

PROPOSED REGULATIONS
FOR THE FISHERY MANAGEMENT PLAN
FOR THE
GULF OF ALASKA GROUND FISH FISHERY

DEVELOPED BY THE NATIONAL MARINE FISHERIES SERVICE

PUBLISHED IN THE FEDERAL REGISTER

APRIL 21, 1978

COMMENT PERIOD CLOSES JUNE 6, 1978

Reproduced by

North Pacific Fishery Management Council
for use during the comment period

North Pacific Fishery Management Council

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May 9, 1978

Enclosed you will find proposed regulations to support the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery.


These regulations (foreign and domestic) were developed by the National Marine Fisheries Service and published in the Federal Register on April 21, 1978.

They have been reproduced by the North Pacific Fishery Management Council and are being sent to those who have an expressed interest in that fishery.

Because of your interest, you may wish to comment on either of the proposed regulatory schemes. All such comments will be received until June 6, 1978.

Comments should be addressed to:

Assistant Administrator for Fisheries, NOAA
3300 Whitehaven Street NW.,
Washington, D.C. 20235


Jim H. Branson
Executive Director
NPFMC

Encl: (1)

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Part 672]

GROUND FISH OF THE GULF OF ALASKA

Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed regulations.

SUMMARY: This document sets forth proposed regulations for domestic fishing to implement a Fishery Management Plan for Groundfish in the Fishery Conservation Zone (FCZ) of the Gulf of Alaska. The plan was approved by the Secretary of Commerce on February 24, 1978, pursuant to the Fishery Conservation and Management Act of 1976.

DATE: Comments will be received until: June 6, 1978.

ADDRESS: Comments should be addressed to: Assistant Administrator for Fisheries, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Harry Rietze, Director, Alaska Region, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802. Telephone 907-586-7221.

SUPPLEMENTARY INFORMATION: The Fishery Conservation and Management Act of 1976, Pub. L. 94-265, as amended, 16 U.S.C. 1801 et. seq. (the "Act"), authorizes the Secretary of Commerce (the "Secretary") to promulgate

regulations implementing approved fishery management plans prepared by the Regional Fishery Management Councils for their geographic areas of concern.

Pursuant to Title III of the Act, the North Pacific Fishery Management Council prepared and submitted to the Secretary a fishery management plan (FMP) for selected groundfish in the Fishery Conservation Zone (FCZ) of the Gulf of Alaska. The FMP was approved by the acting Assistant Administrator for Fisheries pursuant to an appropriate delegation of authority from the Secretary of Commerce.

The fishery management plan supercedes the preliminary management plan (PMP) for the Gulf of Alaska Trawl Fishery, as amended, and that portion of the PMP for Sablefish of the Bering Sea and Northeastern Pacific Ocean, as amended, applicable to the Gulf of Alaska (and the regulations implementing these PMP's: 50 CFR 611.92 and 611.94, 42 FR 60681, 60697-99, November 28, 1977).

The FMP covers domestic fishing for cod, pollock, flounders, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid and all other stocks of fish (except it does not regulate domestic fishing for salmon, steelhead trout, Pacific halibut, herring and tuna) in the FCZ in the Gulf of Alaska. The taking of Pacific halibut by U.S. and Canadian fishermen is regulated under the auspices of the International Pacific Halibut Commission. The FMP is published herewith.

Four major objectives control the philosophy of management of the groundfish fisheries in the Gulf of Alaska. They are:

- (A) Rational and optimal use, in both the biological and socio-economic sense, of the region's fishery resources as a whole;
- (B) Protection of the Pacific halibut resource, currently in a state of decline;
- (C) Orderly development by the U.S. of domestic groundfish fisheries, consistent with (A) and (B) above; and
- (D) Foreign participation in the fishery consistent with (A), (B) and (C) above, to take that portion of the optimum yield not harvested by domestic fishermen.

To achieve these objectives in the context of a workable management plan, the FMP and these regulations propose coordinated application of several management techniques, including season, gear, area and catch restrictions for domestic and foreign fisheries. (Regulations for foreign fisheries within the FCZ under this FMP have been proposed in the form of amendments to Part 611, Foreign Fishing Regulations.)

Area Restrictions. The FMP and proposed regulations establish optimum yields (OY) for each groundfish species in each of five major statistical areas. The purpose of establishing OY's in each statistical area is to avoid the overfishing of local stocks which has taken place in the past. When OY for any species in the statistical area is reached, the area is closed to all fishing for the remainder of the season.

Reserve. The FMP has set aside a portion of the Optimum Yield as a reserve to be allocated on a quarterly basis to domestic or foreign fisheries, based upon reassessment of domestic harvesting capacity. The purpose of the reserve is to allow foreign and domestic fisheries to proceed concurrently while still assuring (a) that resources are available to domestic fishermen to the extent of their capacity to harvest, and (b) that optimum use will be made of fishery resources to the extent that domestic fishermen will not harvest these resources.

Protection of Halibut Resource. The FMP and proposed regulations include gear and catch restrictions on domestic fishermen (and gear, catch and area restrictions on foreign fishermen) for the purpose of protecting halibut stocks. These restrictions include closing a statistical area to domestic fishing when incidental catch of halibut reaches a specified level.

In-season Adjustments. The FMP and proposed regulations permit the National Marine Fisheries Service (NMFS) Regional Director to make in-season adjustments to domestic season closing dates for conservation purposes. This provision is intended to provide management flexibility in situations where conservation of the groundfish resource requires immediate action.

Notice of all closures authorized by these proposed regulations is given to vessels of the United States by publishing the notice in the Federal Register and by posting and use of other procedures presently used by the State of Alaska for similar notices of closure. If these mechanisms are insufficient, other measures such as designation of fishermen's associations as on-shore agents, for purposes of notice, may be considered.

Reporting Requirements. The reporting requirements of the proposed regulations contemplate delivery of U.S.-caught groundfish to on-shore processors. Should direct delivery to foreign vessels be permitted, the reporting requirements for both foreign and U.S. vessels would be modified to assure receipt of accurate information about the groundfish resource.

Agreement with the State of Alaska. Under the FMP and these proposed regulations, certain responsibilities relating to licensing, data collection and enforcement would be performed by the State of Alaska, under contract from NOAA/NMFS.

Implementation of these proposed regulations depend in part upon concluding a separate agreement with the State of Alaska to assure that these responsibilities are carried out in a manner consistent with the FCMA and the FMP.

Scientific Observers. The FMP and proposed regulations require any vessel of the United States which is subject to these regulations to take aboard a scientific observer when so requested by the Regional Director.

All interested parties are encouraged to submit written comments, views or data concerning both the FMP and these proposed regulations, which would implement the approved plan. In particular, NMFS encourages submission of comments relating to practical problems which will be encountered in implementing this management plan, and comments relating to the least disruptive means of implementing this FMP at mid-season. Comments may be submitted to the Assistant Administrator for Fisheries,

NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235. All such submissions received before June 4, 1978, will be considered before final action is taken on the implementing regulations.

Signed in Washington, D.C., this 11th day of April 1978.

/s/ Winfred H. Meibohm,
Associate Director,
National Marine Fisheries Service

PART 672-GROUNDFISH OF THE GULF OF ALASKA

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AUTHORITY: 16 U.S.C.1855

§ 672.1 Purpose.

(a) Regulations in this part govern fishing by vessels of the United States in the groundfish fishery of the FCZ in the Gulf of Alaska.

(b) Fishing in the Gulf of Alaska by vessels of the United States for the following stocks must be conducted in accordance with these regulations: pollock, cod, flounders, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid, and all other stocks of finfish (except salmon, steelhead trout, Pacific halibut, herring and tuna).

§ 672.2 Definitions.

The terms used in these regulations shall have the meanings that are prescribed in section 3 of the Fishery Conservation and Management Act of 1976 (the Act). In addition, the following definitions apply:

- (a) ADF&G means the Alaska Department of Fish and Game.

(b) Assistant Administrator means the Assistant Administrator for Fisheries, NOAA, or a designee.

(c) Authorized officer means:

(1) Any commissioned, warrant, or petty officer of the Coast Guard;

(2) Any certified enforcement or special agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary or the Secretary of the Department of Transportation to enforce the provisions of the Act; and

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in subparagraph (1) of this paragraph.

(d) Directed fishery, with respect to any species, means a fishery conducted for the purpose of catching that species.

(e) Gulf of Alaska means that portion of the fishery conservation zone (FCZ) in the North Pacific Ocean seaward of the State of Alaska exclusive of the Bering Sea, between 132°40'W. longitude and 170°W. longitude.

(f) Incidental catch means fish of any species, other than the directed fishery species, which are caught during a directed fishery.

(g) Longline means a stationary, buoyed and anchored line or a floating free-drifting line, with lures, baited hooks, or pots attached.

(h) Off-bottom trawl means a trawl in which the otter boards may be in contact with the bottom but the ground rope of the net always remains above the bottom.

(i) Pelagic trawl means a trawl in which neither the net nor the otter boards operates in contact with the bottom.

(j) Regional Director means Director, Alaska Region, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802, or a designee.

(k) Species - The following terms shall have the meanings indicated:

Pollock means Theragra chalcogrammus

Cod means Gadus macrocephalus

Arrowtooth flounder means Atheresthes stomias

Other flounders means Pleuronectiformes (order) not specifically defined.

Rock sole means Lepidopsetta bilineata

Flathead sole means Hippoglossoides elassodon

Pacific ocean perch means Sebastes alutus

Atka mackerel means Pleurogrammus monopterygius

Other rockfish means Scorpaenidae (family) not specifically defined

Sablefish means Anoplopoma fimbria

Salmonids means of the family Salmonidae

Pacific halibut means Hippoglossus stenolepis

Herring means Clupea harengus pallasii

(1) Statistical area means an area of the FCZ seaward of the State of Alaska, previously established under the International North Pacific Fisheries Commission, for the general purposes of research, reporting and/or regulation. The five statistical areas in the Gulf of Alaska are described as follows:

Shumagin	Between 170-159° West Longitude
Chirikof	159-154° West Longitude
Kodiak	154-147° West Longitude
Yakutat	147-137° West Longitude
Southeastern	137-132°40 West Longitude

§ 672.3 Domestic annual harvest, optimum yield, and reserve.

