

marine mammals and seabirds adversely.

A bycatch simulation model was used initially to examine the potential impact of alternative trawl closure areas around the Pribilof Islands. Results of this analysis suggested that minimal impacts in halibut or Tanner crab bycatch amounts would occur. The EA/RIR prepared for this action states that these results could be due to the relatively small spatial scale of the proposed alternatives that the model could not approximate, or reflect a fairly accurate minimal impact, both economically and in terms of bycatch of prohibited species.

Analysis of the preferred alternative did not make use of the bycatch simulation model, in part because an updated version of the model was not available. Instead, analysts examined historical distribution and observed bycatch rates of prohibited species and the potential displacement of fishing effort from the proposed closed area to other fishing grounds. Based on this information and the previous bycatch simulation model runs, NMFS believes the best available information was used to examine the potential impact of the alternative trawl closures and that the proposed trawl closure would not be anticipated to result in an increase in prohibited species bycatch amounts.

The EA/RIR included adequate analysis of the economic impacts relative to the groundfish fisheries in this area. Amendment 21a will have a larger impact on the flatfish fisheries than on other groundfish fisheries because the highest blue king crab bycatch rate in the groundfish fisheries has occurred in the closed area. Furthermore, the rock sole fishery experiences the highest bycatch rate of blue king crab, which is the species in need of protection.

Comment 3: The proposed Pribilof Island area closure should be approved, because it will protect most of the king crab stocks, and enhance the rebuilding of depressed blue king crab stocks without causing foregone harvest of groundfish.

Response: NMFS concurs with this comment.

Comment 4: Amendment 21a is a conservation measure of significant proportion that is greatly needed and supported by the residents of the Pribilof Islands. Adequate support to minimize the impacts of the trawl fisheries was provided.

Response: NMFS concurs with this comment.

Comment 5: The effects of this closure to protect crab, seabirds, and marine mammals will significantly affect 14

vessels that fish in the Pribilof Islands area for rock sole and flatfish. To the extent that most of the groundfish catch for these fisheries and vessels takes place in the Pribilof Islands area, the displacement of these trawl vessels to other open areas will result in significant adverse economic effects. According to a Report to Industry on Blue and Red King Crab populations in the Pribilof District, the abundance of blue king crab has increased by 425 percent. The EA/RIR included the following points: (1) The abundance of red king crab in the area surrounding the Pribilof Islands has increased despite continued trawl activity, (2) no assessment of past trawl closures for crab has been conducted, (3) justification is lacking for the alleged destructive impact of bottom trawling on blue king crab's habitat and (4) different models were used to analyze different alternatives for the closed area.

Response: The rock sole fishery will be able to continue in areas adjacent to the closed area. The movement of the rock sole fleet to other areas would allow the rock sole fishery to continue without affecting blue king crab stocks, marine mammals, and seabird populations that are dependent on the Pribilof Islands area. Although the NMFS crab survey indicated the abundance of red king crab has increased in the Pribilof Islands area in recent years, the habitat of red king crab covers an extensive portion of the Bering Sea. Blue king crab are present in isolated populations in localized areas near the Pribilof Islands, St. Matthew Island, and St. Lawrence Island. Blue king crab distribution does not extend uniformly across the Bering Sea.

While a 425 percent increase in blue king crab abundance occurred from 1985 to 1993, 1985 marks the lowest annual abundance of blue king crab populations, and when compared to the 1980 abundance, the 1985 abundance is 8,800 percent lower.

The Council developed two sets of alternatives for the trawl closure based on either: (a) Geographic coordinates of existing management areas; or (b) the habitat of blue king crab, seabirds and marine mammals as determined through NMFS trawl survey data. The first set of alternatives was analyzed using a bycatch simulation model. This approach was not used for the second set of alternatives because an updated version of the model was not available. Instead, these alternatives were examined using new technology developed for the global positioning of observer and fishery data.

Classification

The Director, Alaska Region, NMFS, has determined that FMP Amendment 21a is necessary for the conservation and management of the BSAI groundfish fishery and is consistent with the Magnuson Act and other applicable laws.

The Assistant General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities.

NMFS has approved an emergency interim rule prohibiting directed fishing for groundfish by vessels using trawl gear in part of the Bering Sea Subarea to protect red king crab. The emergency rule closure will result in a redistribution of trawl effort for roe-bearing rock sole from historically productive fishing grounds in the Bristol Bay Subarea to other areas of the Bering Sea. The final rule implementing Amendment 21a must become effective concurrent with the emergency rule to prevent an unprecedented increase in trawl effort around the Pribilof Islands that could result from the redistribution of the rock sole fishery under the emergency rule. An increase in trawl effort around the Pribilof Islands would jeopardize the intent of Amendment 21a to protect the important crab, marine mammal, and seabird habitat located in this area. The need to implement Amendment 21a in a timely manner constitutes good cause under authority contained in 5 U.S.C. 553(d)(3), to waive the 30-day delay in effective date and make the rule effective on January 20, 1995.

This action has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: January 13, 1994.

Charles Karnella,

*Acting Program Management Officer,
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 675 is amended as follows:

PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

1. The authority citation for part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 675.24, paragraph (h) is added as follows: