

this determination in a letter dated October 20, 2005.

NMFS prepared an FEIS for this regulatory amendment. A Notice of Availability of the FEIS was published on May 6, 2005. The Record of Decision is available from William L. Robinson (see ADDRESSES).

#### List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian natives, Indians, Northern Mariana Islands, and Reporting and recordkeeping requirements.

Dated: December 13, 2005.

**James W. Balsiger,**

*Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

■ For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

#### PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

■ 1. The authority citation for part 660 continues to read as follows:

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

■ 2. In § 660.22, paragraphs (aa), (bb), (cc), and (mm) are removed; paragraphs (dd) through (ll) are redesignated as (aa) through (ii); paragraphs (nn) through (vv) are redesignated as paragraphs (jj) through (rr); new paragraphs (ss) through (vv) are added and reserved; and paragraph (z) is revised to read as follows:

##### § 660.22 Prohibitions.

\* \* \* \* \*

(z) Fail to fish in accordance with the seabird take mitigation techniques set forth at § 660.35(a)(1) or § 660.35(a)(2) when operating a vessel registered for use under a Hawaii longline limited access permit in violation of § 660.35(a).

\* \* \* \* \*

■ 3. In § 660.35, paragraphs (a) and (b)(10) are revised to read as follows:

##### § 660.35 Pelagic longline seabird mitigation measures.

(a) *Seabird mitigation techniques.* When deep-setting or shallow-setting north of 23° N. lat. or shallow-setting south of 23° N. lat., owners and operators of vessels registered for use under a Hawaii longline limited access permit, must either side-set according to paragraph (a)(1) of this section, or fish in accordance with paragraph (a)(2) of this section.

(1) *Side-setting.* Owners and operators of vessels opting to side-set under this

section must fish according to the following specifications:

(i) The mainline must be deployed as far forward on the vessel as practicable, and at least 1 m (3.3 ft) forward from the stern of the vessel;

(ii) The mainline and branch lines must be set from the port or the starboard side of the vessel;

(iii) If a mainline shooter is used, the mainline shooter must be mounted as far forward on the vessel as practicable, and at least 1 m (3.3 ft) forward from the stern of the vessel;

(iv) Branch lines must have weights with a minimum weight of 45 g (1.6 oz);

(v) One weight must be connected to each branch line within 1 m (3.3 ft) of each hook;

(vi) When seabirds are present, the longline gear must be deployed so that baited hooks remain submerged and do not rise to the sea surface; and

(vii) A bird curtain must be deployed. Each bird curtain must consist of the following three components: a pole that is fixed to the side of the vessel aft of the line shooter and which is at least 3 m (9.8 ft) long; at least three main streamers that are attached at regular intervals to the upper 2 m (6.6 ft) of the pole and each of which has a minimum diameter of 20 mm (0.8 in); and branch streamers attached to each main streamer at the end opposite from the pole, each of which is long enough to drag on the sea surface in the absence of wind, and each of which has a minimum diameter 10 mm (0.4 in).

(2) *Alternative to side-setting.* Owners and operators of vessels that do not side-set must:

(i) Discharge fish, fish parts (offal), or spent bait while setting or hauling longline gear, on the opposite side of the vessel from where the longline gear is being set or hauled, when seabirds are present;

(ii) Retain sufficient quantities of fish, fish parts, or spent bait, between the setting of longline gear for the purpose of strategically discharging it in accordance with paragraph (i) of this section;

(iii) Remove all hooks from fish, fish parts, or spent bait prior to its discharge in accordance with paragraph (i) of this section;

(iv) Remove the bill and liver of any swordfish that is caught, sever its head from the trunk and cut it in half vertically and periodically discharge the butchered heads and livers in accordance with paragraph (i) of this section;

(v) When using basket-style longline gear north of 23° N. lat., ensure that the main longline is deployed slack to maximize its sink rate; and

(vi) Use completely thawed bait that has been dyed blue to an intensity level specified by a color quality control card issued by NMFS; and

(vii) Maintain a minimum of two cans (each sold as 0.45 kg or 1 lb size) containing blue dye on board the vessel; and

(viii) Follow the requirements in paragraphs (a)(3) and (a)(4) of this section, as applicable.

(3) *Deep-setting requirements.* The following additional requirements apply to vessels engaged in deep-setting using a monofilament main longline north of 23° N. lat. that do not side-set. Owners and operators of these vessels must:

(i) Employ a line shooter; and

(ii) Attach a weight of at least 45 g (1.6 oz) to each branch line within 1 m (3.3 ft) of the hook.