(a) Domestic annual harvest (DAH) and optimum yield (OY) for all species in the Gulf of Alaska regulated under this Part 672 are established in each of the five major statistical areas, as shown in Table I.

(b) Optimum yield represents the total amount of each species which may be harvested by the all-nation fishery in each statistical area during any fishing season. When the Regional Director determines that the OY for any species in any statistical area has been reached, he

TABLE I.- METRIC TONS

Species		Shumagin	Chirikof	Kodiak	Yakutat	Southeast	Total
Pollock	OY	57,000	54,400	40,800	12,500	4,100	168,800
	DAH	4,800	4,600	3,400	1,100	300	14,200
Cod	OY	9,600	4,100	15,300	4,300	1,500	34,800
	DAH	4,300	1,800	6,800	1,900	700	15,500
Flounder	OY	10,400	2,700	12,000	6,400	2,000	33,500
	DAH	2,200	600	2,600	1,400	400	7,200
Pacific ocean perch (POP)	OY	2,700	2,700	5,200	7,900	6,500	25,000
	DAH	100	100	200	400	300	1,100
Other rockfish	OY	300	200	600	3,400	3,100	7,600
	DAH	100	(1)	200	900	800	2,000
Sablefish	OY	2,100	1,400	2,400	3,400	3,700	13,000
	DAH	100	(1)	100	800	3,000	4,000
Atka mackerel	OY	4,400	3,600	15,800	1,000	0	24,800
	DAH	0	0	0	0	0	0
Squid	OY	400	400	400	400	400	2,000
	DAH	0	0	0	0	0	0
Other species*	OY	4,400	3,600	5,000	2,100	1,100	16,200
	DAH	100	100	200	100	(1)	500

* All stock of finfish except: (1) those listed above; and (2) salmon, steelhead trout, Pacific halibut, herring, and tuna.

1 Trace

shall close that statistical area for the remainder of the year to all foreign and domestic fishing even if OY's for other species in that statistical area have not been reached. Notice of any such closure shall be given to domestic fishermen in accordance with the procedures in §672.5.

(c) In any statistical area where the OY for any species is listed in Table I of this section as "0" (zero), any catch of that species in that area shall be returned to the sea immediately with a minimum of injury regardless of its condition.

(d) The DAH's set out in Table I of this section have been subtracted from 80 percent of the optimum yield to determine the initial total allowable level of foreign fishing, leaving 20 percent of the OY set aside in a reserve. Quarterly during the year, the Regional Director may apportion all or part of this reserve to the domestic or foreign fisheries on the basis of a continuing reappraisal of DAH.

§672.4 Incidental catch of halibut.

(a) When the Regional Director determines that the estimated total incidental trawl catch of halibut in any statistical area during the period from December 1 through May 31 of any fishing season reaches the amount listed below, he shall close that statistical area to trawling by vessels of the United States for the remainder of that period.

Shumagin, 29 metric tons (mt)

Chirikof, 18 mt

Kodiak, 34 mt

Yakutat, 17 mt

Southeast, 14 mt

(b) Notice of any such closure shall be given by the Regional Director in accordance with the provisions of section 672.5.

§672.5 Time and area closures.

(a) If the Regional Director decides to close any area pursuant to the provisions of §672.3(b), §672.4 or §672.8, he shall issue a field

order which includes the following information: (1) The reason for the closure; (2) a description of the area to be closed; and (3) the effective date of such closure.

(b) No field order issued under this section shall be effective until:

(1) It is published by the Assistant Administrator in the Federal Register;

(2) It has been posted for 48 hours, and otherwise made available to the public, in accordance with procedures customarily used by the ADF&G for posting and publicizing of similar notices of closure; and (3) it has been broadcast for 48 hours at those time intervals, channels, and frequencies customarily used by the ADF&G to broadcast similar notices of closure.

§ 672.6 Gear restrictions.

(a) Trawl. During the period from December 1 through May 31:

(1) No vessel subject to these regulations may use any trawl other than:

(i) An off-bottom trawl, or

(ii) A pelagic trawl equipped with recording net-sonde devices functioning properly during each tow;

(2) Duration of individual tows using off-bottom trawls shall not exceed one hour.

(3) When using pelagic trawls the footrope of the net shall not be in contact with the bottom for more than 10 percent of any tow, as indicated by the net-sonde read-out.

§ 672.7 Scientific observers.

All vessels subject to this section must, when so requested by the Regional Director, take aboard a scientific observer.

§ 672.8 In-season adjustments.

(a) The Regional Director may, following consultation with the ADF&G, adjust season closing dates in any portion of the Gulf of Alaska groundfish fishery.

(b) Any such adjustment shall be based on a determination by the Regional Director that (1) the condition of any groundfish stock in any portion of the Gulf of Alaska is substantially different from the condition anticipated at the beginning of the fishing season, and (2) such differences reasonably support the need for in-season conservation measures to protect groundfish or halibut stocks.

(c) Fishery and observer data reported in-season which relates to one or more of the following factors may be considered in making this determination:

- (1) The effect of overall fishing effort within a major statistical area;
- (2) Catch per unit of effort and rate of harvest;
- (3) Relative abundance of stocks within the area;
- (4) Amount of halibut being caught;
- (5) Condition of stocks within the area; and
- (6) Any other factors relevant to the conservation of the groundfish resource.

(d) The Regional Director shall make any such in-season adjustment by issuance of a field order in accordance with the procedures set out in § 672.5.

§ 672.9 Reporting requirements.

(a) The operator of any vessel of the United States subject to these regulations shall, for each sale or delivery of any species of fish covered by these regulations, submit an accurately completed State of Alaska fish ticket. The fish ticket shall be submitted to the Regional Director within 72 hours after such fish are sold or delivered.

(1) In addition to the requirements of paragraph (a) of this section, each operator shall also accurately state on each such fish

ticket: (i) total time fished, (ii) total number of hauls, and (iii) quantity and type of gear used.

(b) The operator of any vessel of the United States subject to these regulations whose port of landing is outside the State of Alaska may comply with the provisions of this section by mailing a completed Alaska fish ticket or a document containing all of the required information to the Regional Director within 72 hours after the date of each sale or delivery of any species of fish covered by these regulations. [Sample alternative document reserved.]

§ 672.10 Permit requirements.

(a) Any owner or operator of a vessel of the United States desiring to engage in fishing in the groundfish fishery in the Gulf of Alaska must first obtain a permit for that purpose.

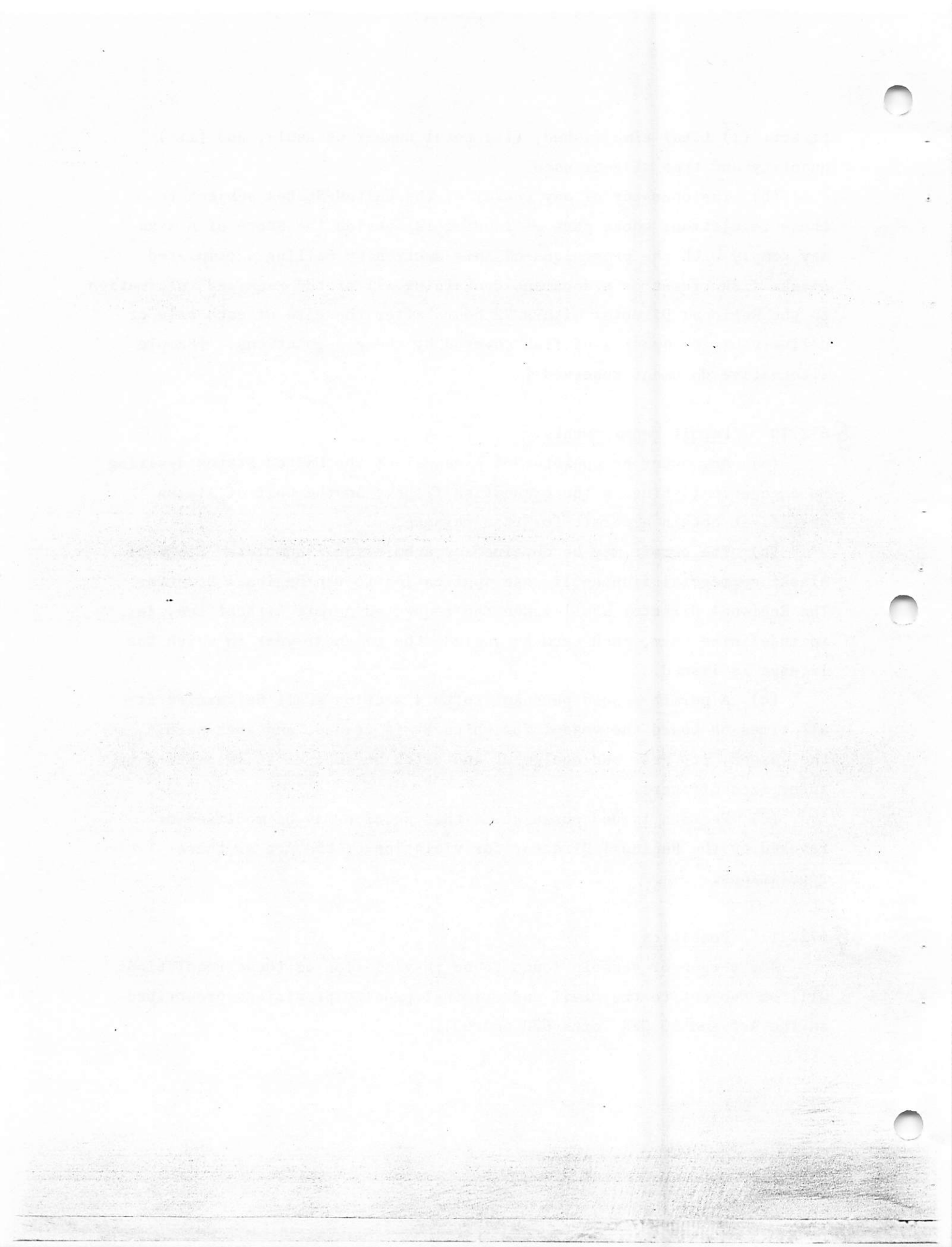
(b) The permit may be obtained by submitting a completed State of Alaska commercial fishing license application to the Regional Director. The Regional Director shall issue the requested permit without fee, for an indefinite term, such term to include the calendar year in which the license is issued.

