

Status of FMP Amendments
March 28, 2008

FMP Amendment Status: <u>Actions Since February 2008</u>	Date of Council Action	Start Regional Review	Transmittal Date of Action to NMFS HQ for Review	Proposed FMP Amendment Notice of Availability Published	Proposed Rule Published in Federal Register	Final Rule Published in Federal Register
Amendment 24 (KTC) – Overfishing Definitions	December 2007	NOA: 2/19/08	NOA – March 6, 2008	March 19, 2008 73 FR 14766 Comment period ends May 19, 2008		
Amendment 25 (KTC) - North catcher processor owner quota share <u>Approved: April 12, 2007</u>	MSA Re-auth. Act January 2007	NOA: 1/22/07 PR: 12/4/07 FR:3/26/08	NOA – January 29, 2007 PR – January 31, 2008	February 5, 2007 72 FR 5255 Comment period ended April 6, 2007	February 15, 2008 73 FR 8838 Comment period ended March 17, 2008	
Amendment 26 (KTC) – C Share Exemption	December 2007	PR: 2/22/08	PR – March 14, 2008	March 21, 2008 73 FR 15118 Comment period ends May 20, 2008	March 31, 2008	
Amendment 27 (KTC) – Post-Delivery Transfers	December 2007					
Amendment 28 (KTC) – Custom Processing	December 2007					
Amendments 62/62: Single Geographic Location and AFA housekeeping	Oct 2002					
Amendment 72 (GOA) Add IR/IU trigger for SWFF	April 2003	NOA: 1/28/08				
Amendment 73/77 Removing Dark Rockfish from the BSAI and GOA FMPs	April 2007					
Amendment 78 (GOA) – Rockfish Post-Delivery Transfers	December 2007					

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Amendment 88/23/12/9 Aleutian Islands Habitat Conservation Area Revision Decision date: 2/13/08	April 2007	PR: 11/6/07 FR: 1/16/08	FR – January 28, 2008	November 13, 2007 72 FR 63871 Comment period ended January 14, 2008	November 21, 2007 72 FR 65539 Comment period ended January 7, 2008	February 19, 2008 73 FR 9035
Amendment 89 (BSAI) Bering Sea Habitat Conservation	June 2007	PR: 12/5/08	PR – February 19, 2008	February 27, 2008 73 FR 10415, comment period ends 4/28/08	March 7, 2008 73 FR 12357 comment period ends 4/21/08	

Status of Regulatory Amendments
March 28, 2008

Regulatory Amendment Status: <u>Actions Since February 2008</u>	Date of Council Action	Start Regional Review of Rule	Transmittal Date of Rule to NMFS Headquarters	Proposed Rule in <i>Federal Register</i>	Final Rule Published in <i>Federal Register</i>
Groundfish Regulatory Amendments					
Interagency Electronic Reporting System	NMFS	PR: 12/27/06 FR: 11/6/07	PR: May 4, 2007	June 29, 2007 72 FR 35748 Comment period ended July 30, 2007	
2008 & 2009 BSAI groundfish harvest specifications	NMFS	PR: 10/30/07 FR: 1/8/08	PR: 11/19/07	December 6, 2007 72 FR 68833 Comment period ended January 7, 2008	February 26, 2008 73 FR 10160
2008 & 2009 GOA groundfish harvest specifications	NMFS	PR: 10/24/07 FR: 1/8/08	PR: 11/19/07	December 6, 2007 72 FR 68810 Comment period ended January 7, 2008	February 26, 2008 73 FR 10562
Revise MRA accounting period for non-AFA C/Ps	December 2006				
Repeal of Vessel Incentive Program	December 2006	PR: 9/4/07 FR: 1/16/08	PR: 11/5/07 FR: 2/22/07	November 30, 2007 72 FR 67692 Comment period ended December 31, 2007	March 11, 2008 73 FR 12898 Effective 4/10/08
Remove check in/out for processors w/VMS	NMFS	PR: 3/4/08			

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Revision to GOA pollock trip limit	December 2007				
Revisions to MRAs in GOA arrowtooth fishery	October 2007				
CDQ transfers	NMFS MSA requirement				
CDQ regulation of harvest	MSA requirement Council - June 2007				
Halibut Regulations					
Subsistence Halibut III	December 2004	PR: 2/14/08	4/1/08		
Halibut/Sablefish IFQ: Allow processing of non-IFQ species on a vessel with B, C, or D shares onboard	June 2006	PR: 9/25/07 FR: 1/14/08	PR: 10/22/07 FR: 1/29/08	November 14, 2007 72 FR 64034 Comment period ended December 14, 2007	February 15, 2008 73 FR 8822
Halibut/Sablefish IFQ: Allow (1) pot longline gear in BS in June for sablefish; (2) temp transfer of IFQs held by mobilized militia	June 2006	PR: 1/23/08	PR: 2/19/08	March 5, 2008 73 FR 11851 Comment period ends April 4, 2008	
Charter vessel moratorium	April 2007				
Area 2C charter vessel GHL management measures	June 2007	PR: 11/29/07 FR 3/27/08	PR: 12/12/07	December 31, 2007 72 FR 74257 Comment period ends January 30, 2008	

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Halibut Regulations (Continued)					
Annual Pacific Halibut Management Measures		FR: 2/20/08			March 7, 2008 73 FR 12280
Facilitate On-Line Access to Hal/Sab IFQ Accounts	NMFS	PR: 3/27/08			

Regulatory Actions Completed in 2008
<ul style="list-style-type: none"> •Revision to 2008 harvest specs to integrate Amds. 80/85 (72 FR 71802, December 19, 2007) •Revise seabird avoidance measures (72 FR 71601, December 18, 2007)

Status of Environmental Impact Analysis Scoping
March 28, 2008

Environmental Impact Analysis: <u>Actions Since February 2008</u>	Date of Council Action	Start Regional Review of NOI	Transmittal Date of draft NOI to NMFS Headquarters	Notice Published in <i>Federal Register</i>	End of Scoping Period
SSL Protection Measures SEIS Notice of intent for scoping EIS	December 2007		December 18, 2007	December 26, 2007 72 FR 72992	April 21, 2008
Salmon Bycatch Management Measures Notice of intent for scoping for EIS	December 2007		December 18, 2007	December 26, 2007 72 FR 72994	February 15, 2008

National Marine Fisheries Service
Alaska Region, Inseason Management Highlights

March 28, 2008

2008 catch is through March 22 unless otherwise stated

Bering Sea and Aleutian Islands

Bering Sea Pollock

All sectors including CDQ caught their 2008 A season allocation of 387,400 metric tons (mt). In 2008 the same number of vessels participated as in 2007. Sixteen catcher/processors, 79 catcher vessels delivering to inshore processors, 16 catcher vessels delivering to 3 motherships, and 12 catcher/processors in the CDQ sector targeted pollock.

Salmon in pollock fishery

The 2008 Chinook Salmon Savings Area (CSSA) limit is 29,000 salmon. The 2008 A season pollock fishery caught 16,096 non-CDQ and 598 CDQ Chinook salmon. The 2007 A season pollock fishery caught 66,430 non-CDQ and 3,091 CDQ Chinook salmon. In 2007 the CSSA closed for non-CDQ fisheries February 6 to April 15 and September 1 to December 31.

Trawl halibut mortality

In 2008 halibut mortality for trawl gear is allocated to BSAI trawl limited access, Amendment 80 limited access, and Amendment 80 cooperatives. Total trawl halibut mortality is 56% of the 2007 trawl halibut mortality for the same time period. For catcher/processors most of the reduction is in the rock sole, Pacific cod, and yellowfin sole targets. For catcher vessels the Pacific cod fishery is about 130 mt less than in 2007. The BSAI trawl limited access sector exceeded their 2008 annual halibut mortality limit of 125 mt for the Pollock/Atka mackerel/other species target by 38 mt.

Atka mackerel

One catcher/processor in the Amendment 80 cooperative and three catcher/processors in the Amendment 80 limited access sector registered for the 2008 A season harvest limitation area (HLA) fisheries in the Central and Western Aleutian Districts (four in 2007). The catch is well below the HLA limits. As in 2007 not much effort has occurred in Area 542. The Eastern Aleutian District/Bering Sea fishery closed for the Amendment 80 limited access sector February 5. The Eastern Aleutian District/Bering Sea fishery for the BSAI trawl limited access sector closed January 20 and re-opened March 18-20.

Pacific cod

Hook-and-line catcher/processors

In 2008, 36 hook-and-line catcher/processors participated in the Pacific cod fishery (36 in 2007). The A season closed February 8 catching 36,790 mt of the 37,660 mt total allowable catch (TAC). The 2007 A season closed February 12 catching 40,343 mt of the 38,419 mt TAC.

Hook-and-line catcher vessels

The fishery for hook-and-line catcher vessels \geq 60 ft LOA remains open since no effort has occurred. The 2007 A season closed February 21 catching 157 mt of the 144 mt TAC.

Hook-and-line and pot catcher vessels < 60 feet length overall

In 2008, 20 vessels participated in this fishery (10 for each gear), and it closed March 21, 2008. Hook-and-line gear caught 17% and pot gear caught 83% of the total catch. In March, NMFS reallocated 1,200 mt from jig gear to the < 60 ft category. In 2007, 20 vessels also participated (six hook-and-line, 14 pot), and the fishery closed March 30. Hook-and-line gear caught 8% and pot gear caught 92% of the total catch.

Jig

In 2008, no effort has occurred in this fishery. In 2007, three vessels participated in the A season catching 11 mt.

Pot

The 2008 fishery for pot catcher vessels closed January 18 with 43 vessels catching about 6,600 mt of the 6,496 mt A season TAC. The 2007 fishery closed January 26 with 48 vessels catching about 8,077 mt of the 7,203 mt A season TAC.

In 2008, five pot catcher/processors participated in the Pacific cod fishery. The 2008 fishery closed February 20 catching 1,178 mt of the 1,160 mt A season TAC. In 2007, three pot catcher/processors participated in the Pacific cod fishery. This fishery closed February 20, 2007 catching 1,691 mt of the 1,586 mt A season TAC.

Trawl

The 2008 A season for catcher vessels closed March 6 catching 25,807 mt of the 24,932 mt A season TAC. The overage from the A season will be subtracted from the B season TAC of 3,706 mt that opens April 1, 2008. The 2007 A season for catcher vessels closed March 12 catching 25,205 mt of the 25,977 mt A season TAC. In 2007, the B season was open for 9 days and a total of 4,450 mt was taken. Based on past rates and number of vessels fishing (~50) the 2008 B season likely will close during the first week of April.

The Amendment 80 cooperative is controlling their catch. The 2008 Amendment 80 limited access fishery closed for the A and B seasons. The 2008 A season closed for AFA catcher/processors effective March 24 and the B season will remain closed. The 2007 A season for all trawl catcher/processors closed March 17 catching 18,010 mt of the 18,555 mt A season TAC. The 2007 B season fishery opened April 1 until the 11,133 mt TAC was taken May 10. The C season opened June 10 until the TAC was taken August 6.

Gulf of Alaska

Western GOA Pacific cod

The 2008 A season Western GOA inshore Pacific cod fishery closed February 29. A total of 10,429 mt of the 10,502 mt A season TAC was caught by 80 vessels. The percentages by gear are: 37% from pot gear, 21% from hook-and-line gear, and 42% from trawl gear. The 2007 A season Western GOA inshore Pacific cod fishery closed March 8. A total of

10,707 mt of the 10,876 mt A season TAC was caught by 80 vessels. The percentages by gear are: 35% from pot gear, 25% from hook-and-line gear, and 40% from trawl gear. The offshore component closed March 4 in 2008 and February 14 in 2007.

Central GOA Pacific cod

The 2008 A season Central GOA inshore Pacific cod fishery closed February 20 and had a 1 day opener on February 29. A total of 13,941 mt of the 15,350 mt A season TAC was caught by 166 vessels. The percentages by gear are: 29% from pot gear, 32% from hook-and-line gear, and 39% from trawl gear. The 2007 A season Central GOA inshore Pacific cod fishery closed February 27. A total of 14,131 mt of the 15,339 mt A season TAC was caught by 163 vessels. The percentages by gear are: 39% from pot gear, 29% from hook-and-line gear, and 32% from trawl gear. The offshore component closed March 9 in 2008 and February 14 in 2007.

Pollock

The A season TAC of pollock in 610 is 3,322 mt. The fishery opened January 20 and closed January 22. NMFS re-opened the fishery for 24 hours, March 3-4, and March 7 until the B season opened March 10. The B season TAC is 3,321 mt for a total A and B season TAC of 6,643 mt. About 3,541 mt of pollock remains. The fishery has slowed down, but may increase when the State of Alaska's Pacific cod fisheries close.

The A season fishery in Area 620 remained open all A season. Only 4,723 mt of the 6,215 mt A season TAC was caught. The B season TAC is 7,576 mt for a total A and B season TAC of 13,791 mt. The B season opened March 10 and closed March 26. As of March 28 the total 2008 catch is 14,945 mt.

The A season TAC for 630 is 3,069 mt. The 2008 fishery opened January 20 and closed January 22. NMFS re-opened the fishery for 48 hours January 25-27 and February 23-25. The catch exceeded the A season TAC by 1,646 mt. After subtracting the A season overage from the B season TAC 63 mt remains. The B season did not open.

Deep and Shallow Water Complex Trawl Fisheries

The trawl deep and shallow water complex fisheries remain open in 2008. The second season allocation of halibut mortality becomes available April 1. In addition to the pollock and Pacific cod fisheries some shoreside effort is targeting arrowtooth flounder and shallow-water flatfish and some at-sea catcher/processors are targeting arrowtooth flounder, rex sole, and flathead sole.

Bering Sea Aleutian Islands Catch Report
(includes CDQ)
Through: 22-MAR-08

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Bering Sea

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Rockfish (includes CDQ)	15	383	368	4%	3
	Pacific Ocean Perch (includes CDQ)	107	3,570	3,463	3%	0
	Sablefish (Hook-and-Line and Pot)	1	1,144	1,143	0%	0
	Sablefish CDQ (Hook-and-Line and Pot)	0	286	286	0%	0
	Sablefish (Trawl)	1	1,216	1,215	0%	0
	Sablefish CDQ (Trawl)	14	107	93	14%	13
	Greenland Turbot	18	1,488	1,470	1%	0
	Greenland Turbot CDQ	8	187	179	4%	4
X	Pollock, AFA Inshore	172,489	434,250	261,761	40%	4,997
X	Pollock, AFA Catcher Processor	138,827	347,400	208,573	40%	3,624
X	Pollock, AFA Mothership	34,701	86,850	52,149	40%	0
X	Pollock CDQ	39,972	100,000	60,028	40%	482
	Pollock, Incidental Catch, non-Bogoslof (includes CDQ)	11,709	31,500	19,791	37%	1,882
	Pollock, Incidental Catch, Bogoslof (includes CDQ)	0	10	10	0%	0

**Bering Sea Aleutian Islands Catch Report
(includes CDQ)**

Through: 22-MAR-08

**National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting**



Aleutian Islands

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Rockfish (includes CDQ)	79	497	418	16%	23
	Pacific Ocean Perch, Eastern	259	4,376	4,117	6%	161
	Pacific Ocean Perch, Eastern CDQ	6	524	518	1%	0
	Pacific Ocean Perch, Central	467	4,456	3,989	10%	380
	Pacific Ocean Perch, Central CDQ	0	534	534	0%	0
	Pacific Ocean Perch, Western	236	6,796	6,560	3%	0
	Pacific Ocean Perch, Western CDQ	0	814	814	0%	0
	Atka Mackerel, Eastern ICA	1	1,400	1,399	0%	0
	Atka Mackerel, Eastern (Jig)	0	80	80	0%	0
X	Atka Mackerel, Eastern (Trawl)	6,646	15,933	9,287	42%	540
	Atka Mackerel, Eastern CDQ	854	2,087	1,233	41%	0
X	Atka Mackerel, Central (Trawl)	6,009	21,690	15,681	28%	4
	Atka Mackerel, Central ICA	0	10	10	1%	0
	Atka Mackerel, Central CDQ	353	2,600	2,247	14%	98
X	Atka Mackerel, Western (Trawl)	3,617	15,082	11,465	24%	0
	Atka Mackerel, Western ICA	1	10	9	8%	0
	Atka Mackerel, Western CDQ	2	1,808	1,806	0%	0
	Sablefish (Hook-and-Line and Pot)	161	1,464	1,303	11%	89
	Sablefish CDQ (Hook-and-Line and Pot)	0	366	366	0%	0
	Sablefish (Trawl)	1	519	518	0%	0
	Sablefish CDQ (Trawl)	0	46	46	1%	0
	Greenland Turbot (includes CDQ)	14	672	658	2%	4
X	Pollock	393	15,500	15,107	3%	158
X	Pollock CDQ	0	1,900	1,900	0%	0
X	Pollock, Incidental Catch (includes CDQ)	86	1,600	1,514	5%	56

Note: All weights are in metric tons.

Report run on: March 31, 2008 9:52 AM

Bering Sea Aleutian Islands Catch Report
(includes CDQ)
Through: 22-MAR-08

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Bering Sea Aleutian Islands

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Alaska Plaice (includes CDQ)	6,325	42,500	36,175	15%	1,330
	Arrowtooth Flounder	811	63,750	62,939	1%	50
	Arrowtooth Flounder CDQ	48	8,025	7,977	1%	13
	Flathead Sole	4,801	44,650	39,849	11%	649
	Flathead Sole CDQ	194	5,350	5,156	4%	43
	Northern Rockfish (includes CDQ)	291	5,767	5,476	5%	7
	Other Flatfish (includes CDQ)	1,132	18,360	17,228	6%	66
	Other Species (includes CDQ)	6,274	42,500	36,226	15%	560
X	Pacific Cod, Catcher Processor (AFA)	3,215	3,506	291	92%	843
X	Pacific Cod, Catcher Processor (Amendment 80)	5,679	20,429	14,750	28%	495
X	Pacific Cod, Catcher Vessel (Trawl)	25,882	33,692	7,810	77%	41
X	Pacific Cod, Catcher Processor (Hook-and-Line)	36,821	73,844	37,023	50%	2
X	Pacific Cod, Catcher Vessel (Hook-and-Line >= 60 ft)	0	303	303	0%	0
X	Pacific Cod, Catcher Processor (Pot)	1,178	2,274	1,096	52%	0
X	Pacific Cod, Catcher Vessel (Pot >= 60 ft)	6,684	12,737	6,053	52%	51
X	Pacific Cod (Jig)	0	2,134	2,134	0%	0
	Pacific Cod (Hook-and-Line and Pot < 60 ft)	4,157	4,233	76	98%	413
	Pacific Cod, Incidental Catch (Hook-and-Line and Pot)	10	500	490	2%	1
X	Pacific Cod CDQ	5,366	18,267	12,901	29%	905
	Rock Sole	28,208	66,975	38,767	42%	2,373
	Rock Sole CDQ	646	8,025	7,379	8%	88
	Rougheye Rockfish (includes CDQ)	6	187	181	3%	3
	Shortraker Rockfish (includes CDQ)	26	392	366	7%	12
	Squid (includes CDQ)	206	1,675	1,469	12%	5
	Yellowfin Sole	31,727	200,925	169,198	16%	7,173
	Yellowfin Sole CDQ	620	16,050	15,430	4%	43
Total:		587,357	1,806,205	1,218,848	33%	27,686

Other flatfish: all flatfish species, except for Pacific halibut, flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder, and Alaska plaice.

Other rockfish: all Sebastes and Sebastolobus species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

Other species: sculpins, sharks, skates, and octopus.

For changes to the harvest specifications refer to www.fakr.noaa.gov/2008/hschanges.htm

**Bering Sea Aleutian Islands Prohibited Species Report
(includes CDQ fisheries)**

Through: 22-MAR-08

**National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting**



Chinook Salmon

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	BS Pollock (Pelagic)	Count	16,171	26,825	10,654	60%	206
	BS Chinook Salmon PSQ	Count	598	2,175	1,577	27%	0
	AI Pollock (Pelagic)	Count	78	0	-78	0%	29
	AI Chinook Salmon PSQ	Count	0	0	0	0%	0
Total:			16,847	29,000	12,153	58%	235

Halibut Mortality

Non-Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality (Non-Trawl)	MT	217	833	616	26%	2
Total:			217	833	616	26%	2

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality (Trawl)	MT	947	3,400	2,453	28%	127
Total:			947	3,400	2,453	28%	127

Trawl and Hook-and-Line Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality PSQ	MT	45	342	297	13%	12
Total:			45	342	297	13%	12

Herring (includes CDQ fisheries)

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Pacific Cod	MT	0	26	26	0%	0
	Rockfish	MT	0	9	9	0%	0
	Rock Sole, Flathead Sole, Other Flatfish	MT	0	26	26	0%	0
	Pollock, Atka Mackerel, Other Species	MT	0	187	187	0%	0
	Pollock Pelagic	MT	0	1,318	1,318	0%	0
	Yellowfin Sole	MT	0	148	148	0%	0
	Greenland Turbot, Arrowtooth, Sablefish	MT	0	12	12	0%	0
Total:			1	1,726	1,725	0%	0

**Bering Sea Aleutian Islands Prohibited Species Report
(includes CDQ fisheries)**

Through: 22-MAR-08

**National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting**



Opilio (Tanner) Crab - COBLZ

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Opilio Crab PSQ	Count	1,224	465,450	464,226	0%	3
	Opilio Crab	Count	19,518	3,884,550	3,865,032	1%	7,389
Total:			20,742	4,350,000	4,329,258	0%	7,392

Bairdi Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Bairdi Crab PSQ	Count	1,538	104,860	103,322	1%	159
	Bairdi Crab	Count	89,838	875,140	785,302	10%	7,777
Total:			91,376	980,000	888,624	9%	7,936

Bairdi Crab, Zone 2

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Bairdi Crab PSQ	Count	2,517	317,790	315,273	1%	875
	Bairdi Crab	Count	129,736	2,652,210	2,522,474	5%	55,185
Total:			132,253	2,970,000	2,837,747	4%	56,060

Red King Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Red King Crab PSQ	Count	525	21,079	20,554	2%	0
	Red King Crab	Count	32,792	175,921	143,129	19%	308
Total:			33,317	197,000	163,683	17%	308

"Other flatfish" for PSC monitoring: all flatfish species, except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder.

COBLZ: C. Opilio Crab Bycatch Limitation Zone. 50 CFR 679.21(e) and Figure 13.

Zone 1: Federal Reporting Areas 508, 509, 512, 516.

Zone 2: Federal Reporting Areas 513, 517, 521.

Data is based on observer reports extrapolated to total groundfish harvest. Estimates for all weeks may change due to incorporation of late or corrected data.

Gulf of Alaska Catch Report

Through: 22-MAR-08

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Western, Central Pollock

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
X	Pollock, 610 Shumagin	3,091	17,602	14,511	18%	140
X	Pollock, 620 Chirikof	11,924	19,181	7,257	62%	3,131
X	Pollock, 630 Kodiak	4,792	13,640	8,848	35%	37

Western Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	534	8,000	7,466	7%	15
	Deep Water Flatfish	0	690	690	0%	0
	Shallow Water Flatfish	534	4,500	3,966	12%	0
	Flathead Sole	68	2,000	1,932	3%	2
	Rex Sole	49	1,022	973	5%	0
	Pacific Ocean Perch	11	3,686	3,675	0%	0
	Rougheye Rockfish	2	125	123	1%	0
	Shortraker Rockfish	6	120	114	5%	1
	Thornyhead Rockfish	28	267	239	10%	7
	Pelagic Shelf Rockfish	5	1,003	998	0%	0
	Northern Rockfish	30	2,141	2,111	1%	0
	Other Rockfish	3	357	354	1%	0
X	Pacific Cod, Inshore	10,477	17,504	7,027	60%	32
X	Pacific Cod, Offshore	1,355	1,945	590	70%	146
	Sablefish (Hook-and-Line)	117	1,512	1,395	8%	49
	Sablefish (Trawl)	1	378	377	0%	0
	Big Skate	100	632	532	16%	0
	Longnose Skate	3	78	75	4%	0

Gulf of Alaska Catch Report

Through: 22-MAR-08

National Marine Fisheries Service Alaska Region, Sustainable Fisheries Catch Accounting



Central Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	1,990	30,000	28,010	7%	222
	Deep Water Flatfish	3	6,721	6,718	0%	0
	Shallow Water Flatfish	580	13,000	12,420	4%	0
	Flathead Sole	561	5,000	4,439	11%	37
	Rex Sole	502	6,731	6,229	7%	73
	Pacific Ocean Perch	60	8,185	8,125	1%	13
	Rougheye Rockfish	35	834	799	4%	15
	Shortraker Rockfish	44	315	271	14%	17
	Pelagic Shelf Rockfish	36	3,626	3,590	1%	0
	Northern Rockfish	83	2,408	2,325	3%	1
	Thornyhead Rockfish	3	860	857	0%	1
	Other Rockfish	14	569	555	3%	1
X	Pacific Cod, Inshore	14,031	25,583	11,552	55%	13
X	Pacific Cod, Offshore	1,611	2,843	1,232	57%	0
	Sablefish (Hook-and-Line)	73	4,400	4,327	2%	21
	Sablefish (Trawl)	1	1,100	1,099	0%	0
	Big Skate	371	2,065	1,694	18%	11
	Longnose Skate	147	2,041	1,894	7%	4

Eastern Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Rougheye Rockfish	6	327	321	2%	2
	Shortraker Rockfish	8	463	455	2%	2
	Thornyhead Rockfish	5	783	778	1%	1
	Pacific Cod, Inshore	3	2,155	2,152	0%	2
	Pacific Cod, Offshore	0	239	239	0%	0
	Big Skate	0	633	633	0%	0
	Longnose Skate	0	768	768	0%	0

Note: All weights are in metric tons.

Report run on: March 31, 2008 5:15 AM

Gulf of Alaska Catch Report

Through: 22-MAR-08

National Marine Fisheries Service Alaska Region, Sustainable Fisheries Catch Accounting



West Yakutat

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	0	2,500	2,500	0%	0
	Deep Water Flatfish	0	965	965	0%	0
	Shallow Water Flatfish	0	3,333	3,333	0%	0
	Flathead Sole	0	3,420	3,420	0%	0
	Rex Sole	0	520	520	0%	0
	Pacific Ocean Perch	0	1,100	1,100	0%	0
	Pelagic Shelf Rockfish	0	251	251	0%	0
	Other Rockfish	0	604	604	0%	0
	Pollock	0	1,517	1,517	0%	0
	Sablefish (Hook-and-Line)	144	1,853	1,709	8%	28
	Sablefish (Trawl)	0	267	267	0%	0

Southeast

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	0	2,500	2,500	0%	0
	Deep Water Flatfish	0	527	527	0%	0
	Shallow Water Flatfish	0	1,423	1,423	0%	0
	Flathead Sole	0	634	634	0%	0
	Rex Sole	0	859	859	0%	0
	Pacific Ocean Perch	0	2,028	2,028	0%	0
	Pelagic Shelf Rockfish	0	347	347	0%	0
	Other Rockfish	1	200	199	0%	0
	Pollock	0	8,240	8,240	0%	0
	Demersal Shelf Rockfish	6	382	376	2%	0
	Sablefish (Hook-and-Line)	335	3,220	2,885	10%	84

Entire Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Atka Mackerel	213	1,500	1,287	14%	0
	Other Skates	426	2,104	1,678	20%	2
	Other Species	654	4,500	3,846	15%	16
Total:		55,076	262,826	207,750	21%	4,129

Deep water flatfish: Dover sole, Greenland turbot, and deepsea sole.

Shallow water flatfish: flatfish not including deep water flatfish, flathead sole, rex sole, or arrowtooth flounder.

Gulf of Alaska Prohibited Species Report

Through: 22-MAR-08

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Non-Chinook Salmon

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Non Chinook Salmon	Count	21	0			5
Total:			21	0			5

Chinook Salmon

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Chinook Salmon	Count	4,270	0			744
Total:			4,270	0			744

Halibut Mortality

Non-Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
X	Other Hook-and-Line Fisheries	MT	193	290	97	67%	0
Total:			193	290	97	67%	0

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Trawl Fishery	MT	423	2,000	1,577	21%	8
Total:			423	2,000	1,577	21%	8

No PSC Limits apply to salmon in the GOA.

Other hook-and-line fisheries means all hook-and-line fisheries except sablefish and demersal shelf rockfish in the Southeast District. The hook-and-line sablefish fishery is exempt from halibut PSC limits.

Halibut mortality for the demersal shelf rockfish fishery. Southeast District is not listed due to insufficient observer coverage.

Data is based on observer reports extrapolated to total groundfish harvest. Estimates for all weeks may change due to incorporation of late or corrected data.

Trawl halibut PSC limit data include catch from Rockfish Pilot Program cooperatives.

Gulf of Alaska Halibut Mortality Report

Through: 22-MAR-08

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Trawl Fisheries

Deep Water Species Complex

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	20-JAN-08	01-APR-08	44	100	56	44%
2nd Season	01-APR-08	01-JUL-08	0	300	300	0%
3rd Season	01-JUL-08	01-SEP-08	0	400	400	0%
4th Season	01-SEP-08	01-OCT-08	0	0	0	0%
Total:			44	800	756	5%

Shallow Water Species Complex

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	20-JAN-08	01-APR-08	379	450	71	84%
2nd Season	01-APR-08	01-JUL-08	0	100	100	0%
3rd Season	01-JUL-08	01-SEP-08	0	200	200	0%
4th Season	01-SEP-08	01-OCT-08	0	150	150	0%
Total:			379	900	521	42%

Year-To-Date

Account	Total Catch	Limit	Limit Remaining	% Taken	Last Wk Catch
Trawl Fishery	423	2,000	1,577	21%	8

Other Hook-and-Line Fisheries

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	01-JAN-08	10-JUN-08	193	250	57	77%
2nd Season	10-JUN-08	01-SEP-08	0	5	5	0%
3rd Season	01-SEP-08	31-DEC-08	0	35	35	0%
			193	290	97	67%

Deep-water species complex: sablefish, rockfish, deep-water flatfish, rex sole and arrowtooth flounder. Shallow-water species complex: pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and 'other species'.

No apportionment between shallow-water and deep-water fishery complexes during October 1 to December 31 (300 mt allocated).

Other hook-and-line fisheries means all hook-and-line fisheries except sablefish and demersal shelf rockfish in the Southeast District.

Halibut mortality for the demersal shelf rockfish fishery. Southeast District is not listed due to insufficient observer coverage.

Note: All weights are in metric tons.

Report run on: March 31, 2008 5:16 AM

Agenda Item D-3, Bering Sea Habitat Conservation, Council Motion
June 10, 2007

The Council adopts the following alternatives and options for Bering Sea Habitat Conservation:
Passed Unanimously 16-0.

1. Alternative 2 including the western boundary as described under Fig. 1. Fishing with nonpelagic trawl gear outside of a designated open area would be prohibited. This area includes all non-pollock, historic nonpelagic trawl fishing grounds and is intended to accommodate the developing arrowtooth flounder fishery.
2. The wedge area described under the suboption of Alternative 2 may be opened if the Secretary has approved, and NMFS has implemented, a gear modification for nonpelagic trawl gear for the Bering Sea flatfish fishery to reduce bottom habitat impacts (see item 3 below). Further, the Council encourages NMFS to include this area within the annual trawl survey design.
3. The Council endorses trawl sweep modifications that reduce the potential impacts on benthic habitat from gear contact with the seafloor, per Alternative 3. The Council will provide recommendations to NMFS for the specific gear modifications in June 2008, following additional gear testing by the flatfish trawl industry, so the agency can undertake rulemaking after that date. The Council understands that depending on the final gear modifications, such a regulatory amendment may require supplementing the EA/RIR/IRFA analysis that is currently before the Council.
4. Adopt Options 1, 3, and 5 to close nearshore areas around St. Matthew Island, St. Lawrence Island, Nunivak Island, Etolin Strait, and Kuskokwim Bay to nonpelagic trawling. The Council will receive a report in four years to review the boundary line under Option 3 developed in the consultation that occurred within the industry representative/AVCP working group, and consider appropriate action.
5. Adopts Option 4 to establish a Northern Bering Sea Research Area (NBSRA). The NBSRA would be closed while a research plan is developed for Council review. The plan will consider and identify protection measures as may be necessary within the NBSRA for king and C. opilio crab, marine mammals, ESA-listed species, and subsistence needs for Western Alaska communities in nearshore areas. The development of a research plan will include a similar process for developing EFP applications in which those wishing to conduct experimental fishing in the area would work in conjunction with the Alaska Fisheries Science Center to ensure any nonpelagic trawl fishing is conducted within the context of the research plan. It will be completed for Council review within 24 months after publication of a final rule for this action. This plan would include the criteria described under Option 4 of the EA/RIR/IRFA. Fishing would occur under an exempted fishing permit consistent with the Council approved research plan before an adaptively managed commercial fishery could occur. The results of the research would provide the information to support the Council's adaptive management of this area and would address managed crab species, marine mammals, ESA-listed species, and subsistence needs for Western Alaska communities.

Agenda Item D-3, Bering Sea Habitat Conservation, Council Motion
June 10, 2007

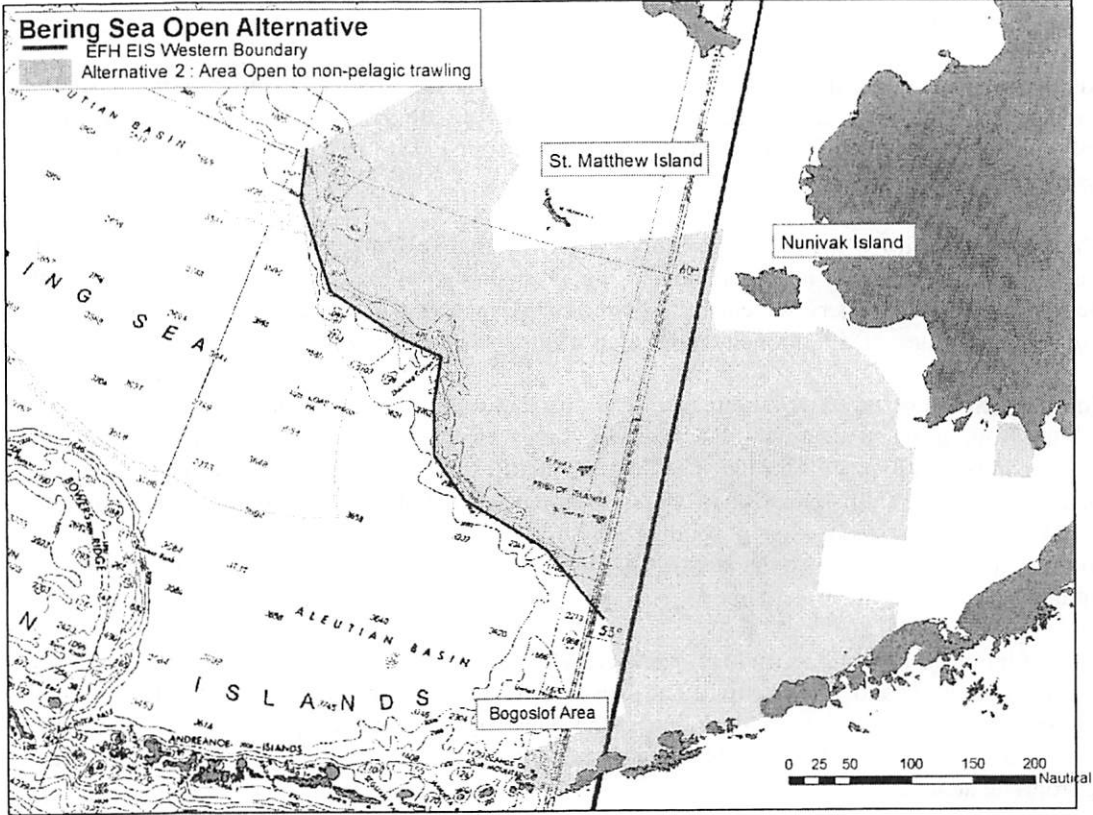


Figure 1. Alternative 2 from Bering Sea Habitat Conservation EA/RIR/IRFA modified June 10, 2007.

The agency believes that this change would mean that a lamp on the instrument panel would illuminate (or some other type of indicator would signal) every time that the air compressor cycled on at cut-in pressure. Since cycling of the compressor occurs during normal operation of a vehicle equipped with an air brake system, the agency believes that most truck drivers would find this to be a nuisance, particularly when driving at night. The agency's fleet evaluation experience in the early 1990's with antilock brake systems (ABS) warning lamps was that drivers would sometimes remove the bulb or cover it with opaque tape because of a perceived nuisance (when in fact it was indicating a malfunction in the ABS that, under hard braking, could result in a loss-of-control crash). A warning system that activates during normal operation may have a limited safety benefit, and activations are more effective when they only occur when there is a condition that warrants some type of intervention by the driver. Therefore, we do not believe it would be appropriate to adopt the petitioner's first request. However, we note that neither FMVSS No. 101, *Controls and Displays*, nor FMVSS No. 121 prohibits the addition of a compressor cycling lamp, if a truck operator chooses to have such a system installed.

The second requested change is:

They need to set the time on new vehicles at the factory on how long it takes the air compressor at the start of its cycle to meet the cut off pressure. If it is taking too long or continuous running occurs there needs to be something to warn the driver there is a major problem. This is a very unsafe situation and should have a priority warning to the driver.

Regarding the requested change by the petitioner to set the required time for air pressure build time, we note that this facet of air brake systems is addressed in the previously discussed section S5.1.1 in FMVSS No. 121, which requires the air compressor to have sufficient capacity to increase the air system pressure from 85 to 100 psi in the specified amount of time. However, this requirement allows for some variation in the amount of time needed to charge the air system. Under FMVSS No. 121, the time for charging the air system is measured with the engine at maximum rated speed, so the actual charging time during normal driving can vary based upon actual engine speed and gear selection. Compared to charging time with the engine at maximum rated speed, the charging time would be longer when the truck is sitting at idle. Other factors, such as the frequency of brake application, number

of towed units, air being supplied to increase air suspension pressure, etc., would cause air to be depleted at the same time the air compressor is charging the system. Therefore, these would also affect the charging time, and we believe that requiring a warning to activate when a constant time period has elapsed is an impracticable requirement, given the variable nature of the charging period under the current regulatory scheme. We note that our safety standard already regulates performance in the area of air pressure charging time, but we believe that it does so more appropriately than the proposed change. For this reason, we are not adopting the petitioner's second request.

The final requested change is:

It would be some help to have a low air pressure warning device that comes on just before the start of the air compressor cycle. When this low air warning comes on the vehicle is in a dangerous situation. Number 1 and 2 will prevent this.

The third requested change in the petition is not clearly defined for the agency to fully evaluate. The statement "just before the start of the air compressor cycle" has two meanings. The first meaning is a pressure slightly above the cut-in pressure, e.g., approximately 105 to 110 psi. The second meaning is a pressure slightly below the cut-in pressure, e.g., approximately 90 to 95 psi. Based upon the information in the petition, the agency does not understand the concept of this warning lamp, and how its operation differs from the currently-required low pressure warning signal required in FMVSS No. 121, other than being set to activate at a higher air pressure. It also seems nearly identical to/redundant with the petitioner's first requested change, as this warning would activate just before the start of a new air compressor cycle, and then the warning from the first request would activate when the compressor began that new cycle. Furthermore, we note that activation of a warning signal at either of these pressures would result in the warning being activated extremely frequently, including during normal driving operations. Given these reasons, we are denying the petitioner's third requested change.

VI. Conclusion

Based upon this review of the petition, the agency is denying it. In summary, it appears that one or two warning lamps would be required to activate upon each cut-in of the compressor cycle, and this would not provide additional information to the driver beyond the information that is

already available from the existing air pressure gauges. In addition, we believe that warning systems that activate frequently during normal driving conditions can be perceived as a nuisance, and may have limited safety effect. Finally, we are not aware of any known safety problems not addressed by the existing low pressure warning signal requirements in FMVSS No. 121.

Issued: March 3, 2008.

Stephen R. Kratzke,
Associate Administrator for Rulemaking.
[FR Doc. E8-4460 Filed 3-6-08; 8:45 am]
BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070917520-8258-02]

RIN 0648-AW06

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would implement Amendment 89 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) to establish Bering Sea habitat conservation measures. Amendment 89, if approved, would prohibit nonpelagic trawling in certain waters of the Bering Sea subarea to protect bottom habitat from the potential adverse effects of nonpelagic trawling. Amendment 89 also would establish the Northern Bering Sea Research Area for studying the impacts of nonpelagic trawling on bottom habitat. This proposed rule is necessary to protect Bering Sea subarea bottom habitat from the potential effects of nonpelagic trawling and to provide the opportunity to further study the effects of nonpelagic trawling on bottom habitat. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable laws.

DATES: Written comments must be received by April 21, 2008.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional

Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by 0648-AW06, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at <http://www.regulations.gov>.

- Mail: P. O. Box 21668, Juneau, AK 99802.

- Fax: (907) 586-7557.

- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Copies of the FMP amendment, maps of the Bering Sea subarea nonpelagic trawl closure areas and Northern Bering Sea Research Area, and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for this action may be obtained from the Alaska Region NMFS address above or from the Alaska Region NMFS website at <http://www.fakr.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Melanie Brown, 907-586-7228 or email at melanie.brown@noaa.gov.

SUPPLEMENTARY INFORMATION: The Bering Sea and Aleutian Islands Management Area (BSAI) groundfish fisheries are managed under the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations implementing the FMP appear at 50 CFR parts 679 and 680. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The Council has submitted Amendment 89 for review by the Secretary of Commerce, and a notice of availability of the amendment was published in the *Federal Register* on February 27, 2008 (73 FR 10415), with comments on the amendment invited through April 28, 2008. Comments may address the FMP amendment, the proposed rule, or both, but must be

received by April 28, 2008, to be considered in the approval/disapproval decision on the FMP amendment. All comments received by that time, whether specifically directed to the FMP amendment or to the proposed rule, will be considered in the approval/disapproval decision on the FMP amendment.

Background

In 2006, NMFS implemented essential fish habitat (EFH) protection measures for the Aleutian Islands subarea, Gulf of Alaska, and adjacent State of Alaska (State) waters (71 FR 36694, June 28, 2006, and corrected 72 FR 63500, November 9, 2007). The background on the development of the EFH protection measures is available in the proposed rule for that action (71 FR 14470, March 22, 2006). The EFH protection measures did not include the Bering Sea subarea as the Council recommended that additional analysis was needed to identify bottom habitat concerns and to develop potential conservation measures.

In June 2007, the Council recommended, and the Secretary proposes, closing areas to nonpelagic trawling as a precautionary measure to prevent the potential adverse effects of nonpelagic trawling on portions of bottom habitat of the Bering Sea subarea. These closed areas would include locations that have not been previously fished with nonpelagic trawl gear, nearshore bottom habitat areas that support subsistence marine resources, and a research area for further study of the potential impacts of nonpelagic trawling on bottom habitat. The proposed closed areas that extend into State waters would apply to federally permitted vessels operating in State waters. Maps of the proposed areas to be closed to nonpelagic trawling and the proposed research area are available from the Alaska Region NMFS website at <http://www.fakr.noaa.gov/habitat/efh.htm>. Each closed area and the research area are described in detail below.

Bering Sea Habitat Conservation Area

The Council recommended, and the Secretary proposes, limiting nonpelagic trawling in the Bering Sea subarea to areas that have historically been or are presently being fished with nonpelagic trawl gear. This action is intended to prevent expansion of the nonpelagic trawl fisheries into areas not previously fished with nonpelagic trawl gear and to provide for the developing arrowtooth flounder fishery. The remainder of the Bering Sea subarea would be closed to nonpelagic trawling. This action would

provide protection from the potential effects of nonpelagic trawling for areas where substantial amounts of nonpelagic trawling has not occurred.

The center of distribution of the arrowtooth flounder fishery is shifting to the northwest, and the Council intended that this fishery have the opportunity to target concentrations of arrowtooth flounder to ensure an efficient fishery. This potential movement of the arrowtooth flounder stock distribution may be related to an increase in the mean bottom water temperature in the Bering Sea subarea and is further described in the EA/RIR/IRFA for this action (see ADDRESSES).

The Council, working with the fishing industry and environmental organizations, identified the portion of the Bering Sea subarea that would be left open to nonpelagic trawling based on more than one occurrence of nonpelagic trawl fishing through 2005, and to provide for potential northwest shifting of the arrowtooth flounder distribution. Historical and present nonpelagic trawling is primarily on the continental slope extending into the southern portions of statistical areas 514 and 524. Several trawl closures currently exist within and to the south of this location. These include the Red King Crab Savings Area, Pribilof Island Area Habitat Conservation Zone, Chinook Salmon Savings Area, Chum Salmon Savings Area, and Nearshore Bristol Bay trawl closures under §§ 679.22(a) and 679.21(e)(7). In addition, waters north of Kuskokwim Bay are included in several additional nonpelagic trawl closures under this action and are further explain below. Most of the Bering Sea subarea west of the current trawled area does not have existing nonpelagic trawl closures.

The Bering Sea subarea east of the current trawled area is currently closed to nonpelagic trawling or is proposed to be closed to nonpelagic trawling under this action. The Council intends, and the Secretary proposes, to limit the nonpelagic trawl footprint in the Bering Sea subarea by establishing a nonpelagic trawl closed area in waters of the Bering Sea subarea to the west of areas that have been trawled with nonpelagic gear.

To provide a clear delineation of the location where nonpelagic trawling is prohibited, the proposed rule would establish the Bering Sea Habitat Conservation Area (BSHCA). The BSHCA would encompass waters of the Bering Sea subarea west of areas that have been trawled by nonpelagic gear along the shelf break of the continental slope. The BSHCA would include waters where no more than one occurrence of nonpelagic trawling has

occurred and where the future arrowtooth flounder fishery is not likely to occur. This area would be closed to nonpelagic trawling and would cover 46,776 square nautical miles (nm²).

The BSHCA would be located in statistical area 530 and portions of areas 518, 523, 533, and 531. The eastern border of the area generally follows the shelf break of the continental slope, provides for the expansion of the arrowtooth flounder fishery and meets the goal of prohibiting nonpelagic trawling where no more than one event of nonpelagic trawling has occurred. The southern boundary of the area follows the northern borders of the statistical areas of the Aleutian Islands subarea (areas 541, 542, and 543) with two deviations around the northern portions of the Bowers Ridge Habitat Conservation Zone (BRHCZ). The BRHCZ was established with the EFH protection measures for the Aleutian Islands (71 FR 36694, June 28, 2006) and is closed to mobile bottom contact gear, including nonpelagic trawling. The western boundary follows the edge of statistical area 550 and the limits of the U. S. Exclusive Economic Zone. The proposed BSHCA boundaries would

facilitate enforcement of the closure by generally following established statistical areas and present closed area boundaries. The BSHCA is depicted in Figure 16 in the proposed regulations below.

St. Lawrence Island Habitat Conservation Area

The Council recommended, and the Secretary proposes, closing waters surrounding St. Lawrence Island to nonpelagic trawl gear to conserve blue king crab habitat and minimize potential interactions with community use and subsistence fisheries taking place in nearshore areas. The boundaries of this area are based on the areas likely to support subsistence resources and along latitude and longitude lines to facilitate enforcement of the closure. This closure would cover 7,052 nm². The St. Lawrence Island Habitat Conservation Area is depicted in Figure 17 in the proposed regulations below.

