include a reference to Table 1 of the annual notice of harvest limits for groundfish as provided in §§ 672.20(c)(1) and 675.20(a)(7). These changes to the proposed rule are necessary to reflect the intent to require a proposed rule to provide a single reference source for groundfish. All references to Table 1 throughout parts 672 and 675 have been revised to refer to §§ 672.20(a)(1) and 675.20(a)(1).

4. In § 672.20, paragraph (g)(3) is redesignated (g)(4), and a new paragraph (g)(3) is added. Paragraph (g) contains a series of directed fishing standards. This change maintains the function of the last paragraph under paragraph (g).

   5. In § 672.24(a), paragraph (2) is revised by removing the phrase "in good condition" and replacing it with the phrase "* * * so the markings are clearly visible." This change clarifies the purpose of this regulation.

Response to Comments

One hundred fifty letters of comments were received during the comment period. Each was directed at the proposed measure to prohibit groundfish operations between 3 and 12 miles of walrus haulout sites known as Round Island, the Twins, and Cape Pierce for purposes of reducing noise associated with groundfish trawl operations. One hundred forty-nine letters supported this measure. One recommended that even larger areas should be established to protect walrus haulout sites. Comments were of three types and are summarized and responded to below:

   Comment: The measure that prohibits groundfish operations within the 12 miles of walrus haulout sites at Round Island, the Twins, and Cape Pierce should be approved.

   Response: The Regional Director concurs and approved this measure.

   Comment: The North Pacific Fishery Management Council provided a written comment after its December 1991 meeting, recommending that the measure establishing the walrus haulout sites be disapproved. Upon reviewing its December 1991 action during its January 1992 meeting, the Council recommended instead that the measure be approved as initially recommended at its August 1991 meeting.

   Response: The Regional Director notes the Council's actions.

   Comment: Alternative 3 contained in the EA should be implemented, because closed areas would be larger and would afford greater protection to those haulout sites used by walrus.

   Response: Although Alternative 3 would implement a larger area that would be closed to groundfish operations, no evidence is available to indicate that it is a superior alternative. This measure will be reviewed periodically with respect to its effectiveness and may be adjusted as necessary.

Classification

The Regional Director determined, and the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurred, that the FMP amendments and their implementing regulations are necessary for the conservation and management of the groundfish fisheries in the GOA and BSAI and that they are consistent with the Magnuson Act and other applicable law.

The Council prepared an EA for these amendments. The Assistant Administrator found that no significant impact on the quality of the human environment will result from this rule. A copy of the EA may be obtained from the Council (see ADDRESSES).

On October 22, 1991, NMFS concluded informal consultation under section 7 of the Endangered Species Act concerning Amendments 17/22. NMFS concluded that adoption of the management measures proposed in amendments 17/22 was not likely to adversely affect listed species in a manner or to an extent not previously considered in three formal consultations on these fisheries. The analysis and consensus of the October conclusion were supplemented by a formal biological opinion dated January 21, 1992. The January opinion analyzed the 1992 total allowable catch (TAC) specifications for the BSAI, and specifically analyzed the impact of the reduced TAC specification for the newly created Bogoslof subarea. The January opinion concluded that, with the implementation of Steller sea lion protection measures, the 1992 TAC specifications would not jeopardize the continued existence of these species.

This Assistant Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. This determination is based on the EA/RIR/FRFA prepared by the Council. A copy of the EA/RIR/FRFA may be obtained from the Council (see ADDRESSES).

The Assistant Administrator concluded that this rule will have significant effects on a substantial number of small entities. The effects have been discussed in the EA/RIR/FRFA, a copy of which may be obtained from the Council (see ADDRESSES).