(c) A permit issued pursuant to this section shall be carried at all times on board the vessel for which it is issued, and such permit, the vessel, its gear and equipment and catch be subject to inspection by authorized officers.

(d) Permits issued pursuant to this section may be modified or revoked by the Regional Director for violation of the Act or these regulations.

§ 672.11 Penalties

Any person or vessels found to be in violation of these regulations will be subject to the civil and criminal penalty provisions prescribed in the Act and 50 CFR Parts 620 and 621.



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Part 611]

GULF OF ALASKA TRAWL FISHERY AND THE
SABLEFISH (BLACKCOD) FISHERY

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed amendments to regulations.

SUMMARY: This document sets forth proposed amendments to the foreign fishing regulations currently in effect for the Gulf of Alaska trawl fishery and the sablefish (blackcod) fishery. The amendments implement a fishery management plan for the Gulf of Alaska groundfish fishery adopted by the North Pacific Fishery Management Council, and approved by the Secretary of Commerce on February 24, 1978, under the Fishery Conservation and Management Act of 1976.

DATE: Comments will be received until June 6, 1978.

ADDRESS: Comments should be addressed to: Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Harry Reitze, Director, Alaska Region, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802. Telephone 907-586-7221.

SUPPLEMENTARY INFORMATION: Background. The Fishery Conservation and Management Act of 1976, Pub. L. 94-265, 16 U.S.C. 1801 et seq. (the "Act"), authorizes the Secretary of Commerce (the "Secretary"), to promulgate regulations implementing fishery management plans prepared by the Regional Fishery Management Councils for their areas of concern within the 3-200 mile fishery conservation zone established by the Act.

Pursuant to Title III of the Act, the North Pacific Fishery Management Council adopted and submitted to the Secretary a fishery management plan (FMP) for groundfish of the Gulf of Alaska. The approved plan is to be published by the Secretary in conjunction with these proposed regulations.

The FMP for groundfish of the Gulf of Alaska supercedes the preliminary management plan (PMP) which controls foreign fishing in the Gulf of Alaska trawl fishery, as amended, and that portion of the PMP for sablefish of the Bering Sea and northeastern Pacific Ocean, as amended, applicable to the Gulf of Alaska (and the regulations implementing these PMP's: 50 CFR sections 611.92 and 611.94, 42 FR 60681, 60697-60699, November 28, 1977).

The FMP prohibits foreign taking of salmon, steelhead trout, Pacific halibut, and herring; and allows foreign fishing for pollock, cod, flounder, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid, and all other species of finfish not specifically excepted, in the FCZ in the Gulf of Alaska.

The taking of Pacific halibut by United States and Canadian vessels is regulated under the auspices of the International Pacific Halibut Commission and is not affected by these regulations. The taking of Pacific halibut by other foreign nations is prohibited by these and other regulations.

Four major objectives control the philosophy of management of the groundfish fisheries in the Gulf of Alaska. They are:

(A) Rational and optimal use, in both the biological and socioeconomic sense, of the region's fishery resources as a whole;

(B) Protection of the Pacific halibut resource, currently in a state of decline;

(C) Orderly development by the United States of domestic groundfish fisheries, consistent with (A) and (B) above; and

(D) Foreign participation in the fishery consistent with (A), (B), and (C) above, to take that portion of the optimum yield not utilized by domestic fishermen.

To achieve these objectives in the context of a workable management plan, the FMP and these regulations propose coordinated application of several management techniques, including season, gear, area, and catch restrictions for foreign and domestic fisheries.

Regulations for domestic fisheries within the FCZ under this FMP have been proposed as a new Part 672.

Area allocations. The FMP and proposed regulations establish optimum yields (OY's) and TALFF's for each groundfish species in each of five major statistical areas. The purpose of allocation by statistical areas is to avoid the overfishing of local stocks which has taken place in the past. When any nation's TALFF for any species in a statistical area is reached, that area is closed to all fishing by that nation for the remainder of that season. When OY for any species in a statistical area is reached, that area is closed to all foreign and domestic fishing for the remainder of that season.

Reserve. The FMP has set aside a portion of the OY as a reserve to be allocated at midseason to domestic or foreign fisheries, based upon reassessment of domestic harvesting capacity. The purpose of the reserve is to allow foreign and domestic fisheries to proceed concurrently while still assuring: (a) That resources are available to domestic fishermen to the extent of their capacity to harvest, and (b) that optimum use will be made of fishery resources to the extent that domestic fishermen will not harvest these resources.

Protection of Halibut Resource. The FMP and proposed regulations include gear, catch, and area restrictions on foreign fisheries (and gear and catch restrictions on domestic fisheries) for the purpose of protecting halibut stocks. These restrictions include limiting each foreign nation to a harvest of 25 percent of that nation's total initial allocation for the period from December 1 to May 31, and allowing only pelagic trawl gear during this period.

Sablefish Allocation. The TALFF for sablefish was formerly divided into two parts: One for an incidental catch in the trawl fishery; and one for a directed longline fishery. Under these proposed regulations that distinction would not be preserved. Each foreign nation is made responsible for apportioning its allocation between longline and trawl vessels of that nation.

All interested parties are encouraged to submit written comments, views, or data concerning both the FMP and these proposed regulations which would implement the approved plan. In particular, NMFS encourages submission of comments relating to practical problems which will be encountered in implementing this management plan, and comments relating to the least disruptive means of implementing this FMP at midseason.

Comments may be submitted to the Assistant Administrator for Fisheries, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235. All such submissions received before June 4, 1978, will be considered before final action is taken on the implementing regulations.

Signed at Washington, D.C., this 14th day of April 1978.

/s/ Winfred H. Meibohm,
Associate Director,
National Marine Fisheries Service

In consideration of the above, and pursuant to the authority contained in Section 305(a) of the Act (16 U.S.C. 1855), the following amendments to 50 CFR Part 611 are proposed: delete Section 611.94, and revise Sections 611.2, 611.20, Table I, and 611.9, Appendix I as follows:

Note - Section 611.92, as amended, supercedes § 611.94. The regulations relating to the Foreign Longline Directed Fishery for Sablefish (Blackcod) in the Gulf of Alaska are now contained within § 611.92.

Subpart G - North Pacific Ocean and Bering Sea
§ 611.92 Gulf of Alaska Groundfish Fishery.

(a) Purpose. This section regulates foreign fishing for all species of fish in the Gulf of Alaska, which includes that portion of the FCZ in the North Pacific Ocean, exclusive of the Bering Sea, between 132°40' W. longitude and 170°00' W. longitude, seaward of the State of Alaska.

(b) Authorized Fisheries.

(1) TALFF's and National Allocations. Foreign fishing vessels may engage in fishing only in accordance with the TALFF's, national allocations and area TALFF's specified in Table I.

(i) The initial TALFF's set out in Table I of this section represent the amount of fish remaining after the expected domestic annual harvest was subtracted from 80 percent of the optimum yield (OY). The other 20 percent of the OY has been set aside in a reserve (see Table I of § 611.20, and 611.20(b)).

(A) In the Gulf of Alaska groundfish fishery there are no scheduled mid-season reassessments of OY.

(B) Quarterly during the year, the Regional Director (Alaska Region, NMFS, Box 1668, Juneau, Alaska 99802. "The Regional Director") will apportion any part of the 20 percent reserve to domestic or foreign fisheries on the basis of a continuing reappraisal of domestic annual harvest.

(ii) The category "other species" in Table I includes all species except:

(A) The other fish listed in the table; and

TABLE 1

GULF OF ALASKA GROUND FISH FISHERY: INITIAL FOREIGN FISHING ALLOCATION
BY NATION AND AREA FOR 1978 (metric tons)

(A) Shumagin Area

Nation	Pollock	Pacific Ocean Perch	Other Rock- fishes	Flounders	Sable- fish	Atka Mack.	Pacific Cod 1/	Squid	Other Species
Japan									
Korea									
Mexico									
Poland									
USSR									
Initial TALFF Shumagin Area	40,800	2,060	140	6,120	1,580	3,520	3,380	320	3,420

(B) Chirikof Area

Japan									
Korea									
Mexico									
Poland									
USSR									
Initial TALFF Chirikof Area	38,920	2,060	160	1,560	1,120	2,880	1,480	320	2,780

(C) Kodiak Area

Japan									
Korea									
Mexico									
Poland									
USSR									
Initial TALFF Kodiak Area	29,240	3,960	280	7,000	1,820	12,640	3,440	320	3,800

Table 1 (continued)

(D) Yakutat Area

Japan									
Korea									
Mexico									
Poland									
USSR									
Initial									
TALFF									
Yakutat									
Area	8,900	5,920	1,820	3,720	1,920	800	1,540	320	1,580

(E) Southeast Area

Japan									
Korea									
Mexico									
Poland									
USSR									
Initial									
TALFF									
Southeast									
Alaska	2,980	4,900	1,680	1,200	0	0	500	320	880
Total Initial									
TALFF	120,840	18,900	4,080	19,600	6,400	19,840	12,340	1,600	12,460

1/ Of the total Pacific Cod TALFF (including the 20 percent reserve), only 6,233 metric tons may be caught west of 157° W. longitude.

(B) Shrimp, scallops, salmon, steelhead, Pacific halibut, herring, and Continental Shelf fishery resources.

(iii) The category "other rockfishes" in Table I includes all rockfishes other than Pacific ocean perch.

(iv) In any statistical area where the TALFF for any species is listed in Table I of this section as "0" (zero), and catch of that species in that area shall be considered catch of a "prohibited species" and treated in accordance with the provisions of section 611.13.

(2) The taking of any species for which a nation has an allocation is permitted, provided that:

(i) The foreign nation has not caught its allocation of that species as specified in Table I of this section,

(A) If a foreign nation has caught its allocation of any species in any fishing area in Table I all further fishing by that nation in that fishing area must terminate even if the other allocations have not been reached.

(B) It is essential that foreign nations plan their fishing strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery for other allocated species in that fishing area;

(ii) Optimum yield (OY) has not been reached (see Table I of Part 672 for OY figures by statistical area);

(A) If the Regional Director determines that the Optimum Yield for any species in any statistical area has been reached, all fishing in that statistical area by any vessel subject to this section must terminate even if national allocations or optimum yields for other species have not been reached.

(B) Notice of any such closure shall be given to foreign nations in accordance with §611.15(c);

(iii) The foreign nation has not caught more than 25 percent of its allocation for all species combined during the periods from January 1 to May 31, and December 1 to December 31 combined.