St. Matthew Island Habitat Conservation Area

The proposed rule would close waters near St. Matthew Island to nonpelagic trawling to protect bottom habitat for

blue king crab. Various life stages of blue king crab occur in waters surrounding St. Matthew Island. Waters southwest of the island contain juvenile, non-ovigerous female and male blue king crab habitat, and waters to the northeast contain ovigerous females. The blue king crab stock is severely depleted; the last pot survey found only 5 legal male blue king crab in the St. Matthew Island area. Some flatfish nonpelagic trawling has occurred near St. Matthew Island as the distribution of arrowtooth flounder, rock sole, flathead sole, and Alaska plaice has moved north in the Bering Sea subarea (Section 3 of the EA/RIR/IRFA, see ADDRESSES). Flatfish fishing near St. Matthew Island may increase if the flatfish fishery continues to move north. The Council recommended that the area near St. Matthew Island be closed to nonpelagic trawling given the depleted blue king crab stock and the potential effects of nonpelagic trawling on blue king crab habitat. The recommended closed area includes the waters where blue king crab have been found and is shaped using straight lines to facilitate enforcement of the closure (Figure 1). This closure would cover 4,013 nm².

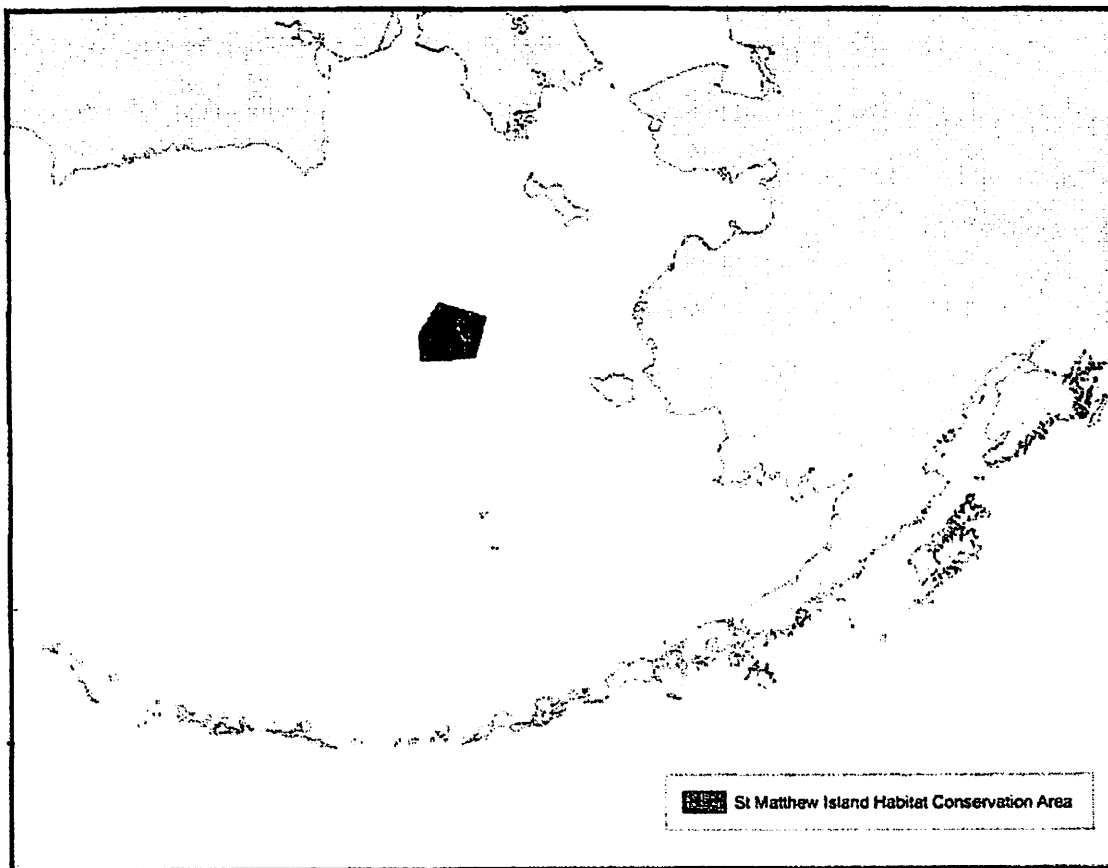


Figure 1. St. Matthew Island Habitat Conservation Area

Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area

The Council consulted with a workgroup of fishing industry and subsistence resources users to identify bottom habitat supporting subsistence marine resources for protection. These resources include marine mammals, fish, and seabirds harvested by subsistence users from coastal and interior Alaska. Based on the results of the workgroup, the Council recommended, and the Secretary proposes, prohibiting nonpelagic trawling in waters surrounding Nunivak Island and within Etolin Strait and Kuskokwim Bay. The northern and western edges of the area include waters with bottom habitat supporting subsistence resources and follow latitude and longitude lines to facilitate enforcement of the nonpelagic trawl closure. The southern boundary of the area is based on negotiations between the fishing industry and subsistence marine resource users. The boundaries of the closure area ensure access to important flatfish fishing locations

while providing protection of important bottom habitat supporting subsistence marine resources. This closure would cover 9,777 nm². The Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area is depicted in Figure 21 in the proposed regulations text.

Northern Bering Sea Research Area

The Council also recommended, and the Secretary proposes, to establish the Northern Bering Sea Research Area (NBSRA) to further understand the potential effects of nonpelagic trawling on Bering Sea subarea bottom habitat. This area would include waters with little or no nonpelagic trawling north of the open area for nonpelagic trawling described above under the BSHCA description and north of the Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area. The proposed rule would close the NBSRA to commercial nonpelagic trawling to provide a controlled area to study the potential effects of nonpelagic trawling on bottom habitat. This area would include the northern portions of

statistical areas 514 and 524, exclusive of the closures around St. Lawrence. This closure would cover 65,859 nm². The NBSRA is depicted in Figure 17 in the proposed regulations below.

The proposed rule would allow nonpelagic trawling within the NBSRA only within the scope of a nonpelagic trawling effects research plan. The Council intends that a research plan would be developed, in cooperation with the Alaska Fisheries Science Center, NMFS, that addresses potential protection measures for species that may depend on bottom habitat, including king and snow crabs, marine mammals, Endangered Species Act-listed species, and subsistence marine resources for Western Alaska communities. This research plan would be reviewed by the Council within 24 months after the publication of the final rule implementing Amendment 89. Any future nonpelagic trawling in the NBSRA would be limited to fishing under an exempted fishing permit issued under § 679.6 that meets the purposes of the approved research plan.

Regulatory Amendments

The proposed rule would add definitions to § 679.2 and new coordinate tables and figures for the areas proposed to be closed to nonpelagic trawling and the research area. Because of the complexity of the area boundaries, the definitions for the BSHCA; NBSRA; and Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area would refer to Tables 42, 43, and 44, and Figures 16, 17, and 21 to part 679, respectively. The definitions for the St. Lawrence Island Habitat Conservation Area and St. Matthew Island Habitat Conservation Area would refer to Tables 45 and 46 to part 679 for the area boundaries; no figures are necessary due to the simple shapes of these closures.

The proposed rule would add to § 679.22(a)(16) through (20) to close the BSHCA, St. Matthew Island, St. Lawrence Island, Nunivak Island, Etolin Strait, Kuskokwim Bay habitat conservation areas, and NBSRA to nonpelagic trawling.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Acting Assistant Administrator has determined that this proposed rule is consistent with Amendment 89 to the FMP for Groundfish of the BSAI, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866.

NMFS prepared an initial regulatory flexibility analysis (IRFA), as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. Descriptions of the action, the reasons it is under consideration, and its objectives and legal basis, are contained at the beginning of this section in the preamble and in the SUMMARY section of the preamble. A summary of the analysis follows. A copy of this analysis is available from NMFS (see ADDRESSES).

Fishing vessels, both catcher vessels and catcher/processors (CPs), are considered small, for RFA purposes, if their gross receipts, from all their economic activities combined, as well as those of any and all their affiliates anywhere in the world, (including fishing in federally-managed non-groundfish fisheries, and in Alaska-managed fisheries), are less than or

equal to \$4.0 million annually. Further, fishing vessels were considered to be large if they were affiliated with an American Fisheries Act fishing cooperative in 2004. The members of these cooperatives had combined revenues that exceeded the \$4.0 million threshold.

The entities that would be directly regulated by the alternatives are those vessels that fish for groundfish with nonpelagic trawl gear in the eastern Bering Sea off Alaska. Section 5.6 of the RIR provides a description of these fisheries and estimates the numbers of unique vessels that presently participate (see ADDRESSES). Approximately 22 to 24 vessels have participated in the nonpelagic trawl CP fishery off Alaska in recent years. Based on analysis of total annual gross revenues, two of the vessels should be classified as small entities. Six Community Development Quota groups and their associated communities are considered small entities and are directly regulated by this action because their allocation of BSAI species harvested by nonpelagic trawl gear occurs within the areas defined by this action.

This regulation does not impose new recordkeeping and reporting requirements on the regulated small entities.

The IRFA did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action.

The Council considered three alternatives (Alternatives 1, 2, and 3) and five options (Options 1, 2, 3, 4, and 5) to the alternatives for this action. The suite of alternatives and options were developed in consultation with members of the nonpelagic trawl CP fleet to minimize potential adverse economic effects on directly regulated entities. The preferred alternative and options constituting the "proposed action" reflect the least burdensome of management structures available in terms of directly regulated small entities, while fully achieving the conservation and management purposes articulated by the Council.

Alternative 1, the no action alternative, would not meet the objectives of this action. This alternative would allow nonpelagic trawling to expand into areas not previously trawled and would not meet the objective to protect certain bottom habitat in the Bering Sea subarea. Alternative 3, which would modify flatfish trawl gear to reduce contact with the bottom, was not recommended by the Council at this time because the gear is currently under development, and gear standards are not yet ready for implementation.

Under Alternative 2 for the BSHCA, the boundaries of the closure area were established in locations that have not been trawled more than once and are not likely to be trawled in the future. In addition, the boundary of the BSHCA was adjusted to allow for potential future development of the arrowtooth flounder fishery. These features of the BSHCA mitigate potential adverse economic effects on small entities by allowing continued fishing where substantial amounts of fishing have already occurred and to allow for future expansion of the arrowtooth flounder fishery.

The boundaries for the nonpelagic trawl closures under Options 1, 3, 4, and 5 also were developed in consultation with members of the nonpelagic trawl CP fleet. Under Options 1 and 5, the waters near St. Matthew and St. Lawrence Islands were not substantially trawled and are not likely to be trawled in the future, so the closures in these areas are not likely to result in an adverse economic effect on small entities. Option 2 closed waters near Nunivak Island and Etolin Strait but would not close waters within Kuskokwim Bay to nonpelagic trawling. Option 3 expanded on the closures under Option 2 by establishing the Nunivak Island, Etolin Strait, and Kuskokwim Bay closure boundaries. Option 3 closures were carefully negotiated between members of the nonpelagic trawl CP fleet and some users of the subsistence marine resources in the area. Adjustments were made to the boundaries to ensure the flatfish fleet had access to concentrations of flatfish while still maintaining overall protection to bottom habitat from the potential effects of nonpelagic trawling. These boundary adjustments reduce potential adverse economic effects on small entities participating in the flatfish trawl fishery.

Under Option 4 for the NBSRA, the southern boundary of the area was also based on consultation with members of the affected trawl CP fleet to ensure the closure would not prevent fishing in areas currently fished and allowed for some northern movement of the fleet if fish stocks also move north with global warming. The southern boundary of the NBSRA would mitigate any potential adverse economic impact on small entities by allowing continued fishing in locations historically fished and permitting some flexibility with any future movement of fish stocks.

Executive Order (E.O.) 13175 of November 6, 2000 (25 U.S.C. 450 note), the Executive Memorandum of April 29, 1994 (25 U.S.C. 450 note), and the

American Indian and Alaska Native Policy of the U. S. Department of Commerce (March 30, 1995) outline the responsibilities of NMFS in matters affecting tribal interests. Section 161 of Public Law (P.L.) 108-199 (188 Stat. 452), as amended by section 518 of P.L. 109-447 (118 Stat. 3267), extends the consultation requirements of E. O. 13175 to Alaska Native corporations.

NMFS will contact tribal governments and Alaska Native corporations which may be affected by the proposed action, provide them with a copy of this proposed rule, and offer them an opportunity to consult.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: March 3, 2008.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For reasons set out in the preamble, NMFS proposes to amend 50 CFR part 679 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

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

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108 447.

2. In § 679.2, add in alphabetical order definitions for “Bering Sea Habitat Conservation Area”, “Northern Bering Sea Research Area”, “Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area”, “St. Lawrence Island Habitat Conservation Area”, and “St. Matthew Island Habitat Conservation Area” to read as follows:

§ 679.2 Definitions.

* * * * *

Bering Sea Habitat Conservation Area means a habitat protection area specified at Table 42 and Figure 16 to this part.

* * * * *

Northern Bering Sea Research Area means a habitat research area specified at Table 43 and Figure 17 to this part.

Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area means a habitat protection area specified at Table 44 and Figure 21 to this part.

* * * * *

St. Lawrence Island Habitat Conservation Area means a habitat protection area specified at Table 45 to this part.

St. Matthew Island Habitat Conservation Area means a habitat

protection area specified at Table 46 to this part.

* * * * *

3. In § 679.22, paragraphs (a)(16) through (a)(20) are added to read as follows:

§ 679.22 Closures.

(a) * * *

(16) *Bering Sea Habitat Conservation Area.* No federally permitted vessel may fish with nonpelagic trawl gear in the Bering Sea Habitat Conservation Area specified at Table 42 and Figure 16 to this part.

(17) *Northern Bering Sea Research Area.* No federally permitted vessel may fish with nonpelagic trawl gear in the Northern Bering Sea Research Area specified at Table 43 and Figure 17 to this part.

(18) *Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area.* No federally permitted vessel may fish with nonpelagic trawl gear in the Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area specified at Table 44 and Figure 21 to this part.

(19) *St. Lawrence Island Habitat Conservation Area.* No federally permitted vessel may fish with nonpelagic trawl gear in the St. Lawrence Island Habitat Conservation Area specified at Table 45 to this part.

(20) *St. Matthew Island Habitat Conservation Area.* No federally permitted vessel may fish with nonpelagic trawl gear in the St. Matthew Island Habitat Conservation Area specified at Table 46 to this part.

* * * * *

4. Tables 42 through 46 are added to part 679 to read as follows:

TABLE 42 TO PART 679 – BERING SEA HABITAT CONSERVATION AREA.

Longitude	Latitude
179 19.95 W	59 25.15 N
177 51.76 W	58 28.85 N
175 36.52 W	58 11.78 N
174 32.36 W	58 8.37 N
174 26.33 W	57 31.31 N
174 0.82 W	56 52.83 N
173 0.71 W	56 24.05 N
170 40.32 W	56 1.97 N
168 56.63 W	55 19.30 N
168 0.08 W	54 5.95 N
170 0.00 W	53 18.24 N
170 0.00 W	55 0.00 N
178 46.69 E	55 0.00 N
178 27.25 E	55 10.50 N
178 6.48 E	55 0.00 N
177 15.00 E	55 0.00 N
177 15.00 E	55 5.00 N
176 0.00 E	55 5.00 N
176 0.00 E	55 0.00 N
172 6.35 E	55 0.00 N
173 59.70 E	56 16.96 N

Note: The area is delineated by connecting the coordinates in the order listed by straight lines. The last set of coordinates for each area is connected to the first set of coordinates for the area by a straight line. The projected coordinate system is North American Datum 1983, Albers.

TABLE 43 TO PART 679 – NORTHERN BERING SEA RESEARCH AREA.

Longitude	Latitude
168 7.48 W	65 37.48N*
165 1.54 W	60 45.54 N
167 59.98 W	60 45.55 N
171 9.92 W	60 3.52 N
172 0.00 W	60 54.00 N
174 1.24 W	60 54.00 N
176 13.51 W	62 6.56 N
172 24.00 W	63 57.03 N
172 24.00 W	62 42.00 N
168 24.00 W	62 42.00 N
168 24.00 W	64 0.00 N
172 17.42 W	64 0.01 N
168 58.62 W	65 30.00 N
168 58.62 W	65 37.48 N

Note: The area is delineated by connecting the coordinates in the order listed by straight lines except as noted by * below. The last set of coordinates for each area is connected to the first set of coordinates for the area by a straight line. The projected coordinate system is North American Datum 1983, Albers.

* This boundary extends in a clockwise direction from this set of geographic coordinates along the shoreline at mean lower-low tide line to the next set of coordinates.

TABLE 44 TO PART 679 – NUNIVAK ISLAND, ETOLIN STRAIT, AND KUSKOKWIM BAY HABITAT CONSERVATION AREA.

Longitude	Latitude
165 1.54 W	60 45.54 N*
162 7.01 W	58 38.27 N
162 10.51 W	58 38.35 N
162 34.31 W	58 38.36 N
162 34.32 W	58 39.16 N
162 34.23 W	58 40.48 N
162 34.09 W	58 41.79 N
162 33.91 W	58 43.08 N
162 33.63 W	58 44.41 N
162 33.32 W	58 45.62 N
162 32.93 W	58 46.80 N
162 32.44W	58 48.11 N
162 31.95 W	58 49.22 N
162 31.33 W	58 50.43 N
162 30.83 W	58 51.42 N
162 30.57 W	58 51.97 N
163 17.72 W	59 20.16 N
164 11.01 W	59 34.15 N
164 42.00 W	59 41.80 N
165 0.00 W	59 42.60 N
165 1.45 W	59 37.39 N
167 40.20 W	59 24.47 N
168 0.00 W	59 49.13 N
167 59.98 W	60 45.55 N

Note: The area is delineated by connecting the coordinates in the order listed by straight lines, except as noted by * below. The last set of coordinates for each area is connected to the first set of coordinates for the area by a straight line. The projected coordinate system is North American Datum 1983, Albers.

* This boundary extends in a clockwise direction from this set of geographic coordinates along the shoreline at mean lower-low tide line to the next set of coordinates.

TABLE 45 TO PART 679 – ST. LAWRENCE ISLAND HABITAT CONSERVATION AREA.

Longitude	Latitude
168 24.00 W	64 0.00 N
168 24.00 W	62 42.00 N
172 24.00 W	62 42.00 N
172 24.00 W	63 57.03 N
172 17.42 W	64 0.01 N

Note: The area is delineated by connecting the coordinates in the order listed by straight lines. The last set of coordinates for each area is connected to the first set of coordinates for the area by a straight line. The projected coordinate system is North American Datum 1983, Albers.

TABLE 46 TO PART 679 – ST. MATTHEW ISLAND HABITAT CONSERVATION AREA.

Longitude	Latitude
172 0.00 W	60 54.00 N
171 59.92 W	60 3.52 N
174 0.50 W	59 42.26 N
174 24.98 W	60 9.98 N
174 1.24 W	60 54.00 N

Note: The area is delineated by connecting the coordinates in the order listed by straight lines. The last set of coordinates for each area is connected to the first set of coordinates for the area by a straight line. The projected coordinate system is North American Datum 1983, Albers.

5. Figures 16 and 17 are added to part 679 to read as follows:

BILLING CODE 3510-22-S

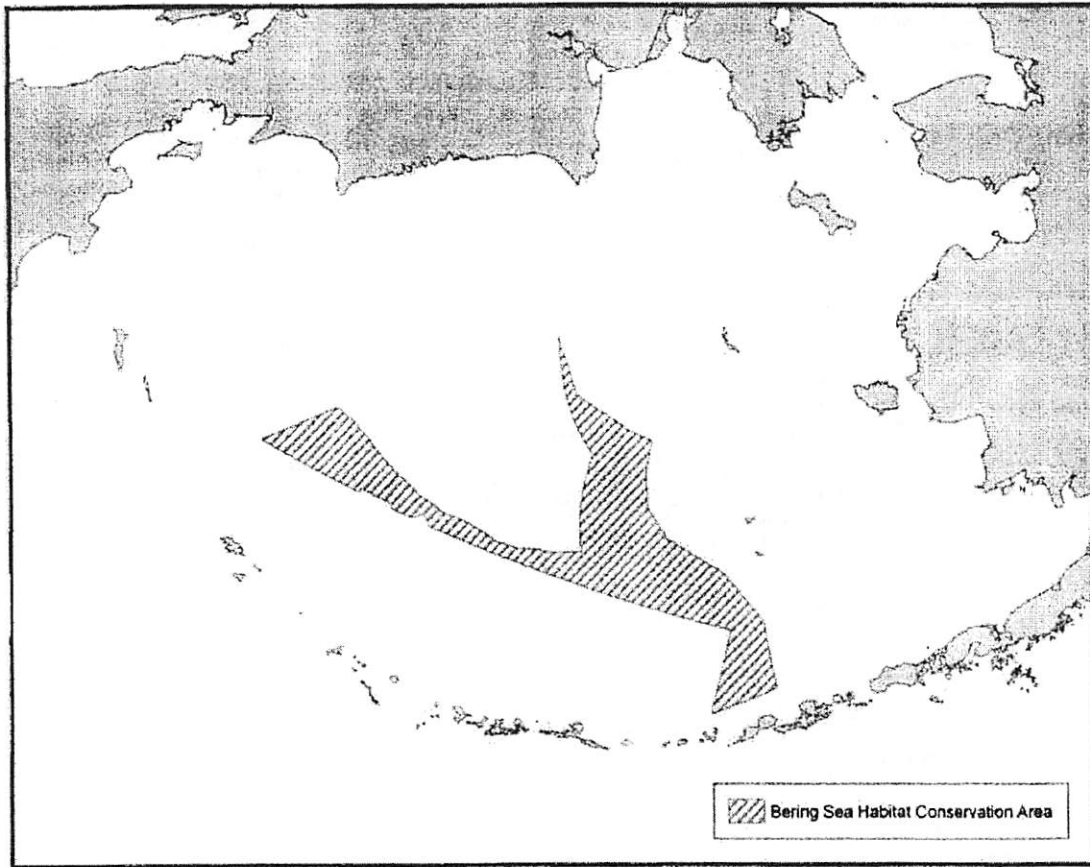


Figure 16 to part 679. Bering Sea Habitat Conservation Area

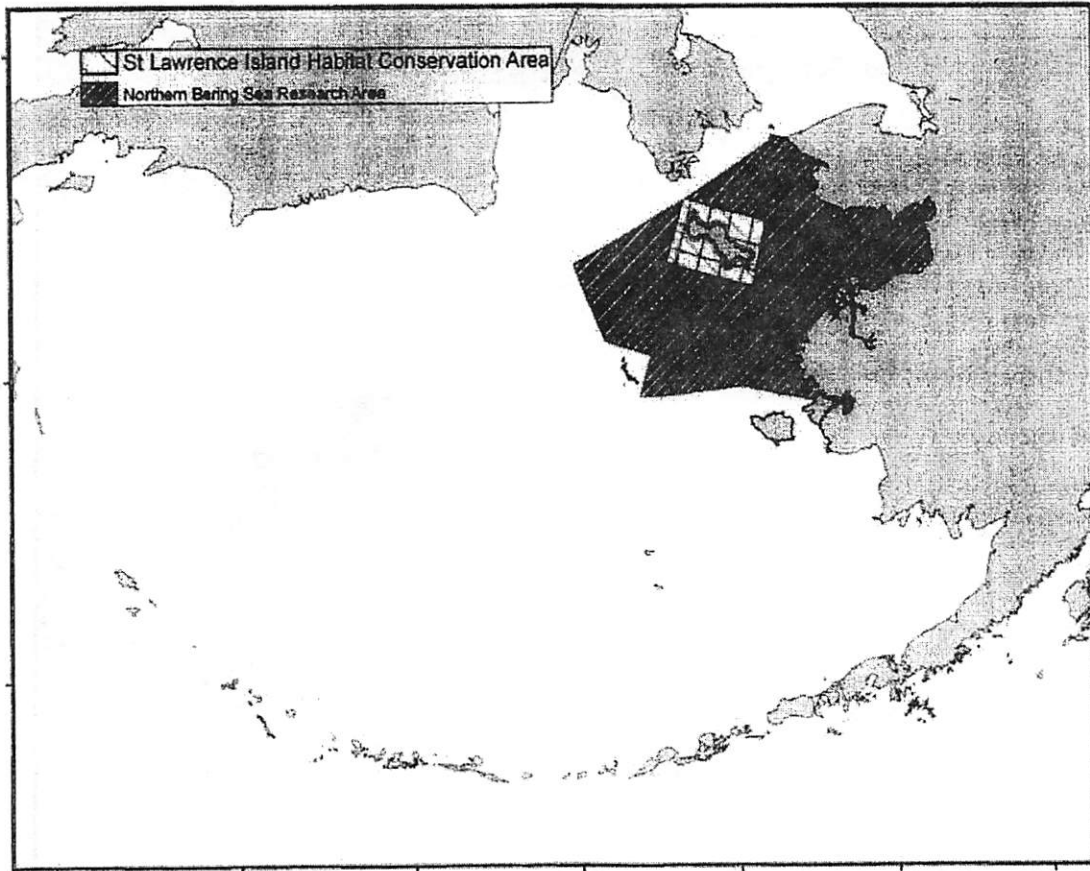


Figure 17 to part 679. Northern Bering Sea Research Area and St. Lawrence Island Habitat Conservation Area

6. Figure 21 is added to part 679 to read as follows:

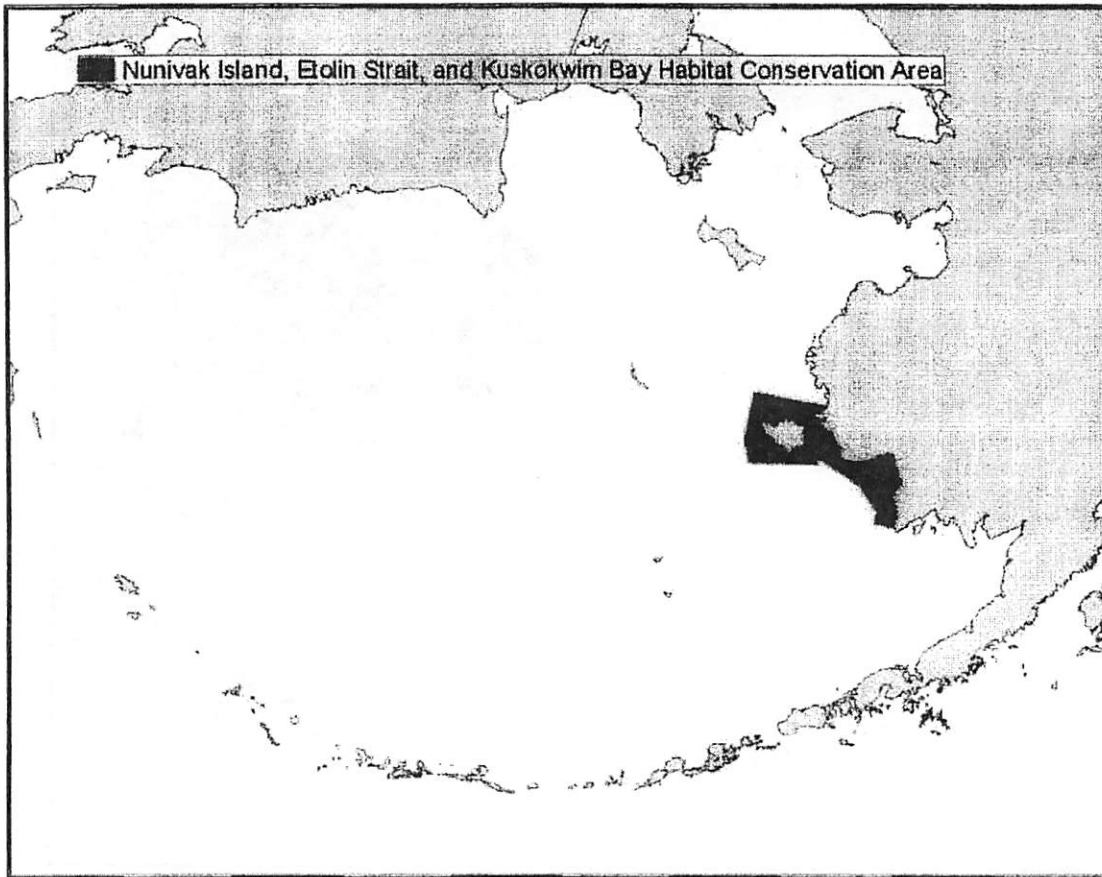


Figure 21 to part 679. Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area

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