

**Alternative Methods of Compliance (AMOCs)**

(l) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Issued in Renton, Washington, on June 3, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622**

[I.D. 060805B]

RIN 0648-AP51

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Amendment to the Fishery Management Plans of the U.S. Caribbean**

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

**ACTION:** Notification of availability of FMP amendment.

**SUMMARY:** The Caribbean Fishery Management Council (Council) has submitted a comprehensive amendment to its Spiny Lobster, Queen Conch, Reef Fish, and Coral Fishery Management Plans (FMPs) for review, approval, and implementation by NMFS. The amendment proposes to: establish management strategies to end overfishing and rebuild overfished stocks; require standardized collection of bycatch data; minimize bycatch and bycatch mortality to the extent practicable; designate essential fish habitat (EFH) and EFH habitat areas of particular concern (EFH-HAPCs) for managed stocks; and minimize, to the extent practicable, adverse effects on such habitat caused by fishing. The Council is proposing these actions to support the objectives of the Council's Spiny Lobster, Queen Conch, Reef Fish, and Coral FMPs. The intended effect of these proposed actions is to achieve optimum yield in the fisheries and provide social and economic benefits associated with maintaining healthy fishery stocks.

**DATES:** Written comments must be received no later than 5 p.m., eastern time, on August 15, 2005.

**ADDRESSES:** You may submit comments by any of the following methods:

- E-mail: [0648-AP51.NOA@noaa.gov](mailto:0648-AP51.NOA@noaa.gov).

Include in the subject line the following document identifier: 0648-AP51-NOA.

- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Mail: Steve Branstetter, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

- Fax: 727-824-5308, Attention: Steve Branstetter.

Copies of the comprehensive amendment, which includes a Final Supplemental Environmental Impact Statement, a Regulatory Impact Review, and an Initial Regulatory Flexibility Analysis are available from the Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918-2577; telephone: 787-766-5926; fax: 787-766-6239; e-mail: [miguelar@coqui.net](mailto:miguelar@coqui.net).

**FOR FURTHER INFORMATION CONTACT:** Dr. Steve Branstetter, phone: 727-824-5305; fax: 727-824-5308; e-mail: [steve.branstetter@noaa.gov](mailto:steve.branstetter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each Regional Fishery Management Council to submit any FMP or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

The amendment evaluates the benefits and impacts of a number of alternatives to address the following general categories of actions: (1) Defining fishery management units (FMUs) and sub-units; (2) specifying biological reference points and stock status determination criteria; (3) regulating fishing mortality; (4) rebuilding overfished fisheries; (5) achieving the Magnuson-Stevens Act bycatch mandates; and (6) achieving the Magnuson-Stevens Act EFH mandates.

**Fishery Management Units**

The amendment proposes to re-define the FMUs and sub-units in the Queen Conch, Reef Fish, and Coral FMPs. The amendment proposes to redefine select FMUs to represent those species present in sufficient numbers in the U.S. EEZ to warrant inclusion in Council FMPs, retain select species in FMUs for data

collection only, and define or modify FMU sub-units to include species that are best managed together or as a unit.

**Biological Reference Points and Stock Status Criteria**

For all managed species (or FMU sub-units), with the exception of those species that would be included in a data collection only category, the amendment proposes to establish or revise values such as maximum sustainable yield (MSY), optimum yield, fishing mortality rate and biomass level ratios, minimum stock size threshold, maximum fishing mortality threshold, and define limit and target control rules.

**Rebuilding Strategies**

The amendment describes management strategies to rebuild those stocks considered to be overfished, or to protect stocks from becoming overfished. The rebuilding schedules are designed to rebuild these stocks to their biomass at MSY ( $B_{MSY}$ ) within specified time frames. To achieve these goals, the Council is proposing actions to achieve immediate reductions in fishing mortality including closed seasons and areas, gear restrictions, and administrative actions to foster the development of consistent regulations in state and Federal waters.

**Standardized Bycatch Reporting Methodology**

The amendment proposes several actions to improve U.S. Caribbean bycatch data collection for fisheries of the region including modifying trip tickets used by the local governments to incorporate bycatch data fields. In addition, management measures are proposed to further reduce bycatch.

**Essential Fish Habitat**

The amendment describes, identifies, and designates EFH and EFH-HAPCs for managed stocks, and proposes management actions to minimize to the extent practicable adverse effects on such habitat caused by fishing.

A proposed rule that would implement measures outlined in the amendment has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Comments received by August 15, 2005, whether specifically directed to the comprehensive amendment or the

subsequent proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: June 9, 2005.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 050607152-5152-01; I.D. 052605B]

RIN 0648-AT04

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Retention Standard

**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 implement Amendment 79 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). This action is necessary to reduce bycatch and improve utilization of groundfish harvested by catcher/processor trawl vessels in the Bering Sea and Aleutian Island management area (BSAI) that are not listed American Fisheries Act (AFA) catcher/processors referred to throughout this proposed rule as non-AFA catcher/processors. This action is intended to promote the management objectives of the Improved Retention/Improved Utilization (IRIU) program, the FMP, and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Written comments on the proposed rule must be received by August 1, 2005.

**ADDRESSES:** Written comments may be sent to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries

Division, Alaska Region, NMFS, Attn: Lori Durall. Comments may be submitted by any of the following methods:

- E-mail: [BSA79PR-0648-AT04@noaa.gov](mailto:BSA79PR-0648-AT04@noaa.gov). Include in the subject line of email comments the following identifier: GRS. E-mail comments, with or without attachments, are limited to 5 megabytes;
- Webform at the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments;
- Mail to P.O. Box 21668, Juneau, AK 99802;
- Fax: to (907) 586-7557; or
- Hand Delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, AK.

Comments regarding the burden-hour estimates or other aspects of the collection-of information requirements contained in this rule should be submitted in writing to NMFS at the ADDRESSES above, and e-mail to David Rostker, OMB, by e-mail at [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov) or by fax to 202-395-7285.

Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for this action may be obtained from the same mailing address above or from the NMFS Alaska Region website at [www.fakr.noaa.gov](http://www.fakr.noaa.gov).

**FOR FURTHER INFORMATION CONTACT:**

Jason Anderson at [Jason.anderson@noaa.gov](mailto:Jason.anderson@noaa.gov) or Jeff Hartman at [Jeff.hartman@noaa.gov](mailto:Jeff.hartman@noaa.gov). Either may be contacted at (907) 586-7228.

**SUPPLEMENTARY INFORMATION:**

**Background**

NMFS manages the U.S. groundfish fisheries of the BSAI in the Exclusive Economic Zone under the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP pursuant to the Magnuson-Stevens Act. Regulations implementing the FMP appear at 50 CFR part 679. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

Public comments are being solicited on Amendment 79 through the end of the comment period specified in the notification of availability of the FMP amendment (NOA). The NOA published in the **Federal Register** on June 2, 2005 (70 FR 32287), with comments on the amendment invited through August 1, 2005. Public comments on the proposed rule must be received by the end of the comment period on the amendment, as published in the NOA, to be considered

in the approval/disapproval decision on the amendment. All comments received by the end of the comment period on the amendment, whether specifically directed to the amendment, or the proposed rule, will be considered in the approval/disapproval decision. Comments received after that date will not be considered in the approval/disapproval decision on the amendment. To be considered, written comments must be received by the close of business on the last day of the comment period/ that does not mean postmarked or otherwise transmitted by that date.

This proposed action is one of several adopted by the Council in recent years to decrease regulatory and economic discards and increase catch utilization in the BSAI groundfish fisheries. Amendment 49 to the FMP was implemented on January 3, 1998 (62 FR 63880), establishing IRIU standards for pollock and Pacific cod beginning January 3, 1998, and for rock sole and yellowfin sole (flatfish) beginning January 1, 2003. In 2001, the Council determined that cost, market and logistical constraints would prevent non-AFA trawl catcher/processors from being able to comply with IRIU requirements for flatfish. In June 2002, the Council developed a problem statement for the development of alternatives to address the pending effective date of IRIU regulations for flatfish. In October 2002, the Council adopted Amendment 75 to the FMP which delayed the effective date of IRIU requirements for flatfish harvested in the BSAI until June 1, 2004. The Council's intent for this delay was to provide additional time for the development of bycatch reduction measures that could be more practically and effectively applied to the non-AFA trawl catcher/processor sector.

In October 2002, the Council also initiated the analysis of four new FMP amendments that were intended to augment or replace IRIU regulations for BSAI flatfish prior to the June 2004 effective date for this program. Amendment "B" would have created flatfish discard limits for the flatfish fisheries; Amendment 76 would exempt fisheries with less than a 5-percent IRIU flatfish bycatch rate from IRIU flatfish regulations; Amendment 79 (the proposed action) would establish a minimum groundfish retention standard (GRS); and Amendment 80 (as modified at the October 2004 Council meeting) would allocate specified target species and prohibited species catch (PSC) limits to non-AFA trawl catcher/processors and allow these vessels to form one or more fishery cooperatives.