Publication of these bycatch rate standards is necessary under regulations implementing the vessel incentive program. This action is necessary to implement the bycatch rate standards for trawl vessel operators who participate in the Alaska groundfish trawl fisheries. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources. DATES: Effective 12:01 a.m., Alaska local time (A.l.t.), January 20, 1995, through 12 midnight, A.l.t., June 30, 1995. Comments on this action must be received at the following address no later than 4:30 p.m., A.l.t., January 23, 1995.

ADDRESSES: Comments should be mailed to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel, or be delivered to 709 West 9th Street, Federal Building, room 401, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, 907-586-7228. SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) are managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the U.S. fisheries at 50 CFR parts 672, 675, and 676. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 620.

Regulations at  $\S 672.26$  and 675.26implement a vessel incentive program to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Under the incentive program, operators of trawl vessels may not exceed Pacific halibut bycatch rate standards specified for the BSAI and GOA midwater pollock and "other trawl" fisheries, and the BSAI yellowfin sole and "bottom pollock" fisheries. Vessel operators also may not exceed red king crab bycatch standards specified for the BSAI yellowfin sole and "other trawl" fisheries in Bycatch Limitation Zone 1 (defined in § 675.2). The fisheries included under the incentive program are defined in regulations at §§ 672.26(b) and 675.26(b).

Regulations at §§ 672.26(c) and 675.26(c) require that halibut and red king crab by catch rate standards for each fishery included under the incentive program be published in the Federal Register. The standards are in effect for specified seasons within the 6month periods of January 1 through June 30, and July 1 through December 31. Given that the GOA and BSAI fisheries are closed to trawling from January 1 to January 20 of each year (§§ 672.23(e) and 675.23(d) respectively), the Director, Alaska Region, NMFS (Regional Director), is implementing bycatch rate standards for the first half of 1995 effective from January 20, 1995, through June 30, 1995.

At its September 1994 meeting, the Council reviewed average 1992-94 bycatch rates experienced by vessels participating in the fisheries under the incentive program. Based on this and other information presented below, the Council recommended halibut and red king crab by catch rate standards for the first half of 1995. These standards were reconfirmed by the Council at its December 1994 meeting after the Council considered new information on the intent of some trawl vessel owners to purchase and use voluntarily largemesh gear to reduce groundfish discard amounts. The Council's recommended bycatch rate standards are listed in Table 1. As required by §§ 672.26(c) and 675.26(c), the Council's recommended bycatch rate standards for January through June are based on the following information:

- 1. Previous years' average observed bycatch rates;
- Immediately preceding season's average observed bycatch rates;
- 3. The bycatch allowances and associated fishery closures specified under §§ 672.20(f) and 675.21;
- 4. Anticipated groundfish harvests;
- 5. Anticipated seasonal distribution of fishing effort for groundfish; and
- Other information and criteria deemed relevant by the Regional Director.

## Bycatch Rate Standards for Pacific Halibut

The Council's recommended halibut bycatch rate standards for the 1995 trawl fisheries are unchanged from those implemented in 1994. The recommended 1995 standards are based largely on anticipated seasonal fishing effort for groundfish species and 1992–94 halibut bycatch rates observed in the trawl fisheries included under the incentive program. The Council recognized that the 1995 trawl fisheries do not start until January 20.

The recommended standard for the yellowfin sole fishery was maintained at 5.0 kilograms (kg) halibut per metric ton (mt) of groundfish for the first quarter of 1995. Regulations implemented in 1994 (59 FR 38132, July 27, 1994) revised the opening date for the vellowfin sole and "other flatfish" trawl fisheries from May 1 to January 20 of each year. This revision was initially implemented by emergency interim rulemaking on February 7, 1994 (59 FR 6222, February 10, 1994). The small amount of data available on halibut bycatch rates in the yellowfin sole fishery during the first quarter of 1994 show an average bycatch rate of about 2.70 kg halibut/mt of groundfish. This rate approximates the relatively low halibut bycatch rates experienced by vessels fishing in the BSAI joint venture fisheries during the mid to late 1980's (less than 2 kg halibut/mt of groundfish). The Council also recommended that a bycatch rate standard of 5.0 kg halibut/mt of groundfish be maintained for the second quarter of 1995, even though the average halibut bycatch rate experienced by the yellowfin sole fishery during the second quarter of 1994 (5.98 kg halibut/mt groundfish) was slightly higher than the standard.

Although the bycatch rate of halibut in the yellowfin sole fishery during the first half of the year has been as high as 13 kg halibut/mt groundfish (1993 observer data), the Council recommended a 1995 halibut bycatch rate standard of 5.0 kg halibut/mt of groundfish given that the average bycatch rates experienced by the vellowfin sole fishery during the first half of 1991, 1992, and 1994 were only slightly higher or below the recommended standard, indicating that vessel operators are able to fish at halibut bycatch rates lower than those experienced in 1993. Furthermore, a bycatch rate standard of 5 kg halibut/mt of groundfish will continue to encourage vessel operators to take action to avoid excessively high bycatch rates of halibut.

The halibut bycatch rate standard recommended for the BSAI and GOA midwater pollock fisheries (1 kg halibut/mt of groundfish) is higher than the bycatch rates normally experienced by vessels participating in these fisheries. The recommended standard is intended to encourage vessel operators to maintain off-bottom trawl operations and limit further bycatch of halibut in the pollock fishery when halibut bycatch restrictions at §§ 672.20(f)(3)(i) and 675.21(c)(1)(iii) prohibit directed fishing for pollock by vessels using nonpelagic trawl gear.