

After the Area 2A TAC is known, and after NMFS reviews public comments, NMFS will implement final rules governing the sport fisheries. The final ratio of halibut to chinook to be allowed as incidental catch in the salmon troll fishery will be published with the annual salmon management measures. Inseason actions in the sport fisheries as stipulated in this Plan will be accomplished in accordance with § 301.21(d)(4).

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50 CFR Part 676

[Docket No. 941266-4366; I.D. 121594B]

RIN 0648-AG45

Limited Access Management of Federal Fisheries In and Off of Alaska; Improve IFQ Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule to amend portions of the regulations implementing the Individual Fishing Quota (IFQ) Program for the Pacific halibut and sablefish fixed gear fisheries in and off of Alaska. This action is necessary because the IFQ Program needs further refinement prior to implementation in 1995, and is intended to improve the ability of NMFS to manage the halibut and sablefish fisheries.

DATES: Comments must be received by February 13, 1995.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Copies of the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) for this action may be obtained from the above address.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The IFQ Program is a regulatory regime designed to promote the conservation and management of the halibut and sablefish fisheries, and to further the objectives of the Magnuson Fishery Conservation and Management Act and the Northern Pacific Halibut Act.

Beginning in 1995, the Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fixed gear fisheries in the areas defined in 50 CFR 676.10 (b) and (c) will be managed in accordance with the regulations codified at 50 CFR part 676. Further information on the implementation of this management program, and the rationale supporting it, is contained in the preamble to the final rule implementing the IFQ program published in the **Federal Register**, November 9, 1993 (58 FR 59375).

This action amends various portions of the regulations implementing the IFQ Program. Some of the changes are intended to clarify regulations that may be ambiguous. Other changes would add provisions intended to increase the efficacy of the IFQ program. All the changes are designed to make the IFQ Program more responsive to the conservation and management goals for the fishery resources.

Geographic Locations of Primary Ports

Geographic location descriptions would be added to § 676.17(a)(4) for the listed primary ports where vessel operators can obtain vessel clearances from clearing officers. If a vessel is required to be boarded prior to receiving clearance, the clearing officer will direct the person operating that vessel to a convenient docking facility within a reasonable distance of the geographic location provided in the regulations. When the final rule implemented the IFQ Program, a portion of the regulations was specifically reserved for geographic location descriptions. They would provide vessel operators with notification of the approximate locations where boardings may occur, if these are deemed necessary by a clearing officer.

Vessel Clearance in Alaska

Paragraph (a)(5) would be added to § 676.17, requiring a vessel operator to obtain vessel clearance from a clearing officer located at a primary port in the State of Alaska before that vessel operator lands IFQ species in a foreign port. This requirement would provide necessary information to NMFS Enforcement, so that it may thwart the landing of unreported IFQ species in foreign ports. This requirement is especially necessary for the designated Canadian ports, which are located between the primary ports of Ketchikan, AK, and Bellingham, WA. If vessel operators planning to land at the designated Canadian ports were permitted to clear in Bellingham, they would be able to land unreported fish in any Canadian port prior to clearing their

vessel in Bellingham. This potential for nonreporting of IFQ product would be corrected by requiring vessel clearance in an Alaskan primary port prior to landing IFQ species in a foreign port.

Canadian Ports

Paragraph (a)(6) would be added to § 676.17, describing Port Hardy, Prince Rupert, and Vancouver, British Columbia, as the only Canadian ports where IFQ species may be landed. Designating these three ports would assist NMFS Enforcement in its task of ensuring that all IFQ species landed are properly recorded. Two issues, the multiplicity of ports on the coast of Canada that will not have enforcement presence, and the similarity between the Canadian Individual Vessel Quota (IVQ) Program and the U.S. IFQ Program, were determining factors in limiting the Canadian landing ports where IFQ species could be landed to three. Also, the three-port limit would be similar to the provisions of the agreement between the United States and Canada pertaining to the IVQ Program, under which IVQ product may be landed only at the following U.S. ports: Ketchikan, AK; Bellingham and Blaine, WA.

Definition of Clearing Officer

A definition of "clearing officer" would be added to § 676.11 to mean a NMFS special agent, a NMFS fishery enforcement officer, or a NMFS enforcement aide who is authorized to provide vessel clearances and perform other duties as described in part 676. A clearing officer should not be confused with an authorized officer, as defined in § 620.2 of this title. Changes would be made throughout part 676 consistent with the new definition of a clearing officer. Creating a definition, and using it throughout the regulations, would assist in uniform interpretation of the regulations and consistent behavior based on that interpretation. Also, the proposed term would help prevent confusion with other terms already defined (e.g., authorized officer).

Landing Requirements

Paragraph (a)(7) would be added to § 676.17, requiring a vessel operator having any IFQ species onboard to land and weigh all species onboard at the same time and place as the first landing of any species onboard. For example, if a vessel had Pacific halibut (IFQ species), sablefish (IFQ species), and Pacific cod (non-IFQ species) onboard, and the operator wanted to offload the Pacific cod to a tender, the operator also would be required to offload and weigh the Pacific halibut and sablefish. This provision would ensure that all IFQ