

Response: This final rule does not rely on the Logbook for monitoring the GHL. The Harvest Survey will be used to estimate annual harvests by the guided recreational fleet since the Logbook no longer collects data on halibut harvest in the guided recreational fleet. NMFS is exploring the development of a data collection system to augment the Harvest Survey. This final rule does not implement harvest restrictions and data on individual vessel harvests are not required at this time.

Comment 6: The mechanism for implementing the harvest restriction measures without the use of the Logbook for monitoring and enforcement is unclear.

Response: This final rule does not impose harvest restrictions on the guided recreational fleet. As stated earlier, NMFS is in the process of developing a new data collection program for the guided recreational fishery. That program could be used if the Council were to recommend, and the Secretary were to adopt, any additional management measures during subsequent rulemaking.

Classification

Included in this final rule is the Final Regulatory Flexibility Analysis (FRFA) that contains the items specified in 5 U.S.C. 604(a). The FRFA consists of the IRFA, the comments and responses to the proposed rule, and the analyses completed in support of this action. A copy of the IRFA is available from the Council (*see ADDRESSES*). The preamble to the proposed rule included a detailed summary of the analyses contained in the IRFA, and that discussion is not repeated in its entirety here.

Statement of Objective and Need

A description of the reasons why this action is being considered, and the objectives of and legal basis for this action are contained in the preamble to the proposed rule and are not repeated here.

Summary of Significant Issues Raised in Public Comments

Comments received prior to the close of the comment period for the proposed rule focused on a range of issues. Specifically, many comments addressed issues related to the implementation of a framework of harvest restriction measures which are no longer a part of this final rule. These comments are addressed in detail in the preamble. For a summary of the comments received, refer to the section above titled "Comments and Responses."

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

A description and estimate of the number of small entities to which the rule will apply is provided in the IRFA and IRFA summary contained in the Classification section of the proposed rule and is not repeated here. The final rule has been modified from the proposed rule and the number of small entities to which the rule will apply has been affected by these changes. As noted in the preamble, no entities are directly regulated by this action. This action serves as a notification for the public and the Council that a specific harvest level has been reached. NMFS provides this notification process and no small entities are regulated once a GHL is reached without additional action by the Council and NMFS. This FRFA is being undertaken because an IRFA was prepared for the proposed rule which contained measures that would have regulated small entities. Those measures are no longer part of this final rule.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

A description of projected reporting, recordkeeping, and other compliance requirements is provided in the IRFA and IRFA summary contained in the Classification section of the proposed rule and is not repeated here.

Steps Taken to Minimize Economic Impacts on Small Entities

This rule would (1) establish the GHL in Areas 2C and 3A; (2) describe the mechanism for reducing the GHL in years of low abundance as determined by the Commission; (3) establish a requirement for NMFS to publish the GHL on an annual basis in the **Federal Register**; and (4) require NMFS to notify the Council in writing within 30 days of receiving information that the GHL has been exceeded. The potential economic impacts of these measures are described in detail in the IRFA and IRFA summary contained in the classification section of the proposed rule and in the preamble of this final rule. This action does not directly regulate small entities and would not have an impact on those entities. No measures were taken to reduce impacts on small entities beyond those already taken with the development of alternatives in the IRFA. The IRFA considered an alternative that would have maintained the status quo. The regulatory effect described in this action is effectively the same as the no

action alternative developed in the IRFA.

NMFS is not aware of any alternatives in addition to those considered in this action that would accomplish the objectives of the Magnuson-Stevens Act and other applicable statutes while further minimizing the economic impact of the rule on small entities. The impact on small entities under this action is the same as the status quo for the small entities in the Pacific halibut and sablefish IFQ fisheries and the guided halibut recreational fishery.

The IRFA analyzed alternatives that would have established a series of frameworked harvest restriction measures as well as a moratorium on new participants to the guided recreational halibut fishery as well as the no-action alternative. The no action alternative would have resulted in no changes to existing fishing patterns by the guided recreational fleet. This alternative was not chosen, however, in order to implement the GHL policy and notification process described in this proposed rule. The net economic effect of this action is the same as the no action alternative. The analysis supporting this statement is provided in the IRFA and is not repeated here.

The IRFA also examined an alternative that would have implemented a series of frameworked harvest restriction measures if a GHL were exceeded. This alternative would have been expected to result in more significant economic impacts on guided recreational vessels than the action being implemented. The analysis supporting this statement is provided in the IRFA and is not repeated here.

The IRFA also examined an alternative that would have implemented a moratorium on new participants in the guided recreational fishery. This alternative would have been expected to result in more significant economic impacts on guided recreational vessels than the action being implemented. The analysis supporting this statement is provided in the IRFA and is not repeated here.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. This paragraph serves