This rule contains a collection-of-information requirement for purposes of the Paperwork Reduction Act. A request to collect this information has been approved by OMB as a revision to OMB No. 0648-0206. Information collected under the rule regarding experimental fishing permits is limited to that necessary to determine whether such a permit should be issued and to monitor the progress of the experimental fishing. The additional burden is estimated to be about 290 hours per year, assuming 20
applicants apply for a permit each year. The 240-hour estimate assumes that each applicant might spend as many as 10 hours preparing an application and 2 hours preparing and submitting a report about the experiment. Each applicant would spend 12 hours per year. Therefore, 20 applicants would spend 240 hours per year. Send comments regarding this burden estimate or any other aspect of this collection of information to NMFS (see ADDRESSES) and to the Office of Information and Budget (see ADDRESSES). This rule also includes changes to statistical areas that would affect reporting requirements already approved by OMB under Approval Number 0648–0213. In addition, the data requirements under §§ 672.5 and 675.5 have been approved by OMB under Approval Number 0648–0213.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of Alaska. This determination has been submitted for review by the responsible State of Alaska agencies under section 307 of the Coastal Zone Management Act. Consistency is automatically inferred, because the appropriate State agency did not reply within the statutory time period.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12812.

To afford maximum opportunity for public comment and participation, the Administrative Procedure Act (5 U.S.C. 553) requires that, generally, final rules be published not less than 30 days before they become effective. This 30-day period may be shortened or waived if the rulemaking agency publishes with the rule an explanation of what good cause justifies an earlier date. This rule, implementing Amendment 17 to the FMP, establishes permanently a seasonal closure (April 1 through September 30) for directed fishing for groundfish in the Exclusive Economic Zone (EEZ) within 12 miles of islands named Round Island and The Twins, and around Cape Peirce. The purpose of the closure is to reduce noise associated with groundfish trawl operations during the time of the year that the walrus use these areas for haulout sites. The seasonal closure corresponds directly to the period of peak walrus utilization. This measure addresses potential disturbance problems by prohibiting groundfish operations within the 12 miles of the walrus haulout sites during the seasonal closure. These closures were originally authorized by regulation implementing Amendment 13 to the BSAI FMP (54 FR 50386; December 6, 1989): However, the authority expired on December 31, 1991. The public had an opportunity to comment on the proposed rule to implement 17. Of the 150 comments received, 149 supported the closure and one recommended that even larger areas should be established to protect walrus haulout sites. The Assistant Administrator has determined that the closures are necessary and the potential disruption to the walrus make it impracticable and contrary to the public interest to delay its effective date. Therefore, § 675.22(f) is effective at 12 noon, Alt, April 1, 1992. Other measures contained in the rule will be effective after the 30-day cooling off period, as noted above.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.


Samuel W. McKeen,
Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

Authority: 18 U.S.C. 1801 et seq.

2. In § 672.2, the definition of "groundfish" is revised and the definition of "statistical area" is amended by removing paragraph (6) and revising the introductory text and paragraph (5) of the definition, to read as follows:

§ 672.2 Definitions.

* * * * *

Groundfish means target species categories and the "other species" category, referenced in § 672.20(a)(1).

* * * * *

Statistical area means any one of the five statistical areas of the EEZ in the Gulf of Alaska defined as follows:

(5) Statistical Area 65—between 132°40' and 140° W. longitudes and north of 54°30' N. latitude:

* * * * *

3. In § 672.5, paragraph (b)(3)(i)(A)(T) is amended by revising the last sentence of the introductory text, paragraph (c)(2)(iii)(I) is amended by revising the first sentence, and paragraph (c)(3)(ii)(F) is revised, to read as follows:

§ 672.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(A) * * *

(11) * * *

* Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total allowable catch (TAC) is specified under § 672.20 of this part, with one exception: Species within the "other species" category must be reported by species or species group identified in § 672.20(a)(1).

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(I) The fish product weight of each product produced during the weekly reporting period, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 672.20, with one exception: Species within the "other species" category must be reported by the species or species group identified in § 672.20(a)(1).

* * * * *

(3) * * *

(ii) * * *

(F) The fish product weight of each product produced during a day, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 672.20 of this part, with one exception: Species within the "other species" category must be reported by species or species group identified in § 672.20(a)(1).

* * * * *

4. Section 672.6, which was reserved, is added to read as follows:

§ 672.6 Experimental fisheries.

(a) General. For limited experimental purposes, the Regional Director may authorize, after consulting with the Council, fishing for groundfish in a manner that would otherwise be prohibited. No experimental fishing may be conducted unless authorized by an experimental fishing permit issued by the Regional Director to the participating vessel owner in accordance with the criteria and procedures specified in this section. Experimental fishing permits will be issued without charge and will expire at the end of a calendar year unless...
otherwise provided for under paragraph (e) of this section.

(b) Application. An applicant for an experimental fishing permit shall submit to the Regional Director, at least 60 days before the desired effective date of the permit, the application, including but not limited to the following information:

(i) The date of the application;
(ii) The applicant’s name, mailing address, and telephone number;
(iii) A statement of the purpose and goal of the experiment for which an experimental fishing permit is needed, including a general description of the arrangements for disposition of all species harvested under the experimental fishing permit;
(iv) Technical details about the experiment, including:
   (a) Amounts of each species to be harvested that are necessary to conduct the experiment, and arrangement for disposition of all species taken;
   (b) Area and timing of the experiment;
   (c) Vessel and gear to be used;
   (d) Experimental design (e.g., sampling procedures, the data and samples to be collected, and analysis of the data and samples); and
   (e) Provision for public release of all obtained information, and submission of interim and final reports;
(v) The willingness of the applicant to carry observers, if required by the Regional Director, and a description of accommodations and work space for the observer(s);
(vi) Details for all coordinating parties engaged in the experiment and signatures of all representatives of all principal parties;
(vii) Information about each vessel to be covered by the experimental fishing permit, including:
   (a) Vessel name;
   (b) Name, address, and telephone number of owner and master;
   (c) U.S. Coast Guard documentation, State license, or registration number;
   (d) Home port;
   (e) Length of vessel;
   (f) Net tonnage;
   (g) Cross tonnage;
   (h) The signature of the applicant; and
   (i) The Regional Director may request from an applicant additional information necessary to make the determinations required under this section. An application that does not include all necessary information will be considered incomplete. An incomplete application will not be considered to be complete until the necessary information is provided in writing. An applicant for an experimental fishing permit need not be the owner or operator of the vessel(s) for which the experimental fishing permit is requested.
(c) Review procedures. (1) The Regional Director, in consultation with the Alaska Fishery Science Center, will review each application and will make a preliminary determination whether the application contains all the information necessary to determine if the proposal constitutes a valid fishing experiment appropriate for further consideration. If the Regional Director finds any application does not warrant further consideration, the applicant will be notified in writing of the reasons for the decision.
(2) If the Regional Director determines any application is complete and warrants further consideration, he will initiate consultation with the Council by forwarding the application to the Council. The Council’s Executive Director shall notify the applicant of a meeting at which the Council will consider the application and invite the applicant to appear in support of the application if the applicant desires. If the Regional Director initiates consultation with the Council, the Secretary will publish a notice of receipt of the application in the Federal Register with a brief description of the proposal.
(d) Notifying the applicant. (1) The decision of the Regional Director, after consulting with the Council, to grant or deny an experimental fishing permit is the final action of the agency. The Regional Director shall notify the applicant in writing of the decision to grant or deny the experimental fishing permit and, if denied, the reasons for the denial, including:
   (i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with the application;
   (ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect living marine resources, including marine mammals and birds, and their habitat in a significant way;
   (iii) Activities to be conducted under the experimental fishing permit would be inconsistent with the intent of this section or the management objectives of the FMP;
   (iv) The applicant has failed to demonstrate a valid justification for the permit;
   (v) The activity proposed under the experimental fishing permit could create a significant enforcement problem;
   (vi) The applicant failed to make available to the public information that had been obtained under a previously issued experimental fishing permit; or
   (vii) The proposed activity had economic allocation as its sole purpose.
(2) In the event a permit is denied on the basis of incomplete information or design flaws, the applicant will be provided an opportunity to resubmit the application, unless a permit is denied because experimental fishing would detrimentally affect living marine resources, be inconsistent with the management objectives of the FMP, create significant enforcement problems, or have economic allocation as its sole purpose.
(e) Terms and conditions. The Regional Director may attach terms and conditions to the experimental fishing permit that are consistent with the purpose of the experiment, including but not limited to:

(1) The maximum amount of each species that can be harvested and landed during the term of the experimental fishing permit, including trip limitations, where appropriate;
(2) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the experimental fishing permit;
(3) The time(s) and place(s) where experimental fishing may be conducted;
(4) The type, size, and amount of gear that may be used by each vessel operated under the experimental fishing permit;
(5) The condition that observers be carried aboard vessels operated under an experimental fishing permit;
(6) Reasonable data reporting requirements (OMB Approval No. 0648–0206);
(7) Other conditions as may be necessary to assure compliance with the purposes of the experimental fishing permit and consistency with the FMP objectives; and
(8) Provisions for public release of data obtained under the experimental fishing permit.
(f) Effectiveness. Unless otherwise specified in the experimental fishing permit or a superseding notice or regulation, an experimental fishing permit is effective for no longer than 1 calendar year, but may be revoked, suspended, or modified during the calendar year. Experimental fishing permits may be renewed following the application procedures in paragraph (b) of this section.
5. In § 672.20, paragraph (a)(1) is amended by revising the last sentence; Table 1 to the section is removed; paragraph (c)(2) is amended by revising the second sentence; paragraph (e)(6) is amended by revising the first sentence; paragraphs (c)(6), (d)(3)(i), (e)(4), and (g)(1)(i) are revised; paragraph (g)(3) is...
§ 672.20 General limitations.

(a) * * *

(1) * * * The species categories are defined in Table 1 of the notice of specifications as provided in § 672.20(c)(1).

* * * * *

(c) * * *

(2) Notices prohibiting directed fishing. * * * The amount of a species or species group apportioned to a fishery or, with respect to pollock, to a quarterly allowance, is the amount identified in the notice of specifications as provided in § 672.20(c)(1) as these amounts are revised by inseason adjustments, for that species or species group, as identified by regulatory area or district and as further identified according to any allocation of TALFF, the apportionment for JVP, the apportionment for DAP, the quarterly allowance of pollock and, if applicable, as further identified by gear type. * * * *

(3) Notices of closure. If the Regional Director determines that the TAC for any target species or of the "other species" category in a regulatory area or district identified in the notice of specifications as provided in § 672.20(c)(1) has been or will be reached, the Secretary will publish a notice in the Federal Register declaring that the species or species group is to be treated as a prohibited species under paragraph (e) of this section in all or part of that area or district. * * * *

(6) Prohibition of JVP or TALFF fishing if PSC limit is or will be reached. If the Regional Director determines that a PSC limit applicable to a directed JVP or TALFF fishery in a regulatory area or district identified in the notice of specifications as provided in § 672.20(c)(1) is or will be reached, the Secretary will publish a notice of closure in the Federal Register prohibiting all further JVP or TALFF fishing in or all or part of the regulatory area or district concerned.

(d) * * *

(1) * * *

(i) In accordance with paragraph (d)(5) of this section and as soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines necessary, the Secretary, after consultation with the Council, may reapportion to TALFF, part or all of the reserves identified in the notice of specifications as provided in § 672.20(c)(1).

(e) * * *

(4) In any regulatory area where the TAC in the notices provided for in § 672.20(c) for any species is zero, any catch of that species by a vessel regulated by this part, in that fishing area, will be considered catch of a "prohibited species" and will be treated in accordance with this paragraph.

* * * * *

(6) * * *

(ii) 15 percent of the aggregate amount of deepwater flatfish species, flathead sole, and rockfish species of the genera Sebastes and Sebastolobus retained at the same time by the vessel during the same trip; plus

* * * * *

(3) Demersal shelf rockfish. Directed fishing standards for demersal shelf rockfish in management areas within the Eastern Regulatory Area, for which a total allowable catch is specified in § 672.20(a)(1), are governed by title 5 of the Alaska Administrative Code, section 28.170.

6. In § 672.24, paragraph (a)(2) is revised to read as follows:

§ 672.24 Gear limitations.

(a) * * *

(2) Markings shall be in characters at least 4 inches (10.16 cm) in height and a contrasting color visible above the water line and shall be maintained so the markings are clearly visible.

* * * * *

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

7. The authority citation for part 675 continues to read as follows:

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

8. In § 675.2, the definition of "Bering Sea and Aleutian Islands management area" is amended by revising paragraph (a) and adding a new paragraph (c), the definition of "groundfish" is revised, and the definition of "statistical area" is amended by revising the introductory text, removing existing paragraph (e), redesignating existing paragraphs (f) and (g) as (e) and (f), respectively, redesignating existing paragraphs (h) through (k) as (i) through (l), respectively, and adding new paragraphs (g) and (h), to read as follows:

§ 675.2 Definitions.

* * * * *

Bering Sea and Aleutian Islands management area * * *

(a) The Bering Sea subarea of the management area means that part of the EEZ contained in areas I, exclusive of the Bogoslof subarea, II, and III of Figure 1.

(c) The Bogoslof subarea of the management unit means that portion of the EEZ contained in Statistical Area 518 as defined in this section.

Groundfish means target species categories and the "other species" category, referenced in § 675.20(a)(1).

* * * * *

Statistical Area means any one of the 12 statistical areas of the Bering Sea and Aleutian Islands management area defined as follows (Figure 2):

* * * * *

(g) Statistical area 518—south of straight lines connecting the following coordinates in the order listed: 55°46' N. 170°00' W., 54°30' N. 167°00' W., then south to straight lines between the Aleutian Islands connecting the following coordinates in the order listed: 54°23.9' N. 164°44.0' W., 54°11.9' N. 163°23.3' W., 54°08.9' N. 163°38.8' W., 54°07.7' N. 163°40.6' W., 54°02.9' N. 163°03.0' W., 53°58.0' N. 163°17.2' W., 53°23.8' N. 162°50.1' W., 53°18.7' N. 162°51.4' W., 52°49.8' N. 163°06.3' W., and 52°49.2' N. 163°40.4' W., 52°49.2' N. 170°00.0' W., then north to 55°46.0' N. 170°00.0' W.

(h) Statistical Area 519—the area bounded by the following coordinates in the order listed:

54°30' N. 167°00' W., 54°30' N. 165°00' W., 53°30' N. 167°00' W., and 54°30' N. 167°00' W.

* * * * *

9. In § 675.5, paragraph (b)(3)(ii)(A) (11) is amended by revising the last sentence of the introductory text, paragraph (c)(2)(iii)(I) is amended by revising the first sentence, and paragraph (c)(3)(ii)(F) is revised, to read as follows:

§ 675.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(A) * * *

(11) * * *

Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total
allowable catch (TAC) is specified under § 675.20 of this part, with one exception: Species within the "other species" category must be reported by species or species group identified in § 675.20(a)(1).

(c) * * *
(2) * * *
(iii) * * *

(i) The fish product weight of each product produced during the weekly reporting period, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 675.20, with one exception: Species within the "other species" category must be reported by the species or species group identified in § 675.20(a)(1).

(ii) * * *

(F) The fish product weight of each product produced during a day, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 675.20 of this part, with one exception: species within the "other species" category must be reported by species or species group identified in § 675.20(a)(1).

10. Section 675.6, which was reserved, is added to read as follows:

§ 675.6 Experimental fisheries.

Issuance of experimental fishing permits issued under this section is governed by provisions set forth in § 672.6(a) through (g).

11. In § 675.20, paragraph (a)(1) is amended by revising the last sentence, Table 1 to the section is removed, and paragraph (h)(3)(iii) is revised to read as follows:

§ 675.20 General limitations.

(a) * * *
(1) * * * The species categories are defined in Table 1 of the notice of specifications as provided in § 675.20(a)(7).

(h) * * *
(3) * * *

(iii) For the aggregate amount of rockfish target species categories for which a directed fishing closure applies, 10 percent of the total amount of all sablefish, Greenland turbot, and other rockfish target species categories for which directed fisheries are open that are retained at the same time on the vessel during the same trip plus 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

11. In § 675.22, paragraph (f) is revised to read as follows:

§ 675.22 Time and area closures.

(f) * * *

(i) From April 1 through September 30 of any fishing year, vessels permitted under § 675.4 are prohibited in that part of the Bering Sea subarea between 3 and 12 miles seaward of the baseline used to measure the territorial sea around islands named Round Island and The Twins, as shown on National Ocean Survey Chart 16315, and around Cape Peirce (58°33' N. latitude, 161°43' W. longitude).

12. In § 675.24, paragraph (c)(1)(i) and the heading of paragraph (f)(1) are revised to read as follows:

§ 675.24 Gear limitations.

(c) * * *
(1) * * *

(i) In the Bering Sea and Bogoslof subareas, defined at § 675.2, hook-and-line and pot gear may be used to take up to 50 percent of the TAC for sablefish; trawl gear may be used to take up to 50 percent of the TAC for sablefish.

(f) * * *
(1) Bering Sea and Bogoslof Subareas

12. Figure 2 to part 675, is revised to read as follows: