

alternative because estimates of changes that might occur in the absence of fixed gear allocations cannot be made.

However, some changes may occur; indications are that each sector might want to increase its relative share of the Pacific cod TAC, especially given the current, relatively low opilio crab GHL, and the limited opportunity in alternative fisheries. How the competition would play out is not easy to predict; although it is likely there would be more fishing pressure in the A season, and unlikely that smaller boats would increase their share.

The fixed gear allocations under Amendment 64 have been in place since mid 2000, so each sector has been constrained by those allocations. However, the pot gear share of the fixed gear Pacific cod TAC has not been further apportioned between pot catcher/processors and pot catcher vessels. The pot catcher vessel sector increased its relative share of the pot gear quota in 2000, 2001, and 2002, and the number of pot vessels less than 60 ft (18.3 m) LOA is not constrained by the Pacific cod endorsement requirement under Amendment 67. The action as approved by the Council, which would split the pot sector allocation based on catch histories from 1998–2001, would allow the pot catcher vessels to maintain the higher percentage of pot sector quota TAC that they have achieved in the past few years relative to the pot catcher/processors.

As with many allocation-based management measures, the alternatives propose a percentage allocation of the TAC among competing groups of vessels. In this case, vessels in each group are primarily small entities representing a tradeoff in terms of impacts; some small entities could be negatively affected, and others positively affected. Under Amendment 64, and again proposed under this amendment, a separate allocation of 1.4 percent was made to hook-and-line and pot catcher vessels less than 60 ft (18.3 m) LOA, the effect of which was to allocate more Pacific cod to catcher vessels delivering to shorebased processors than they had historically harvested. That type of allocation tends to disproportionately benefit the smallest entities among these fishery sectors. The proposed seasonal reallocation of unused Pacific cod jig gear quota from hook-and-line catcher/processors to the less than 60 ft (18.3 m) LOA pot and hook-and-line vessels similarly is a tradeoff that benefits the smaller entities.

Nothing in the proposed amendment would cause any obvious disproportionate regulatory impacts to

small entities, relative to large ones. From one perspective, setting a percentage allocation will keep one sector from increasing its share relative to what it could do under the no action alternative. Based on the information developed for the RIR and from public testimony, it appears that the pot sector is more likely to increase its relative share in the absence of a quota split. Another way to look at this, is that continuing separate BSAI Pacific cod allocations for the fixed gear sectors would serve to maintain the current share taken by the smallest entities.

Another mitigating effect should occur from implementation of Amendment 67. One of the points raised in opposition to the split when it was considered in 1999 under Amendment 64 is that many pot vessels are qualified under the LLP but have not participated in the Pacific cod fishery, and if the pot sector's share of the quota were fixed at a specific level, and some of these vessels began to participate, pot vessels already participating in and dependent on the fishery would be at a disadvantage. The intent of Amendment 67, which went into effect on January 1, 2003, is to eliminate the latent capacity in both the pot and longline fleets by adopting species and gear endorsements based on a set of minimum level of landings and years of participation.

Nothing in the proposed action would result in any changes in reporting or recordkeeping requirements, and NMFS has not identified any relevant Federal rules that may duplicate, overlap, or conflict with the preferred alternative.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: August 12, 2003.

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National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; Title II of Division C, Pub. L. 105–277; Sec. 3027, Pub. L. 106–31, 113 Stat. 57; 16 U.S.C. 1540(f).

2. In § 679.20, paragraphs (a)(7)(i)(C), (a)(7)(ii)(C), and (a)(7)(iii)(A) are revised to read as follows:

§ 679.20 General limitations.

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(a) * * *

(7) ***

(i) ***

(C) *Allocations among vessels using hook-and-line or pot gear.* (1) The Regional Administrator annually will estimate the amount of Pacific cod taken as incidental catch in directed fisheries for groundfish other than Pacific cod by vessels using hook-and-line or pot gear and deduct that amount from the portion of Pacific cod TAC annually allocated to hook-and-line or pot gear under paragraph (a)(7)(i)(A) of this section. The remainder will be further allocated as directed fishing allowances as follows:

(i) 80.0 percent to catcher/processor vessels using hook-and-line gear;

(ii) 0.3 percent to catcher vessels using hook-and-line gear;

(iii) 3.3 percent to catcher/processor vessels using pot gear;

(iv) 15.0 percent to catcher vessels using pot gear; and

(v) 1.4 percent to catcher vessels less than 60 ft (18.3 m) LOA that use either hook-and-line or pot gear.

(2) Harvest of Pacific cod by catcher vessels less than 60 ft (18.3 m) LOA using pot gear:

(i) Will accrue against the 15 percent specified in paragraph (a)(7)(i)(C)(1)(iv) of this section when the directed fishery for Pacific cod by catcher vessels equal to or greater than 60 ft (18.3 m) LOA using pot gear is open.

(ii) Will accrue against the 1.4 percent specified in paragraph (a)(7)(i)(C)(1)(v) of this section when the directed fishery for Pacific cod by catcher vessels equal to or greater than 60 ft (18.3 m) LOA using pot gear is closed.

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(ii) * * *

(C) *Reallocation among vessels using trawl or non-trawl gear.* If, during a fishing year, the Regional Administrator determines that vessels using trawl gear, hook-and-line gear, pot gear or jig gear will not be able to harvest the entire amount of Pacific cod in the BSAI allocated to those vessels under paragraphs (a)(7)(i)(A), (a)(7)(i)(B) or (a)(7)(i)(C) of this section, NMFS will reallocate the projected unused amount of Pacific cod to vessels harvesting Pacific cod using the other gear type(s) through notification in the **Federal Register**, subject to the provisions below:

(1) *Reallocation of TAC specified for jig gear.* The Regional Administrator will reallocate any projected unused portion of a seasonal allowance of Pacific cod for vessels using jig gear under paragraphs (a)(7)(i)(A) and (a)(7)(iii)(A) of this section to catcher