

to: Jim Branson, NPFMC

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Agenda #5, Dec. 1977

Chapter VI - Fishery Conservation and Management,
National Oceanic and Atmospheric Administration,
Department of Commerce

Part 611, Groundfish of the Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration, Department
of Commerce

ACTION: Emergency amendment of regulations.

SUMMARY: This document sets forth an emergency amendment to the foreign
fishing regulations currently in effect for the Gulf of Alaska Trawl

Fishery (50 CFR 611). Specifically, this document amends 50 CFR 611.20
(c)(1) and 611.91(b) for the remainder of 1977 by combining the foreign
catch quotas for "Pacific ocean perch" and "other rockfishes".

EFFECTIVE DATE: 12:01 a.m. 1978 and shall remain in
effect for 45 days, unless repromulgated for an additional 45-day
period thereafter.

ADDRESS: Send comments to: Director, National Marine Fisheries
Service, 3200 Whitehaven, N.W., Washington, D.C. 20235.

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

SUPPLEMENTARY INFORMATION: In accordance with section 201(g) of
the Fishery Conservation and Management Act of 1976 (16 USC 1821(g)).

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The Secretary of Commerce prepared a Preliminary Management Plan (PMP) for the Trawl Fishery of the Gulf of Alaska (42 F.R. 8782, February 11, 1977), which was implemented, along with other PMP's, by Part 611 of the Foreign Fishing Regulations published on February 12, 1977 (50 CFR 611, 42 F.R., 8813).

While the PMP generally characterized Pacific ocean perch and other rockfishes as comprising a (single species) group of closely allied species in the Gulf of Alaska, sections 611.91(b) and 611.20(c)(1) of the regulations established separate foreign catch quotas for Pacific ocean perch and "other rockfishes", in spite of the fact that perch are very similar in appearance to certain types of other rockfish. This was done in an attempt to obtain further refinement in reported catch data.

On the basis of information developed by U.S. observers, it appears that Japanese fishermen have been mistakenly identifying substantial amounts of "other rockfish" as perch in the Gulf of Alaska. In the past, these fishermen have not been required to separate perch from other rockfish. Catch estimates based on observer information indicate that the Japanese have exceeded their quota for other rockfish in the Gulf, while a significant portion of their allocation for Pacific ocean perch remains untaken. It appears that certain portions of the catch reported as Pacific ocean perch is actually other rockfish.

The Table in 50 CFR 611.91(b) is amended to read as follows:

Species	Catch Quota (Metric Tons)
Pollock	149,000
Rockfish	33,000
Flounders	20,500
Sablefish	(1)
Arka Mackerel	22,000
Pacific Cod	2,300
Others (combination)	16,200

50 CFR 611.20(c)(1), Table 2, is amended by combining the individual foreign allocations of "Pacific ocean perch" and "other rockfishes" to form a single allocation for "rockfishes" in the Gulf of Alaska for Japan, the U.S.S.R. and the Republic of Korea.

Apparently because of such an unintentional mis-identification of species in the reported catch figures, section 611.51(d)(6) would require that all fishing by the Japanese in the Gulf of Alaska Trawl Fishery for the remainder of 1977 cease immediately as a result of exceeding their quota for other rockfish, denying them large portions of their allocations in pollock and other groundfish. Combining the foreign quotas for pacific ocean perch and other rockfish to form a single quota for rockfish, including pacific ocean perch, for the remainder of 1977 will prevent such an unduly harsh result. Existing information indicates that combining the quotas for this limited period would not have a significant impact on the resource involved.

Based upon these considerations, the Preliminary Management Plan for the Trawl Fishery of the Gulf of Alaska is hereby amended to combine the foreign quotas for pacific ocean perch and other rockfish. The foreign fishing regulations are therefore also amended to implement the PMP amendment. Formal notice of proposed rulemaking would be impractical, unnecessary, and contrary to the public interest. Accordingly, this amendment is effective immediately in accordance with section 333(b) of this Administrative Procedure Act, 60 Stat. 237, as amended.

Issued on November 17, 1977

at Washington, D.C.

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