Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS is implementing Amendment 21b to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This amendment prohibits the use of trawl gear in specified areas of the Bering Sea and Aleutian Islands management area (BSAI) until April 15 of a fishing year if and when 48,000 chinook salmon are taken as bycatch by trawl vessels in the BSAI during the period from January 1 until April 15 of that fishing year. This action is necessary to limit chinook salmon bycatch in the trawl fisheries and is intended to promote the objectives of the FMP.

EFFECTIVE DATE: January 1, 1996.

ADDRESSES: Copies of Amendment 21b and the environmental assessment/ regulatory impact review/final regulatory flexibility analysis (EA/RIR/ FRFA) prepared for Amendment 21b are available from the North Pacific Fishery Management Council, 605 W. 4th Avenue, Anchorage, AK 99510; telephone: 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Sally Bibb, 907–586–7228.

SUPPLEMENTARY INFORMATION: Fishing for groundfish by U.S. vessels in the exclusive economic zone of the BSAI is managed by NMFS according to the FMP prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act). The FMP is implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 675 and 676. General regulations that also pertain to U.S. fisheries are codified at 50 CFR part 620.

Chinook salmon are caught incidentally in trawl fisheries in the BSAI management area. They are a prohibited species in the trawl fisheries and must be discarded after being counted by a NMFS-certified observer.

Chinook salmon bycatch in the domestic BSAI trawl fisheries exceeded 20,000 fish in 1987, 1988, and 1989, and exceeded 40,000 fish in 1991, 1992, 1993, and 1994. Chinook salmon bycatch in 1995 is estimated to be approximately 20,000 fish through September 23.

Concern about bycatch in the groundfish trawl fisheries exists because incidental harvests reduce the amount of chinook salmon available for escapement and subsistence, commercial, and recreational fisheries. From about 50 percent to over 90

percent of the chinook salmon bycatch in the BSAI is believed to originate from Western Alaska. Minimum escapement goals for several systems in the Yukon River, Kuskokwim River, and portions of Bristol Bay were not met in the midand late-1980's. Although escapement has improved in recent years, these goals are only being met through careful management of directed fisheries by time, area, and gear restrictions, and through increased abundance of chinook salmon. In addition, chinook salmon is one of the major food items of the Yup'ik Eskimo and Athabaskan Indians of Western and Interior Alaska and plays an important role in supporting the indigenous cultures and mixed, subsistence-cash socioeconomic systems of these peoples. Finally, commercial and recreational chinook salmon fishing provides a primary source of income in Western Alaska communities.

A proposed rule to implement Amendment 21b to the FMP was published in the Federal Register on September 8, 1995 (60 FR 46811). Public comment on the proposed rule was invited through October 20, 1995. A notice of availability for Amendment 21b was published in the Federal Register on August 21, 1995 (60 FR 45392). Comments on Amendment 21b were accepted through October 24, 1995. Five letters containing nine comments were received within the comment period. These comments are summarized in the "Response to Comments" section below.

Amendment 21b was approved by NMFS on November 20, 1995, under section 304(b) of the Magnuson Act. Upon reviewing the reasons for Amendment 21b and the comments on the proposed rule to implement it, NMFS has determined that this final rule creating a Chinook Salmon Savings Area (CHSSA) is necessary for fishery conservation and management. These measures are unchanged from the proposed rule.

Three non-contiguous areas of the BSAI comprised of nine $\frac{1}{2}$ latitude by 1° longitude blocks constitute the CHSSA. The CHSSA will be monitored for incidental catches of chinook salmon in the trawl fisheries during the period from January 1 until April 15 of each fishing year. If an annual prohibited species catch (PSC) limit is reached in the BSAI during that period, the CHSSA will then be closed to vessels using trawl gear. If closed, the CHSSA will reopen April 15 for the remainder of the year, regardless of the amount of chinook salmon bycatch.

The CHSSA are:

(1) The area defined by straight lines connecting the following coordinates in the order listed:

 $\begin{array}{l} 56^\circ \ 30' \ N., \ 171^\circ \ 00' \ W.; \\ 56^\circ \ 30' \ N., \ 169^\circ \ 00' \ W.; \\ 56^\circ \ 00' \ N., \ 169^\circ \ 00' \ W.; \\ 56^\circ \ 00' \ N., \ 171^\circ \ 00' \ W.; \\ and \\ 56^\circ \ 30' \ N., \ 171^\circ \ 00' \ W.; \end{array}$

(2) The area defined by straight lines connecting the following coordinates in the order listed:

- 54° 00' N., 171° 00' W.; 54° 00' N., 170° 00' W.;
- 53° 00' N., 170° 00' W.;
- $53^\circ\,00'\,N.,\,171^\circ\,00'\,W.;$ and
- 54° 00' N., 171° 00' W.

(3) The area defined by straight lines connecting the following coordinates in the order listed:

Further explanation of, and reasons for, this rule are contained in the preamble to the proposed rule (60 FR 46811, September 8, 1995).

Response to Comments

Five letters containing nine comments were received within the comment period. The following paragraphs provide a summary and response to comments.

Comment 1: The bycatch simulation model used to predict the biological and economic impacts of the alternatives is outdated and inappropriate. The model did not incorporate recent regulatory actions such as trawl closures, the pollock "B" season delay, and the Catcher Vessel Operational Area. In addition, the use of historical salmon bycatch rate information to predict future salmon bycatch patterns is misleading due to the difficulty of sampling to estimate salmon bycatch and to uncertainty associated with the historical data.

Response: The draft EA/RIR/FRFA was developed over a 3-year period from 1992 to 1995. The bycatch simulation model was used to analyze alternatives in early drafts and, consequently, was based on management measures and historical data available at that time. Additional alternatives, including the 8- and 9block closure areas, were included in the analysis in 1994 and 1995. At that time, the bycatch simulation model was