(A) If a foreign nation catches 25 percent of its allocation before May 31, then the Regional Director shall close the Gulf of Alaska to all fishing vessels of that nation for all species regulated under this section under June 1 of that season and he shall also impose the same closure between December 1 and December 31. If the percentage is reached between December 1 and December 31, then the Regional Director shall close the Gulf of Alaska to all fishing by vessels of that nation for all species regulated under this section for the remainder of the year.

(B) Notice of closure will be given to foreign nations in accordance with the procedures in §611.51(c);

(iv) The fishery has not been closed under §611.15.

(3) Subject to the time, area, and other restrictions of this 611.92, any foreign nation with an allocation for Pacific cod or sablefish may conduct a directed fishery for these species, provided that:

(i) Any directed fishery for Pacific cod landward of the 500 meter depth contour and west of 157° W. longitude:

(A) may be conducted only with longline gear;

(B) is prohibited during the halibut season as established by the International Pacific Halibut Commission; and

(C) will be closed by the Regional Director in accordance with the procedures in §611.15(c) when the Regional Director determines that the total foreign harvest of Pacific cod west of 157° W. longitude has reached 4,000 metric tons (if no reserve has been allocated to foreign nations); or 4,000 metric tons plus the amount of any allocated reserve to a limit of 6,233 metric tons.

(ii) Any directed fishery for sablefish in the gulf of Alaska may be conducted only with longline gear.

(c) Open Areas. Except for the closed areas described in subparagraph (d) of this paragraph, the open area for foreign fishing includes the entire Gulf of Alaska beyond twelve nautical miles from the base line used to measure the U.S. territorial sea.

(d) Closed Areas. All dates in this 611.92(d) are inclusive. Time periods begin and end at 0800 GMT on the dates specified.

(1) All Fishing. The following areas shall be closed to all foreign fishing year-round:

(i) Cape Edgecumbe-Salisbury Sound: between 56°53' N. latitude and 57°24' N. latitude east of 137°00' W. longitude.

(ii) Cross Sound Gully: between 57°50' N. latitude and 58°12' N. latitude east of 137°25' W. longitude.

(iii) Fairweather Gully: the around bounded by rhumb lines connecting the following coordinates in the order listed:

North latitude	West longitude
58°28'	140°00'
58°48'	138°50'
58°10'	139°11'
58°28'	140°00'

(iv) "Davidson Bank": between 163°04' W. longitude and 166°00' W. longitude north of 53°00' N. latitude.

(2) Trawl. The following areas shall be closed to foreign trawling during the periods specified:

(i) 140° W. longitude to 147° W. longitude, closed from January 1 to February 15, and from November 1 to December 31.

(ii) 147° W. longitude to 157° W. longitude, closed from February 16 to May 31.

(iii) Six "Kodiak Gear Areas", bounded respectively by rhumb lines connecting in each of the following groups the coordinates in the order listed are closed from January 1 to May 31, and August 20 to December 31:

(1) <u>North Latitude</u>	<u>West Longitude</u>
57°15'	154°51'
56°57'	154°34'
56°21'	155°40'
56°26'	155°55'
57°15'	154°51'
(2) <u>North Latitude</u>	<u>West Longitude</u>
56°27'	154°06'
55°46'	155°27'
55°40'	155°17'
55°48'	155°00'
55°54'	154°55'
56°03'	154°36'
56°03'	153°45'
56°30'	153°45'
56°30'	153°49'
56°27'	154°06'
(3) <u>North Latitude</u>	<u>West Longitude</u>
56°30'	153°49'
56°30'	153°00'
56°44'	153°00'
56°57'	153°15'
56°45'	153°45'
56°30'	153°49'
(4) <u>North Latitude</u>	<u>West Longitude</u>
57°05'	152°52'
56°54'	152°52'
56°46'	152°37'
56°46'	152°20'
57°19'	152°20'
57°05'	152°52'
(5) <u>North Latitude</u>	<u>West Longitude</u>
57°35'	152°03'
57°11'	151°14'
57°19'	150°57'
57°48'	152°00'
57°35'	152°03'
(6) <u>North Latitude</u>	<u>West Longitude</u>
58°00'	152°00'
58°00'	150°00'
58°12'	150°00'
58°19'	151°29'
58°00'	152°00'

(iv) Three "Kodiak Halibut Areas". If the first fishing period of the U.S. halibut setline fishing season opens after May 26 (pursuant to decision of the International Pacific Halibut Commission), then the following areas, bounded respectively by rhumb lines, shall be closed to all foreign trawling from 5 days prior, to 5 days after, the first opening of U.S. halibut setline fishery (the Regional Director shall give notification of the opening date of the U.S. halibut set line fishing season to the designated representative of each foreign nation):

(A) 58°30' N. latitude to 58°30' N. latitude, between 147°40' W. longitude and 150°20' W. longitude.

(B) 57°40' N. latitude to 58°05' N. latitude, between 148°50' W. longitude and 150°30' W. longitude.

(C) 55°30' N. latitude to 56°25' N. latitude, between 155°45' W. longitude and 156°30' W. longitude.

(3) Longline. The following area in the Gulf of Alaska shall be closed to foreign longline fishing year-round.

(i) East of 141° W. longitude; and

(ii) East of 157° W. longitude and landward of the 500 meter depth contour.

(e) Gear Restrictions. (1) During the periods from January 1 to May 31, and December 1 to December 31, trawl vessels subject to this section may use only pelagic trawls (trawls in which neither the net nor the otter boards operates in contact with the bottom) equipped with recording net-sonde devices functioning properly during each tow.

(A) The footrope of the net shall not be in contact with the bottom for more than 10 percent of any tow, as indicated by the net-sonde read-out.

(B) The net-sonde read-outs for each tow shall be retained aboard each foreign trawl vessel for the duration of the trip.

(C) No foreign trawl vessel may attach to this pelagic gear any protective device (such as chafing gear, rollers or bobbins) which would make it possible to fish on the bottom.

(2) Vessels subject to this section may use only longline gear when conducting a directed fishery for:

(A) Sablefish; and

(B) Pacific cod in the area west of 157° West longitude landward of 500 meter depth contour.

(f) Additional Statistical Report-Annual. In addition to the requirements of § 611.10 each nation whose fishermen operate in the Gulf of Alaska shall report to the Regional Director, by May 30 of the following year annual catch and effort statistics as follows:

(1) Trawls. - (i) Effort in hours trawled, by vessel class, by gear type, by month, by 1/2° (lat.) x 1° (long.) statistical area;

(ii) Catch in 1/10 of a metric ton by vessel class, by gear type, by month, by 1/2° (lat.) x 1° (long.) statistical area, by the following species groupings: Yellowfin sole, Rock sole, Flathead sole, Arrow-tooth flounder; Other flounders; Pacific ocean perch; Other rockfish; Pacific cod, Sablefish (Blackcod); Walleye (Alaska) pollock; Atka mackerel, Squid; any Other species taken in excess of 1,000 metric tons; and Other fishes.

(2) Longline - (i) Effort in number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by 1/2° (lat.) x 1° (long.) statistical areas; and

(ii) Catch in 1/10 of a metric ton, by vessel class, by gear type, by month, by 1/2° (lat.) x 1° (long.) statistical area. The characteristic features of gear and vessels are also to be reported.

§611.9 [Amended]

Section 611.9, Appendix I "Species Codes-Pacific Ocean" shall be amended as follows:

(1) Between line 20 ("037 Halibut, Pacific***") and line 21 ("099***) add the following:

[Reserved] Arrowtooth flounder, Atheresthes stomias.

[Reserved] Rock sole, Lepidopsetta bilineata.

[Reserved] Flathead sole, Hippoglossoides elassodon.

(2) Amend lines 3 and 4 (***Flounders other than yellowfin sole) to delete "*** other than yellowfin sole" so the line reads: "003 Flounders Pleuronetiformes."

(3) Amend line 12 ("012 Rockfishes, other***) by deleting "*** other than Pacific ocean perch" and "Sebastes spp." and adding "Scorpaenidae", so line reads: "012 Rockfishes Scorpaenidae."

§ 611.2 [Amended]

50 CFR §611.12 is amended as follows:

After subsection (ee) "billfish"*** add new subsection (ff):

(ff) "Longline" means a stationary, buoyed and anchored line or a floating free-drifting line, with lures, baited hooks or pots attached.

§ 611.20 [Amended]

Section 611.20 of Subpart B shall be amended as follows:

(1) In subsection (b), line 1. add before "***Each assessment***", New Language "Unless otherwise specified in the following sections,***" so (b) reads:

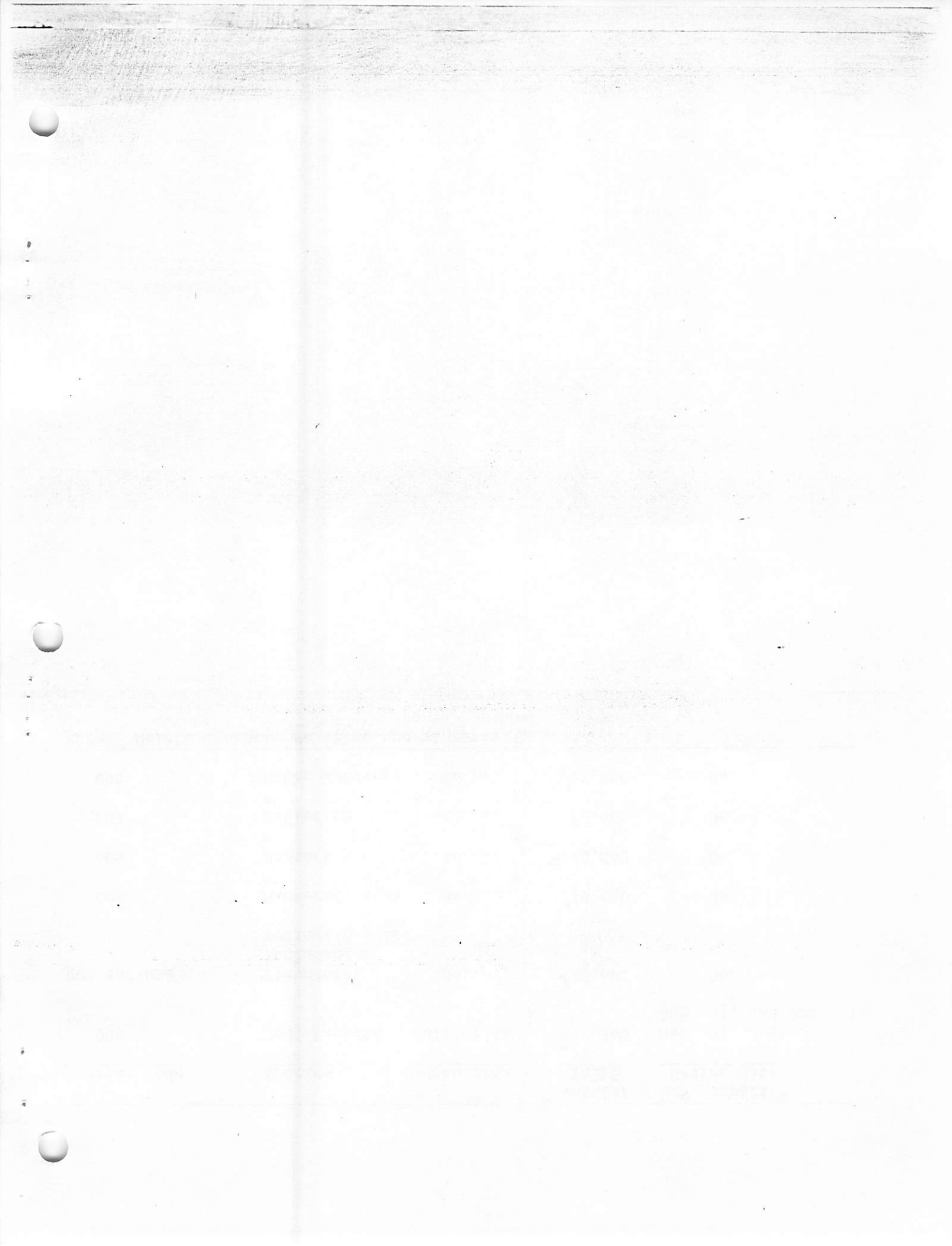
(b) Unless otherwise specified in the following sections, each assessment of Optimum***.

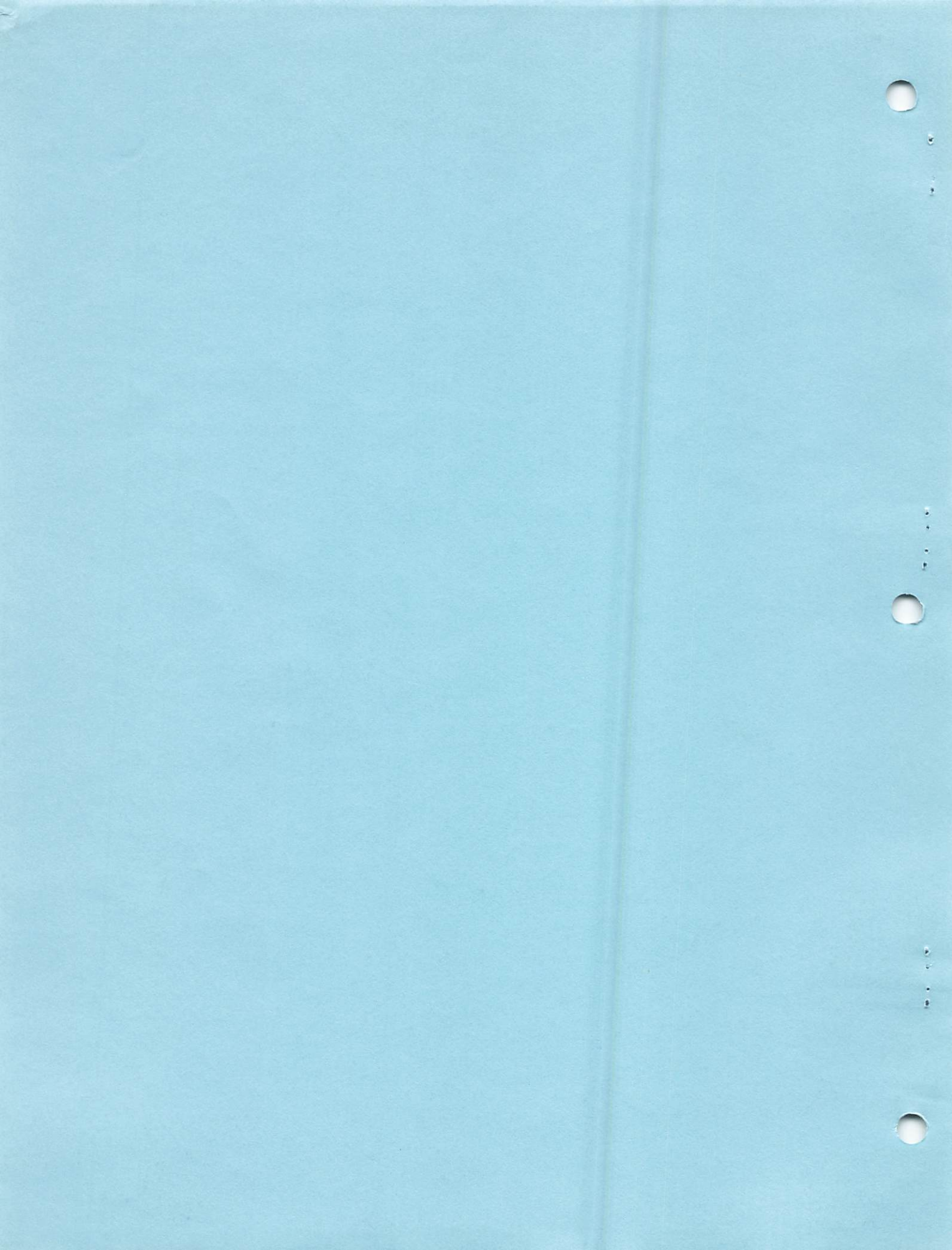
(2) Table I of §611.20, lines 15-23 and footnote 2 are amended as per attached new Table I, lines 15-23.

Amendments to sec. 611.20, Table 1. Changes lines 15, 16, 17, 19, 21, and 23 to read as follows:

<u>Species code</u>	<u>Species</u>	<u>Ocean area</u>	<u>Initial TALFF</u>	<u>U.S. capacity Review date</u>
006	Cod, Pacific	Gulf of AK	312,340	Mar. 31, June 30, Aug. 31, and Oct. 31.
002 and 003	Flounders, including Yellowfin sole.	...do.....	319,600	Do.
008	Mackerel, atka * * *	...do.... * * *	319,840	Do. *
005	Pollock * * *	...do.... * * *	3120,840	Do. *
007	Sablefish * * *	...do.... * * *	36,400	Do. *
099	Other species	...do....	312,460	Do.

Note: Delete footnote No. 2 at end of table 1.





PROPOSED REGULATIONS
FOR THE FISHERY MANAGEMENT PLAN
FOR THE
TANNER CRAB OFF ALASKA

DEVELOPED BY THE NATIONAL MARINE FISHERIES SERVICE

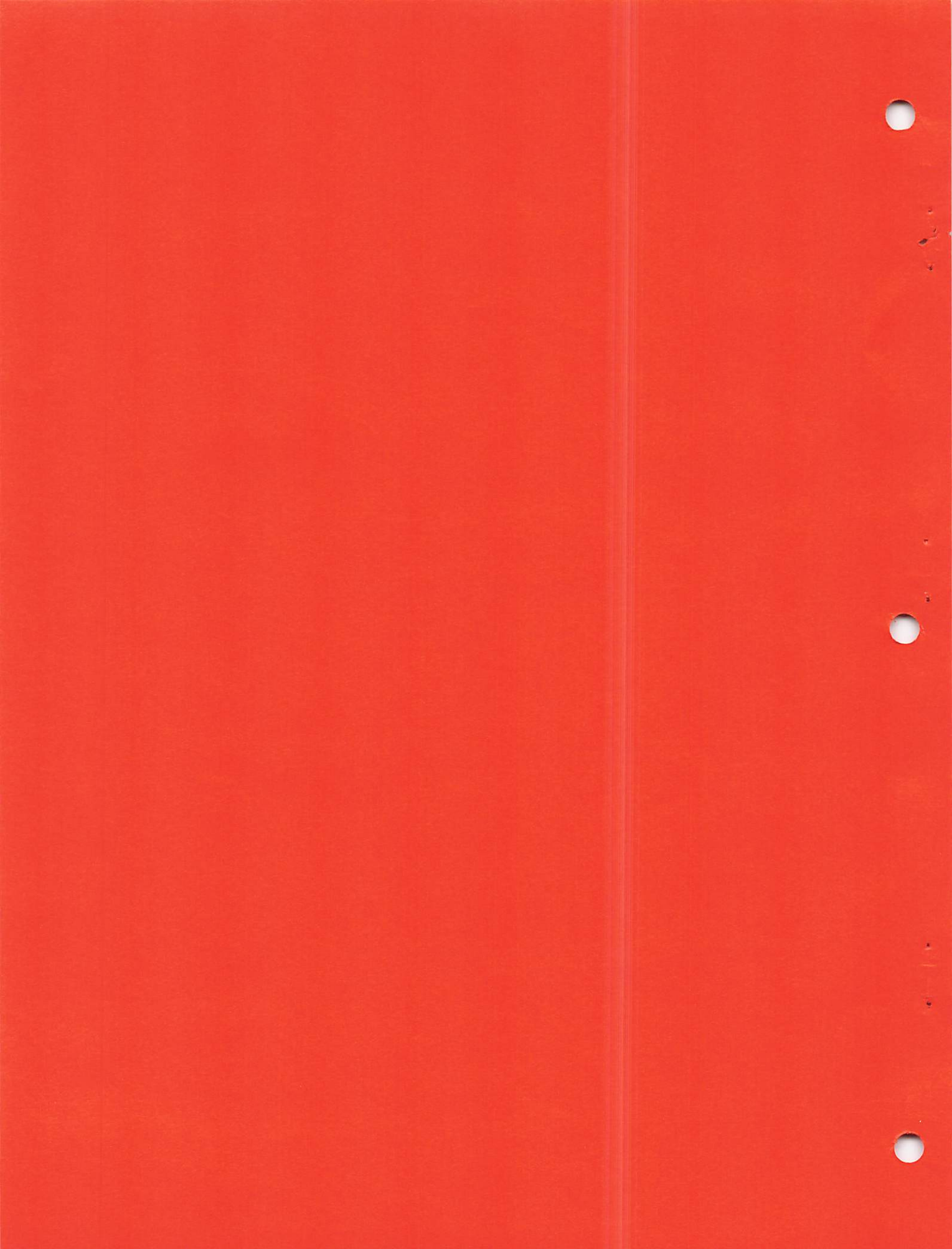
PUBLISHED IN THE FEDERAL REGISTER

MAY 16, 1978

COMMENT PERIOD CLOSES JUNE 30, 1978

Reproduced by

North Pacific Fishery Management Council
for use during the comment period



North Pacific Fishery Management Council

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FTS 265-5435

May 22, 1978

Enclosed you will find proposed regulations to support the Fishery Management Plan for Tanner Crab off Alaska.

These regulations were developed by the National Marine Fisheries Service and published in the Federal Register on May 16, 1978.

They have been reproduced by the North Pacific Fishery Management Council and are being sent to those who have an expressed interest in that fishery.

Because of your interest, you may wish to comment on this proposed regulatory scheme. All such comments will be received until June 30, 1978.

Comments should be addressed to:

Assistant Administrator for Fisheries, NOAA
3300 Whitehaven Street NW.,
Washington, D.C. 20235


Jim H. Branson
Executive Director
NPFMC

Encl: (1)

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

[50 CFR Parts 611,671]

COMMERCIAL TANNER CRAB FISHERY OFF
THE COAST OF ALASKA

Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed Regulations.

SUMMARY: This document proposes regulations to govern domestic and foreign fishing for Tanner crab off the coast of Alaska. These regulations are proposed to implement the Fishery Management Plan for Tanner Crab Off Alaska which was adopted by the North Pacific Fishery Management Council, and approved by the Secretary on April 18, 1978, under the Fishery Conservation and Management Act of 1976. This document also contains the "Fishery Management Plan for Tanner Crab off the Coast of Alaska." Comments are solicited on the plan as well as the proposed regulations.

DATE: Comments will be received until June 30, 1978.

ADDRESS: Comments should be addressed to: Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Harry L. Reitze, Director, Alaska Region, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99801, 907-586-7221.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Conservation and Management Act of 1976 as amended, 16 U.S.C. 1801-1882 (the "Act"), authorizes the Secretary of Commerce (the "Secretary") to promulgate regulations implementing fishery management plans prepared by the Regional Fishery Management Councils for their areas of jurisdiction within the 3-200 mile Fishery Conservation Zone (FCZ) established by the Act.

Pursuant to Title III of the Act, the North Pacific Fishery Management Council adopted and submitted to the Secretary a Fishery Management Plan (FMP) for Tanner crab off the coast of Alaska. A Draft Environmental Impact Statement (DEIS) for the plan was published on July 11, 1977 by the National Marine Fisheries Service. For notice of availability of the DEIS, see 43 FR 37026. The FMP and implementing regulations in combination, are published herein.

This FMP supersedes that portion of the Preliminary Management Plan (PMP) for king and Tanner crab of the eastern Bering Sea applicable to Tanner crab (42 FR 9520, February 16, 1977). It covers all Tanner crab throughout the Fishery Conservation Zone (FCZ) adjacent to Alaska.

Purpose of the Plan

Three major objectives control the philosophy of management of the Tanner crab fishery off Alaska:

1. Minimize fluctuations in stock abundance due to harvest by maintaining the full reproductive potential of the Tanner crab stocks;
2. Insofar as possible, prevent industry overcapitalization and minimize economic distress due to extreme fluctuations in harvest based on naturally fluctuating stock abundance; and

3. Integrate management of Tanner crab stocks with those of other fisheries to maximize economic returns and minimize adverse impact on other stocks.

Regulations to Implement the Plan

Accordingly, the regulations (50 CFR Part 671) set forth immediately below, applicable to all domestic fisheries, are proposed to implement the fishery management plan developed by the North Pacific Fishery Management Council published herein. Final regulations for foreign fishers of Tanner crab have already been published (March 14, 1978, 43 FR 10566-10567) to implement the preliminary fishery management plan, and these regulations continue in effect. The Service proposes to implement the present FMP for Tanner crabs with these identical regulations (Part 611, Subpart G) which are reprinted herein and upon which public comment is solicited.

An important element of the FMP is the flexibility built into the management system. This flexibility is in the form of in-season adjustments of those areas which may be fished and the times in which fishing may occur. These proposed regulations seek to provide for such flexibility by proposing that the Alaska Regional Director of the National Marine Fisheries Service, in close coordination with the Alaska Department of Fish and Game, adjust season opening and closing dates, based upon catch statistics and biological and other data, for conservation purposes. In-season adjustments will be accomplished by issuance of a field order by the Regional Director.

Public Comments

Interested parties, Councils and government agencies are encouraged to submit written comments, views or data concerning the plan and these proposed regulations, including the foreign fishing regulations appearing on March 14, 1978, (See 50 CFR 611, 34 FR 10566-10567) to the Assistant

Administrator for Fisheries, National Oceanic and Atmospheric
Administration 3300 Whitehaven Street NW., Washington, D.C. 20235.
Written comments may be submitted to the Assistant Administrator until
June 19, 1978.

Note: - The appropriate amended environmental impact statement has
been filed with the Environmental Protection Agency. The National
Marine Fisheries Service has determined that this document does not
contain a major proposal requiring preparation of an economic impact
statement under Executive Orders 11821 and 11949, and OMB Circular
A-107.

Signed at Washington, D.C., this 3rd day of May 1978.

Winfred H. Meibohm
Associate Director
National Marine Fisheries Service

50 CFR Part 611 is amended as follows:

§ 611.20 [Amended]

1. In § 611.20 Table I, the second and third entries from the bottom are deleted and the following entries are inserted: 017 and 018***Tanner crab***Bering Sea***15,000 ***DO 099***Other species***Aleutians and Bering Sea***93,600***DO.

Section 611.91 is added to read as follows:

§ 611.91 Tanner crab fishery

(a) Purpose. This section regulates foreign fishing for snow (Tanner) crabs (Chionoecetes bairdi and Chionoecetes opilio) in the Bering Sea.

(b) Authorized Fishery. (1) TALFF. The 1978 TALFF for snow (Tanner) crab is 15,000 metric tons. (2) National allocations. Foreign vessels may engage in the fishery for snow (Tanner) crab in accordance with TALFF set forth in paragraph (b)(1) of this section and the following national allocations:

(i) Japan: 15,000 metric tons.

(c) General restrictions. No foreign fishing vessel may retain any female or soft shell snow (Tanner) crab. All female or soft shell crabs shall be immediately returned to the sea in a manner which minimizes handling mortality, and in accordance with § 611.13.

(d) Gear restrictions. It shall be unlawful for a foreign fishing vessel fishing for snow (Tanner) crab to use gear other than pots. A pot is defined as a portable structure designed and constructed to capture and retain crabs alive in the water.

(e) Open area. Foreign fishing vessels may fish for snow (Tanner) crab in the Bering Sea, except as restricted in § 611.91(f).

(f) Closed area. No foreign fishing vessel may fish for snow (Tanner) crab:

(1) Within 12 nautical miles of the baseline used to measure the U.S. territorial sea; or (2) south of a straight line drawn along 58° N. latitude, and east of a straight line drawn along 164° W. longitude.

(g) Processing. No foreign fishing vessel operating with a factory ship may process crabs. (The permits for such vessels will specifically exclude from the authorized activities the processing of crabs.) All crabs taken by such vessels must be processed solely by a factory ship permitted in the crab fishery.

(h) Loading and off-loading. Crabs must be taken aboard factory ships in a manner in which an observer can verify the total weight of crabs taken aboard. Crabs off-loaded within the fishery conservation zone from fishing vessels not operating with a factory ship must be transferred in a manner in which an observer can verify the total weight of crabs off-loaded.

(i) Pre-departure inspection. No foreign crab catching vessels, other than those operating with a factory ship, may depart from the fishing area until its catch of crabs onboard is checked by an observer, or an authorized officer.

(j) Additional reports. (1) Daily reports: Foreign crab catching vessels, other than those operating with a factory ship, shall report daily to the Regional Director:

- (i) Its 12 noon (G.m.t.) position,
- (ii) The preceding day's catch by species (C. bairdi, C. opilio, and hybrids), and
- (iii) Its cumulative catch.

(2) Weekly catch report. (i) The weekly catch report (required by Section 611.9(e)) shall be submitted to the Regional Director within 6 days following each 7-day fishing period, and contain additional information concerning:

- (A) Effort in total pot lifts during the 7-day period, and
- (B) Catch in metric tons and the number of crabs of the type C. opilio and C. bairdi caught during the 7-day period. Hybrids shall be reported as C. opilio.

(ii) The requirement of §611.9(e)(1) that the weekly catch report be on a vessel-by-vessel basis is waived for vessels operating with a factory ship. The required data for such vessels may be consolidated and reported by factory ship.

(3) Annual report. Each nation whose vessels engage in this fishery shall report by May 30, of the following year annual catch and effort statistics as follows: Effort in pots hauled and hours pots soaked; catch in metric tons, and the number of snow (Tanner) crabs of the species C. opilio, C. bairdi, and hybrid. Each of these requirements is to be supplied by vessel class, by month by $\frac{1}{2}^{\circ}$ (lat.) by 1° (long.) statistical area by the following species grouping: C. bairdi, C. opilio.

PART 671- TANNER CRAB OFF ALASKA

Sec.

- 671.1 Purpose.
- 671.2 Definitions.
- 671.3 Registration areas.
- 671.4 Optimum yield table.
- 671.5 Prohibitions.
- 671.6 Size and sex restrictions.
- 671.7 Vessel registration.
- 671.8 Vessel inspection.
- 671.9 Landing requirements.
- 671.10 Season and gear restrictions.
- 671.11 Reporting requirements.
- 671.12 In-season adjustments of seasons and areas.
- 671.13 Notice requirements.

AUTHORITY: Sec. 305, Fishery Conservation and Management Act of 1976; 16 U.S.C. 1855.

§671.1 Purpose.

This part regulates fishing for Tanner crab (C. bairdi and C. opilio) by vessels of the United States within that portion of the Bering Sea and Gulf of Alaska over which the United States exercises exclusive fishery management authority.

§671.2 Definitions.

As used in this Part:

(a) "Act" means the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801-1882.

(b) ADF&G means the Alaska Department of Fish and Game.

(c) Authorized Officer means:

(1) Any commissioned, warrant, or petty officer of the Coast Guard;

(2) Any certified enforcement or special agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary or the Commandant of the Coast Guard to enforce the provisions of the Act; or

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in sub-paragraph (1) of this paragraph.

(d) Vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for fishing for Tanner crab for the purpose of sale or barter.

(e) Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

(f) Fishing means any activity, other than scientific research, which:

(1) Does, is intended to, or can reasonably be expected to result in the removal from the sea of Tanner crab.

(2) Results in the processing including freezing of Tanner crab or Tanner crab products at sea; or

(3) Results in the transferring or transporting at sea of Tanner crab or Tanner crab products.

(g) Person means any individual, corporation, partnership, association, or entity.

(h) Regional Director means the Director of the Alaska Region of the National Marine Fisheries Service, or his designee.

(i) Ring Net means a bag-shaped net suspended from a circular or rectangular frame.

(j) Tanner Crab means all species of the genus Chionoecetes including C. bairdi and C. opilio.

(k) Tanner Crab Pot means a portable structure designed and constructed to capture and retain fish and shellfish alive in the water. The Tanner crab pot has rigid tunnel eye openings which individually are a maximum of five (5) inches (13 cm) in one dimension, and tunnel eye opening perimeters which individually are larger than thirty (30) inches (76 cm); or the pot tapers inward from its base to a top consisting of one horizontal opening of undescribed size.

§ 671.3 Registration Areas.

(a) For purposes of this part, the FCZ off the coast of Alaska is divided into four Federal registration areas identified and described as follows:

(1) Registration Area A (Southeastern Alaska-Yakutat) is that portion of the FCZ north of 54°30' N. latitude and east of 143°53.6' W. longitude;

(2) Registration Area E (Prince William Sound) is that portion of the FCZ which has as its western boundary a line extending south from Cape Fairfield (150° W. longitude), and as its eastern boundary a line extending south from Cape Suckling (143°53.6' W. longitude);

(3) Registration Area H (Cook Inlet) is that portion of the FCZ which has as its eastern boundary a line extending south from Cape Fairfield (150° W. longitude), and as its southern boundary a line extending east from Cape Douglas at 58°51' N. latitude;

(4) Registration Area J (Westward) is that portion of the FCZ which has as its northern boundary a line at 58° N. latitude, as its eastern boundary a line extending south from Cape Fairfield 150° W. longitude, and as its western boundary a line 172° E. longitude.

(5) The inner boundary of each Federal registration area is a line coterminous with the seaward boundary of the State, and the outer boundary,

except for Registration Area H (Cook Inlet), is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured. The outer boundary for Registration Area H (Cook Inlet), is a line extending east from Cape Douglas at 58°51' N. latitude.

(b) Exclusive and Non-Exclusive Areas. Federal Registration Areas E and H, as defined in subsection (a) are exclusive Registration Areas. Federal Registration Areas A and J, as defined in subsection (a) are non-exclusive registration areas.

(c) State Registration Areas. For purposes of this part there shall be four State registration areas which shall be designated A, E, H, and J to correspond to the Federal registration areas. The State areas adjoin the corresponding Federal areas at the common boundary which separates territorial waters from the FCZ.

§ 671.4 Optimum Yield Table.

(a) The optimum yield for Tanner crab in each Federal registration area is as follows:

Registration Area	Optimum Yield (in metric tons)	Species
Registration Area A (Southeast-Yakutat)	2,495	C. bairdi
Registration Area E (Prince William Sound)	1,361-3,175	C. bairdi
Registration Area H (Cook Inlet)	2,404	C. bairdi
Registration Area J Kodiak district only (Kodiak)	6,804-11,340	C. bairdi
Subdistricts of Area J:		
(1) Area between 157°27' W. longitude (Cape Kumlik) and 172° E. longitude, south of the South Peninsula and Aleutian Islands:		
(South Peninsula) -----	9,072-	C. bairdi
	13,608	
(Aleutian) -----	907	C. bairdi
(2) Bering Sea Waters North of 54°36' N. latitude.	40,381	C. bairdi
(3) Bering Sea Waters South of 58° N. latitude.	10,000	C. opilio
(4) Bering Sea waters north of 58° N. latitude and west of 164° W. longitude	1,360-2,269	C. opilio

§ 671.5 Prohibitions.

(a) Vessel registration certificate. No vessel shall fish for Tanner crab in any Federal registration area unless authorized by a registration certificate issued pursuant to §671.6.

(b) Vessel inspection. No vessel shall fish for Tanner crab unless it is inspected as required by §671.8.

(c) Landings. No Tanner crab shall be landed except pursuant to §671.9.

(d) Retention of Tanner crab. No Tanner crab shall be retained except pursuant to §671.6.

(e) Gear. Tanner crab may be taken only by Tanner crab pot or ring nets, except as otherwise provided in §671.10 of these regulations.

(f) Seasons. Tanner crab may be taken only during the seasons provided in §671.10.

(g) No person shall possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land, any Tanner crab taken in violation of the Act and these regulations.

(h) No person shall fish for Tanner crab in violation of the Act and these regulations.

(i) No person shall fish for Tanner crab or possess unprocessed Tanner crab aboard a vessel within any registration area unless the vessel is validly registered for the area and the season is open, or unless the person is acting pursuant to the authorization of §671.9(b) of these regulations.

§671.6 Size and Sex Restrictions.

(a) No female Tanner crab may be retained.

(b) No male Tanner crab measuring less than 5½ inches (140 mm) across the greatest width of the carapace may be retained except that male Tanner crabs in Federal Registration Area E (Prince William Sound) may be retained if they measure 5.3 inches (135 mm) across the greatest width of the carapace. The width measurement of Tanner crab shall be

determined by measuring the greatest straight line distance across the carapace, including the spines, perpendicular to an imaginary line drawn between a point midway between the eyes and the midpoint of the posterior portion of the carapace.

(c) All female and undersized male Tanner crabs must be returned to the sea immediately with a minimum of injury, regardless of their condition.

§ 671.7 Vessel Registration.

(a) Vessels not registered by the State. This subsection provides procedures for the registration of vessels which are not registered by the State to fish for Tanner crab as provided in subsection (b).

(1) Application. The owner, or the owner's authorized agent, of any vessel may apply to the Regional Director for a registration certificate to fish for Tanner crab in a Federal registration area. All applications shall be submitted on a form obtained from the Regional Director.

(2) Time. Application forms must be completed by the applicant and received by the Regional Director within 30 calendar days prior to the scheduled date for the opening of fishing as provided for in 671.10.

(3) Approval. The Regional Director shall issue the registration certificate to the vessel if he determines that the requirements of paragraphs (1) and (2) of this section are met.

(4) Waiver. If an application is received after the date specified in paragraph (2) of this section the Regional Director may, for good cause shown, waive the 30 day time requirement.

(5) Certificate. The registration certificate issued to the vessel shall be signed by the registrant, kept on board the vessel at all times during fishing operations, and presented to any authorized officer upon request.

(6) Inspection. A registration certificate shall not become valid until the vessel has complied with the inspection requirements contained in section 671.8 of these regulations.

(7) Fees. There shall be no fee for issuance of a registration certificate.

(8) Expiration. A registration certificate shall expire 72 hours after the closure of the season in the Federal registration area for which it was issued.

(b) Vessel registered by the State of Alaska. (1) Vessels registered by the State to fish for Tanner crab in a State registration area may only register for the corresponding adjacent Federal registration area of the same letter. Such registration can be accomplished by obtaining at the time the vessel is registered by the State a stamp issued by a local representative of the ADF&G designated by the Regional Director for such purpose. The stamp shall indicate registration for the corresponding adjacent Federal registration area of the same letter.

(2) Vessels registered by the State to fish for Tanner crab in an exclusive State registration area may only register in the corresponding Federal exclusive registration area of the same letter.

(c) Exclusive and nonexclusive areas. (1) No vessel registered to fish for Tanner crab in an exclusive Federal registration area may be registered to fish for Tanner crab in any other Federal registration area (exclusive or nonexclusive). A vessel may be registered to fish for Tanner crab in either or both of the non-exclusive Federal registration areas.

(2) No operator of a vessel registered for an exclusive Federal registration area may operate any other vessel registered for any other exclusive Federal registration area.

§ 671.8 Vessel Inspection

(a) Inspection requirement. - (1) Time. Within 72 hours prior to a season opening or at any time during the open season prior to fishing, each registered vessel must have its holds or live tanks inspected by an authorized officer, at inspection points specified in subsection (b) of this section.

(2) Requirement. No Tanner crab shall be onboard the vessel at the time of inspection. This requirement must be met to validate the registration certificate for the Federal registration area concerned under section 671.7.

(3) Certificate. No vessel shall be given an inspection certificate unless a current registration certificate for the Federal registration area is displayed to the authorized officer conducting the inspection. The inspection certificate shall be signed by the current vessel operator and shall be presented to any authorized officer upon request at any time.

(4) Landings. A vessel landing Tanner crab pursuant to §671.9(b) of these regulations, in a State registration area other than the area adjacent to the Federal registration area for which the vessel is registered, shall attach the inspection certificate to the back of the ADF&G copy (yellow copy) of the State fish ticket at the time the Tanner crab are landed.

(b) Inspection Points. Inspection points shall be those established by ADF&G for State purposes. Additional inspection points for inspection required by this section may be authorized by the Regional Director if he finds that:

(1) Existing inspection points are imposing an unusual and material hardship which affected fishermen cannot themselves mitigate; or

(2) The ADF&G has no practical means of making special administrative accommodations regarding existing inspection points; and

(3) Authorization of additional inspection points would not result in a significant likelihood of unauthorized fishing or other management or enforcement problems.

§ 671.9 Landing Requirements.

(a) Except as provided in subsection (b) of this section, all Tanner crab landed in the State must be landed in the corresponding State registration area adjacent to the Federal registration area of the same letter for which the vessel is registered.

(b) A vessel operator who desires to land Tanner crab outside the State, or in a State registration area other than the adjacent corresponding State registration area of the same letter, shall contact by radio or other means an authorized officer prior to leaving the Federal registration area for which the vessel is registered, and shall state to the authorized officer the amount of Tanner crab on board at the time. A vessel acting pursuant to this authorization shall submit to inspection at such location as the authorized officer may require and land no greater amount of Tanner crab than were present at the time of any inspection.

(c) When a vessel lands Tanner crab pursuant to the authorization in subsection (b) of this section, the registration under which the vessel is operating becomes invalid. In order to again become registered for a Federal registration area, the vessel must comply with §671.8.

§ 671.10 Season and Gear Restrictions.

(a) Season dates. All season dates are inclusive. Time periods begin at 12:01 a.m. and end at 11:30 p.m. of the dates specified, based on local zone time, unless otherwise specified in these regulations.

(b) General requirements. (a) At least one buoy on each Tanner crab pot or ring net shall be legibly marked with the permanent registration number of the vessel fishing gear. The buoy shall bear a single registration number and this number shall be that of the vessel used in operating the gear. Registration numbers shall be painted on the top one-third of the buoy in numerals at least 4 inches in height and $\frac{1}{2}$ inch in width in contrasting color to that of the buoy. The buoy markings shall be legibly inscribed and visible on the buoy above the water surface when attached to the Tanner crab pot, and maintained in a legible condition.

(2) During the closed season for Tanner crab in any given area, Tanner crab pots shall either be removed from the water or stored in 25 fathoms (46 m) of water or less, with all doors secured fully open and all bait and bait containers removed, with the following exceptions:

(i) In the Kamishak Bay and Southern districts of the Cook Inlet area, the maximum pot storage depth is 15 fathoms (27 m);

(ii) Tanner crab pots with all doors secured fully open and with all bait containers removed may be stored in water depth greater than the maximum permissible storage depth for 72 hours prior to the opening of the Tanner crab season, and for 72 hours after the season closure where the pots are fished;

(iii) Tanner crab pots may be stored in waters deeper than 25 fathoms (46 m) if so provided in section 671.11 of these regulations.

(c) Registration Area A. - (1) Seasons. Tanner crab may be taken from September 1 through May 15, subject to adjustment by the Regional Director pursuant to sections 671.12 and 671.13 of these regulations.

(2) Gear. (i) South of the latitude of Cape Fairweather Tanner crab pots shall have a seam in the mesh of one vertical wall from top frame to bottom frame laced in with untreated cotton twine, or, have one wall of synthetic fiber attached to the frame with untreated cotton twine.

(d) Registration Area E. - (1) Districts. The following districts within Federal Registration Area E are established:

(i) Northern District: All waters west and north of a line from the southern entrance of Port Nellie Juan at 60°36' N. latitude to Point Eleanor to the eastern tip of Smith Island to Johnstone Point, and north of a line from Point Bentinck to Point Whitshed.

(ii) Western District: All waters east of the longitude of Cape Fairfield (148°53' W. longitude) south to a line from the southern entrance of Port Nellie Juan at 60°35' N. latitude to Point Eleanor to the eastern tip of Smith Island to Montague Point, west from a line from Zalkof Point to Seal Rocks (60°10' N., 145°50' W. longitude) and west of longitude of Seal Rocks (60°10' N. latitude, 145°50' W. longitude).

(iii) Eastern district: All waters east of longitude of Seal Rocks (60°10' N. latitude, 146°50' W. longitude), east of a line from Seal Rocks (60°10' N. latitude, 146°50' W. longitude), to Cape Hinchinbrook, south of a line from Point Bentinck to Point Whitshed, and west of the longitude of Cape Suckling (59°59' N. latitude, 143°53' W. longitude).

(iv) Hinchinbrook district: All waters east of a line from Montague Point to the eastern Tip of Smith Island, south of a line from the eastern tip of Smith Island to Johnstone Point, north and east of a line from Cape Hinchinbrook to Seal Rocks (60°10' N. latitude, 146°50' W. longitude) to Zalkof Point.

(2) Seasons. Tanner crab may be taken in Registration Area E from November 15 through May 31, subject to change by the Regional Director pursuant to section 671.12 and 671.13 of these regulations.

(3) Gear. Only Tanner crab pots may be used to fish for Tanner crab. Tanner crab taken by any other means must be immediately returned to the sea, with a minimum of injury, regardless of their condition.

(e) Registration Area H. - (1) Districts: The following districts within Registration Area H are established:

(i) Central District; Between a line extending from Boulder point at 60°46'23" N. latitude, to Shell Platform C, then to a point on the west shore at 60°46'23" N. latitude, and the latitude of Anchor Point light.

(ii) Northern District; All waters north of a line extending from Boulder Point at 60°46'23" N. latitude, to Shell Platform C, then to a point on the west shore at 60°46'23" N. latitude.

(iii) Southern District; All waters within a line from Anchor Point west to 59°46'15" N. latitude, 152°20' W. longitude, then south to 59°04'15" N. latitude, 152°20' W. longitude, then in a northeasterly direction to Cape Elizabeth, then from Cape Elizabeth to Point Adam, including Kachemak Bay.

(iv) Kamishak Bay District; All waters within a line from 59°46'15" N. latitude, 153°00'30" W. longitude, then east to 59°46'15" N. latitude, 152°20' W. longitude, then south 59°04'15" N. latitude, 152°10' W. longitude, then southwesterly to Cape Douglas, including Kamishak Bay.

(v) Barren Islands District; All waters within a line from Cape Douglas to Cape Elizabeth, then south to 58°52' N. Latitude, 151°53' W. longitude, then west to Cape Douglas.

(vi) Outer District; All waters within a line from Point Adam to Cape Elizabeth, then south to 58°52' N. latitude, 151°53' W. longitude, then east to the longitude of Aligo Point (149°44'33" W. longitude), then north of the mainland of Alaska.

(vii) Eastern District; All waters east of the longitude of Aligo Point (149°44'33" W. longitude), west of the longitude of Cape Fairfield (148°40' W. longitude), and north of 58°52' N. latitude.

(2) Seasons: Tanner crab may be taken in Registration Area H from December 1 through April 30, except that the Kamishak Bay district will remain open through May 31, subject to adjustment by the Regional Director pursuant to sections 671.12 and 671.13 of these regulations.

(3) Gear: During any king crab season established by the State an aggregate of not more than 75 king and Tanner crab pots (including Tanner crab pots used in State waters) may be fished from any registered Tanner crab vessel.

(f) Registration Area J. - (1) Districts. The following districts within Registration Area J are established:

(i) Kodiak district: South of 53° N. latitude, west of 150° longitude and east of the longitude of Cape Kumlik (157°17.0' W. longitude).

(ii) South Peninsula District: Between the longitude of Cape Kumlik and the longitude of Scotch Cape light (154°44.6' W. longitude).

(iii) Aleutian District: Between the longitude of Scotch Cape light (164°44.6' W. longitude and 172° E. longitude, and south of 54°36' N. latitude.

(iv) Bering Sea District: Bering Sea waters north of 54°36' N. latitude.

(A) The following subdistricts within the Bering Sea District are established:

(1) Southeastern district: East of 168° W. longitude, and south of the latitude of Cape Newenham (58°39' N. latitude), including Bristol Bay waters.

(2) Pribilof subdistrict: West of 168° W. longitude and south of the latitude of Cape Newenham (58°39' N. latitude).

(3) Northern subdistrict: North of the latitude of Cape Newenham (58°39' N. latitude).

(i) Nome section: All waters of Norton Sound between the longitude of Penny River and the longitude of Topkok Head.

(ii) General section: All other waters of the Northern subdistrict.

(2) Seasons. Subject to adjustment by the Regional Director pursuant to sections 671.12 and 671.13 of these regulations, Tanner crab may be taken:

(i) In the Kodiak district from January 1 through April 30;

(ii) In the South Peninsula district from November 1 to 12 noon, May 15;

(iii) In the Aleutian district from November 1 to 12 noon, June 15;

(iv) In the Bering Sea district from November 1 to 12 noon, June 15.

(3) Gear. - (i) During any king crab season established by the State of Alaska in the Kodiak and South Peninsula districts an aggregate of not more than 75 king and Tanner crab pots (including Tanner crab pots used in State waters) may be fished from any registered Tanner crab vessel.

(ii) During the closed season for Tanner crab, Tanner crab pots may be stored west of 172° W. longitude in 30 fathoms (55 m) of water or less, or by removal from the water.

§ 671.11 Reporting Requirements.

(a) The operator of any vessel subject to these regulations shall, for each sale or delivery of any Tanner crab caught within any Federal registration area, submit an accurately completed State fish ticket. The fish ticket shall be submitted to the Regional Director within 72 hours after such Tanner crab were sold or delivered.

(b) Each such fish ticket shall contain the following information:

(1) Type and quantity of fishing gear used;

(2) Catch by species in numbers of crab or weight thereof;

- (3) Areas in which fishing was engaged in;
- (4) Time of fishing; and
- (6) Number of hauls.

§ 671.12 In-Season Adjustments of Seasons and Areas.

(a) The Regional Director may, following consultation with the ADF&G, amend the season opening and closing dates specified in section 671.10 if he determines that an emergency exists. Such determination shall be based upon data which relates to the following factors:

- (1) The effect of overall fishing effort within the registration area;
- (2) Catch per unit of effort and rate of harvest;
- (3) Relative abundance of Tanner crab within the area in comparison with pre-season predictions;
- (4) The proportion of immature or soft shell Tanner crab being handled;
- (5) General information on the condition of Tanner crab within the area;
- (6) Information pertaining to the optimum yield within the Registration area; or
- (7) Any other factors relevant to the conservation and management of the Tanner crab resource.

(b) If the Regional Director decides to close any area, or to open any area previously closed pursuant to the provisions of this section he shall issue a field order which includes the following information:

- (1) The reason for the opening or closure;
- (2) A description of the area to be opened or closed; and
- (3) The effective date of such opening or closing.

§ 671.13 Notice Requirements.

(a) No field order issued by the Regional Director pursuant to 671.12 of these regulations shall be effective until:

(1) It has been posted for 48 hours, and otherwise made available to the public in accordance with procedures customarily used by the ADF&G for posting and publicizing similar notices of closure;

(2) It has been broadcast for 48 hours at those time intervals, channels and frequencies customarily used by the ADF&G to broadcast similar notices of closure; and

(3) A notice of such closed has been published in the FEDERAL REGISTER.

