

a modified harvest control rule to prohibit directed fishing when the spawning biomass falls below 20 percent of the projected unfished spawning biomass, (b) closures within 10 or 20 nm of selected haulout and rookery sites to directed fishing for Atka mackerel, pollock, and Pacific cod in the GOA and BSAI, (c) closure of the Segum foraging area and most of the Bogoslof area to all gear types, (d) a Vessel Monitoring System (VMS) requirement to facilitate enforcement of closed areas, (e) closure of the Chignik area to pot, trawl, and hook-and-line gears, (f) closure within 10 or 20 nm of 46 rookeries and haulouts to hook-and-line fishing for Pacific cod and 44 rookeries and haulouts to pot fishing for Pacific cod, (g) modifications to the Community Development Quota (CDQ) groundfish program, (h) revisions to the Federal Fisheries Permit requirements, and (i) changes to the catcher vessel fishing trip definition.

3. Aleutian Island subarea protection measures include the following: (a) conduct of any pollock directed fishery authorized in the Aleutian Islands subarea outside of critical habitat and apportionment to two seasons (40:60 percent), (b) Pacific cod total allowable catch (TAC) apportionment by season and gear, as well as gear specific area restrictions that alternate with the Atka mackerel fishery in critical habitat in waters west of 178° W long., (c) closure of the Segum foraging area to pollock, Atka mackerel, and Pacific cod directed fishing by all gear types, (d) critical habitat harvest limit of 60 percent for Atka mackerel in waters west of 178° W long., (e) grouping of vessels for Atka mackerel fishing in critical habitat in waters west of 178° W long., (f) requirements for two observers for critical habitat Atka mackerel directed fishing, (g) closures of at least 0–3 nm around all haulouts for Atka mackerel and Pacific cod trawl fishing, and (h) closure to Atka mackerel critical habitat directed fishing with trawl gear east of 178° W long.

4. Bering Sea protection measures include the following: (a) two seasons (40:60 percent apportionment) for the pollock fishery with no more than 28 percent of the annual directed fishing allowance taken from the Steller sea lion conservation area (SCA) before April 1, (b) establishment of the Bering Sea Pollock Restriction Area (BSPRA) during the A season, (c) closure of the Catcher Vessel Operation Area (CVOA) to non-CDQ pollock trawl catcher/processors during the B season, (d) Pacific cod TAC apportionments by season and gear, as well as gear specific area restrictions, and (e) closure of all

Bering Sea subarea critical habitat within 20 nm of rookeries and haulouts to Atka mackerel trawl fishing.

5. Gulf of Alaska protection measures include the following: (a) distribution of pollock harvest evenly among 4 seasons, (b) closure of directed fishing for pollock in areas that vary from 0–20 nm to 0–3 nm around rookeries and haulouts, (c) two seasons (60:40 percent apportionment) for Pacific cod fishing and area restrictions that are dependent on gear type and vessel size, and (d) continuation of the NMFS Chiniak Gully research project to explore the effects of commercial fisheries on pollock abundance and distribution in the GOA.

In November 2002, the State of Alaska Board of Fisheries (BOF) adopted the same protection measures for the State parallel fisheries, with two exceptions in the GOA Pacific cod pot fishery. The ADF&G should be contacted for details on Steller sea lion protection measures inside State waters. Under the Steller sea lion protection measures implemented in 2002 and in this final rule, Caton Island and Cape Barnabas are closed from 0–3 nm to Pacific cod fishing with pot gear by vessels named on a Federal Fisheries Permit issued under 50 CFR 679.4(b). The State did not adopt these closures. In October 2002, the Council recommended to open waters from 0–3 nm around Cape Barnabas and Caton Island to directed Pacific cod pot fishing by vessels named on a Federal Fisheries Permit. Opening these areas for the Pacific cod pot fishery will ensure consistency between State and Federal groundfish fisheries regulations and prevent unnecessary constraint on the Pacific cod pot fishery. NMFS will publish a notice of proposed rulemaking proposing the opening of these areas in early 2003.

Changes to the Steller Sea Lion Protection Measures From the Proposed Rule

The notice of proposed rulemaking explained that NMFS would use CDQ catch reports to determine when catch limits have been reached, when area closures should occur, and how pollock catch should be accounted for in the groundfish CDQ fisheries. See 67 FR 56698, column 1 (September 4, 2002). In order to use the CDQ catch reports to manage the CDQ fisheries as proposed, NMFS must be able to assign reported CDQ catch to the reporting vessels' target fisheries. However, the proposed rule text omitted a necessary provision specifically requiring vessels participating in CDQ fisheries to indicate their intended target species on the CDQ catch reports submitted to

NMFS. This omission is corrected in this final rule at § 679.5(n)(2)(iii)(B)(4). This requirement was implemented by emergency interim rule in 2002 (67 FR 956, January 8, 2002) and was included in the Paperwork Reduction Act clearance submission prepared for the proposed rule.

The notice of proposed rulemaking specified that any vessel using pot, hook-and-line, or trawl gear in directed fisheries for Atka mackerel, Pacific cod, or pollock would have to register with NMFS and obtain endorsements for these directed fisheries on the vessel's Federal Fisheries Permit (FFP). A vessel would be prohibited from directed fishing for Atka mackerel, Pacific cod, or pollock without an endorsed FFP as described above. See 67 FR 56698, column 2, September 4, 2002. Although this language published in the proposed rule clearly indicates that the endorsement requirement and prohibition should apply only to vessels using pot, hook-and-line, or trawl gear, the proposed rule text would erroneously apply the prohibition to vessels using any type of gear. This error is corrected in this final rule at § 679.7(a)(1)(ii) by limiting this prohibition only to vessels using pot, hook-and-line, or trawl gear.

The proposed rule did not specify a first seasonal allowance of Pacific cod that would be available for harvest as an interim harvest specification at the beginning of a fishing year. Interim harvest specifications are established by regulations at § 679.20(c) to manage the annual fisheries during the period prior to the effective date of the final annual harvest specifications, which typically are not published until February or March. Pollock, Atka mackerel, and Pacific cod fisheries yield high economic value in the period from January through March because of the quality of the fish and high catch per unit of effort on spawning aggregations.

The interim specifications for pollock and Atka mackerel are specified by regulations as the first seasonal allowances for these species proposed in the annual notice of proposed harvest specifications. Although the proposed Steller sea lion protection measures explained that 60 percent of the Pacific cod TAC is allocated to the A season beginning in January each year (see 67 FR 56701, Table 2, September 4, 2002), the proposed rule text does not specifically make this first seasonal allowance of Pacific cod available for harvest under the interim specifications. This omission is corrected in the final rule at §§ 679.20(c)(2) and 679.20(c)(2)(ii)(B) by specifying that the interim harvest specification for Pacific