(4) *Shallow-setting requirement.* In addition to the requirements set forth in paragraphs (a)(1) and (a)(2) of this section, owners and operators of vessels engaged in shallow-setting that do not side-set must begin the deployment of longline gear at least 1 hour after local sunset and complete the deployment no later than local sunrise, using only the minimum vessel lights to conform with navigation rules and best safety practices.

(b) \* \* \*

(10) Any seabird that is released in accordance with paragraph (b)(9) of this section or under the guidance of a veterinarian must be placed on the sea surface.

\* \* \* \* \*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 679

[Docket No. 050628170-5328-02; I.D. 062105B]

RIN 0648-AR67

##### Groundfish Fisheries of the Exclusive Economic Zone Off the Coast of Alaska; Recordkeeping and Reporting

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule amending Table 2 to 50 CFR part 679. Table 2 is the source for species codes used in data collection, analysis, and

monitoring of the Federal groundfish fisheries. This action is necessary to standardize collection of species information with the State of Alaska Department of Fish and Game (ADF&G), increase effectiveness of rockfish management, reflect current fisheries management interest in skates, and promote better enforcement of rockfish regulations. This final rule is intended to meet the conservation and management requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with respect to groundfish and to further the goals and objectives of the Alaska groundfish fishery management plans.

**DATES:** Effective January 18, 2006.

**ADDRESSES:** Copies of the Categorical Exclusion and the Regulatory Impact Review (RIR) prepared for this action may be obtained by mail from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 1668, Attn: Lori Durall, or from the NMFS Alaska Region website at [www.fakr.noaa.gov](http://www.fakr.noaa.gov). Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS Alaska Region and by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or fax to (202) 395-7285.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, (907) 586 7008 or [patsy.bearden@noaa.gov](mailto:patsy.bearden@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fisheries in the EEZ off the coast of Alaska according to the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands. These fishery management plans (FMPs) were prepared by the North Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary) under authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* The FMPs are implemented by regulations at 50 CFR part 679. General provisions governing fishing by U.S. vessels in accordance with the FMPs appear at subpart H of 50 CFR part 600.

### Background and Need for Action

The management background and explanation of the need for this action were described in the preamble to the proposed rule published in the **Federal Register** on September 1, 2005 (70 FR 52060). Table 2 to Part 679 provides a list of FMP species and non-FMP species on which ADF&G and NMFS

Alaska Region have agreed for use on ADF&G fish tickets as well as NMFS logbooks and forms. The FMP species are those which are managed under the FMPs and which must be recorded and reported in logbooks and forms. The non-FMP species are species that are frequently caught in association with FMP species, but that are not actively managed under the FMPs. These non-FMP species may be recorded and reported in logbooks and forms.

This action may require a few participants to learn to identify individual species of rockfish. An identification guide for rockfish of the Northeastern Pacific Ocean is available from NMFS, Alaska Region (see **ADDRESSES**) or at: <http://www.afsc.noaa.gov/race/media/publications/archives/pubs2000/techmemo117.pdf>.

The proposed rule to implement these changes was published in the **Federal Register** on September 1, 2005, for a 30-day comment period that ended October 3, 2005 (70 FR 52060). No written comments were received.

### Elements of the Final Rule

#### Table 2 to Part 679

1. The table is reformatted from one table into four separate tables (Tables 2a, 2b, 2c, and 2d).
2. The following rockfish group codes are removed from Table 2 to part 679: 144, slope rockfish; 168, demersal shelf rockfish; 169, pelagic shelf rockfish; and 171, shortraker/rougheye rockfish. Removal of these group codes does not alter the use of the terms, "slope rockfish," "demersal shelf rockfish," "pelagic shelf rockfish," or "shortraker/rougheye rockfish" in Tables 10 and 11 to 50 CFR part 679. These terms are still valid for calculation of maximum retainable percentages for basis species.
3. In § 679.2, the definition for "Groundfish product or fish product" is revised by removing "Tables 1 and 2 to this part, excluding the prohibited species listed in Table 2 to this part" and adding in its place "Tables 1, 2a, 2c, and 2d to this part."
4. In § 679.5, paragraph (m)(3)(v) is revised by removing reference to group codes 144, 168, 169, and 171.

#### Table 2a to Part 679

1. The table is entitled "Species Codes: FMP Groundfish Species." This table contains the names and species codes of groundfish that are managed under the FMPs and that must be recorded and reported in NMFS logbooks and forms.
2. A species code, 702, is added to Table 2a to describe the species "big

skates." NMFS has implemented separate management and harvest specifications for the species "big skates" that require a new species code (69 FR 26313, May 12, 2004). An identification guide of big skates and longnose skates is available from NMFS, Alaska Region (see **ADDRESSES**) or at <http://www.fakr.noaa.gov/infobulletins/2003/Rajalposter.jpg>.

3. The description "skates general," code 700 in Table 2a, is revised to read "Other (if longnose or big skates - use specific species code)."

4. The description "sharks general," code 689 in Table 2a, is revised to read "Other (if salmon, spiny dogfish or Pacific sleeper shark - use specific species code)."

5. The description "miscellaneous flatfish," code 120, is removed from the group codes and added to the FMP species in Table 2a as "Flatfish, miscellaneous (flatfish species without separate codes)."

6. The Latin name for all individual rockfish species is added to Table 2a.

7. In § 679.2, paragraph (1) of the definition for "Groundfish" is revised by removing "Table 2" and adding in its place "Table 2a."

#### Table 2b to Part 679

1. The table is entitled "Species Codes: FMP Prohibited Species." This table contains the names and species codes of species that are identified as prohibited species in the FMPs and that must be recorded and reported in NMFS logbooks and forms.

2. The species name for prohibited species code 932 in Table 2b, is changed from "Opilio tanner crab" to read "Tanner, snow (*C. opilio*)."

3. The species name for prohibited species code 923 in Table 2b, is changed from "Gold/brown king crab" to read "King, golden (brown)."

4. In § 679.2, the definition for "Prohibited species" is revised by adding a reference to "Table 2b."

5. In § 679.5, paragraph (n)(2)(iv)(D) is revised by removing "Table 2" and adding in its place "Table 2b."

6. In § 679.21, paragraph (b)(1) is revised by removing "see § 679.2" and adding in its place "see § 679.2 and Table 2b to this part."

#### Table 2c to Part 679

1. The table is entitled "Species Codes: FMP Forage Fish Species." This table contains the names and species codes of species that are identified as forage fish in the FMPs and that must be recorded and reported in NMFS logbooks and forms.

2. In § 679.2, the definition for "Forage fish" is revised by removing

"see Table 2 to this part" and adding in its place "see Table 2c to this part and § 679.20(i)."

3. In § 679.20, paragraph (i)(1) is revised by removing "see § 679.2" and adding in its place "See Table 2c to this part."

#### Table 2d to Part 679

1. The table is entitled "Species Codes: Non-FMP Species." This table contains the names and species codes of species that may be recorded in NMFS logbooks and forms but which recording is not required by regulations at 50 CFR part 679.

2. A species code, 112, is added to Table 2d for the species, Pacific hake. Fishermen increasingly are reporting catch of Pacific hake in the EEZ off Alaska. This creates the need for a new species code to record the catch.

3. The species name for non-FMP species code 961 in Table 2d, is changed from "Pink shrimp" to read "Northern pink."

4. The species name for non-FMP species code 951 in Table 2d, is amended by adding the Latin name "Paralomis multispina."

5. The species name for non-FMP species code 953 in Table 2d, is amended by adding the Latin name "Paralomis verilli."

#### Additional Changes

In § 679.5, the headings for paragraphs (a)(1)(ii)(A), (B), and (C) are revised by removing "groundfish and prohibited species" and by adding in its place "groundfish, prohibited species, and forage fish."

In § 679.5, paragraphs (a)(1)(ii)(A), (B), and (C) are revised by removing "all groundfish and prohibited species" and

adding in its place "all groundfish (see Table 2a to this part), prohibited species (see Table 2b to this part), and forage fish (see Table 2c to this part)."

#### Classification

This rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification or the economic impacts of the rule. As a result, a regulatory flexibility analysis was not required and none was prepared.

This rule contains collection-of-information requirements that are subject to review and approval by OMB under the Paperwork Reduction Act (PRA) and which have been approved by OMB. The collections are listed below by OMB Control Number.

#### OMB Control Number 0648 0213

Total public reporting burden for this collection is 41,219 hours. Species codes are recorded and reported in this collection.

#### OMB Control Number 0648 0401

Total public reporting burden for this collection is 1,024 hours. Species codes are recorded and reported in this collection.

Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see

**ADDRESSEES**) and by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or fax to (202) 395 7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

This rule does not duplicate, overlap, or conflict with other Federal regulations.

#### List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: December 13, 2005.

**James W. Balsiger,**

*Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

■ For reasons set out in the preamble, 50 CFR part 679 is 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.*; 1540(f); 1801 *et seq.*; 1851 note; 3631 *et seq.*

#### §§ 679.2, 679.5, 679.20, and 679.21 [Amended]

■ 2. In the table below, for each of the paragraphs shown in the "Location" column, remove the phrase indicated in the "Remove" column and replace it with the phrase indicated in the "Add" column for the number of times indicated in the "Frequency" column.

Location	Remove	Add	Frequency
§ 679.2 definition for "Forage fish"	(see Table 2 to this part)	(see Table 2c to this part and § 679.20(i))	1
§ 679.2 definition for paragraph (1) "Groundfish"	Table 2	Table 2a	1
§ 679.2 definition for "Groundfish product or fish product"	Tables 1 and 2 to this part, excluding the prohibited species listed in Table 2 to this part	Tables 1, 2a, 2c, and 2d to this part	1
§ 679.2 definition for "Prohibited species"	Tanner crab	Tanner crab (see Table 2b to this part)	1
§ 679.5(a)(1)(ii)(A), (B), and (C) paragraph heading	Groundfish and prohibited species	Groundfish, prohibited species, and forage fish	1
§ 679.5(a)(1)(ii)(A), (B), and (C)	all groundfish and prohibited species	all groundfish (see Table 2a to this part), prohibited species (see Table 2b to this part), and forage fish (see Table 2c to this part)	1

Location	Remove	Add	Frequency
§ 679.5(m)(3)(v)	code for each species from Table 2 to this part, except species codes 120, 144, 168, 169, or 171;	code for each species from Tables 2a through 2d to this part, except species code 120	1
§ 679.5(n)(2)(iv)(D)	Table 2	Table 2b	1
§ 679.20(i)(1)	See § 679.2	See Table 2c to this part	1
§ 679.21(b)(1)	See § 679.2	See § 679.2 and Table 2b to this part	1

■ 3. Table 2 to Part 679—Species Codes for FMP Species and non-FMP Species is removed, and Tables 2a, 2b, 2c, and 2d to Part 679 are added to read as follows:

TABLE 2A TO PART 679—SPECIES CODES: FMP GROUND FISH

Species Description	Code
Atka mackerel (greenling)	193
Flatfish, miscellaneous (flatfish species without separate codes)	120
FLOUNDER	
Alaska plaice	133
Arrowtooth and/or Kamchatka	121
Starry	129
Octopus	870
Pacific cod	110
Pollock	270
ROCKFISH	
Aurora ( <i>S. aurora</i> )	185
Black (BSAI) ( <i>S. melanops</i> )	142
Blackgill ( <i>S. melanostomus</i> )	177
Blue (BSAI) ( <i>S. mystinus</i> )	167
Bocaccio ( <i>S. paucispinis</i> )	137
Canary ( <i>S. pinniger</i> )	146
Chilipepper ( <i>S. goodei</i> )	178
China ( <i>S. nebulosus</i> )	149
Copper ( <i>S. caurinus</i> )	138
Darkblotched ( <i>S. crameri</i> )	159
Dusky ( <i>S. ciliatus</i> )	154
Greenstriped ( <i>S. elongatus</i> )	135
Harlequin ( <i>S. variegatus</i> )	176
Northern ( <i>S. polyspinis</i> )	136

TABLE 2A TO PART 679—SPECIES CODES: FMP GROUND FISH—Continued

Species Description	Code
Pacific ocean perch ( <i>S. alutus</i> )	141
Pygmy ( <i>S. wilsoni</i> )	179
Quillback ( <i>S. maliger</i> )	147
Redbanded ( <i>S. babcocki</i> )	153
Redstripe ( <i>S. proriger</i> )	158
Rosethorn ( <i>S. helvomaculatus</i> )	150
Rougheye ( <i>S. aleutianus</i> )	151
Sharpchin ( <i>S. zacentrus</i> )	166
Shortbelly ( <i>S. jordani</i> )	181
Shortraker ( <i>S. borealis</i> )	152
Silvergray ( <i>S. brevispinis</i> )	157
Splitnose ( <i>S. diploproa</i> )	182
Stripetail ( <i>S. saxicola</i> )	183
Thornyhead (all <i>Sebastolobus</i> species)	143
Tiger ( <i>S. nigrocinctus</i> )	148
Vermilion ( <i>S. miniatus</i> )	184
Widow ( <i>S. entomelas</i> )	156
Yelloweye ( <i>S. ruberrimus</i> )	145
Yellowmouth ( <i>S. reedi</i> )	175
Yellowtail ( <i>S. flavidus</i> )	155
Sablefish (blackcod)	710
Sculpins	160
SHARKS	
Other (if salmon, spiny dogfish or Pacific sleeper shark - use specific species code)	689
Pacific sleeper	692

TABLE 2A TO PART 679—SPECIES CODES: FMP GROUND FISH—Continued

Species Description	Code
Salmon	690
Spiny dogfish	691
SKATES	
Big	702
Longnose	701
Other (if longnose or big skate - use specific species code)	700
SOLE	
Butter	126
Dover	124
English	128
Flathead	122
Petrale	131
Rex	125
Rock	123
Sand	132
Yellowfin	127
Squid	875
Turbot, Greenland	134

TABLE 2B TO PART 679—SPECIES CODE: FMP PROHIBITED SPECIES

Species Description	Code
CRAB	
King, blue	922
King, golden (brown)	923
King, red	921
King, scarlet	924
Tanner, Bairdi ( <i>C. bairdi</i> )	931

TABLE 2B TO PART 679—SPECIES CODE: FMP PROHIBITED SPECIES—Continued

Species Description	Code
Tanner, grooved	933
Tanner, snow ( <i>C. opilio</i> )	932
Tanner, triangle	934
Pacific halibut	200
Pacific herring (family <i>Clupeidae</i> )	235
SALMON	
Chinook	410
Chum	450
Coho	430
Pink	440
Sockeye	420
Steelhead trout	540

TABLE 2C TO PART 679—SPECIES CODES: FMP FORAGE FISH SPECIES (all species of the following families)

Species Description	Code
Bristlemouths, lightfishes, and anglemouths (family <i>Gonostomatidae</i> )	209
Capelin smelt (family <i>Osmeridae</i> )	516
Deep-sea smelts (family <i>Bathylagidae</i> )	773
Eulachon smelt (family <i>Osmeridae</i> )	511
Gunnels (family <i>Pholidae</i> )	207
Krill (order <i>Euphausiacea</i> )	800
Laternfishes (family <i>Myctophidae</i> )	772
Pacific sandfish (family <i>Trichodontidae</i> )	206
Pacific sand lance (family <i>Ammodytidae</i> )	774
Pricklebacks, war-bonnets, eelblennys, cockscombs and shannys (family <i>Stichaeidae</i> )	208

TABLE 2C TO PART 679—SPECIES CODES: FMP FORAGE FISH SPECIES—Continued

(all species of the following families)

Species Description	Code
Surf smelt (family <i>Osmeridae</i> )	515

TABLE 2D TO PART 679—SPECIES CODES—NON-FMP SPECIES

Species Description	Code
Abalone	860
Albacore	720
Arctic char, anadromous	521
CLAMS	
Butter	810
Cockle	820
Eastern softshell	842
Geoduck	815
Little-neck	840
Razor	830
Surf	812
Coral	899
CRAB	
Box	900
Dungeness	910
Korean horsehair	940
Multispina ( <i>Paralomis multispina</i> )	951
Verrilli ( <i>Paralomis verillii</i> )	953
Dolly varden, anadromous	531
Eels or eel-like fish	210
Giant grenadier	214
GREENLING	
Kelp	194
Rock	191
Whitespot	192
Grenadier (rattail)	213

TABLE 2D TO PART 679—SPECIES CODES—NON-FMP SPECIES—Continued

Species Description	Code
Jellyfish	625
Lamprey, Pacific	600
Lingcod	130
Lumpsucker	216
Mussel, blue	855
Pacific flatnose	260
Pacific hagfish	212
Pacific hake	112
Pacific saury	220
Pacific tomcod	250
Prowfish	215
Rockfish, black (GOA)	142
Rockfish, blue (GOA)	167
Sardine, Pacific (pilchard)	170
Scallop, weathervane	850
Scallop, pink (or calico)	851
Sea cucumber	895
Sea urchin, green	893
Sea urchin, red	892
Shad	180
SHRIMP	
Coonstripe	964
Humpy	963
Northern (pink)	961
Sidestripe	962
Spot	965
Skilfish	715
Smelt, surf	515
Snails	890
Sturgeon, general	680

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