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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XD299

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Donation Program

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

ACTION: Notice; selection of an authorized distributor.

SUMMARY: NMFS announces the renewal of permits to SeaShare, authorizing this organization to distribute Pacific salmon and Pacific halibut to economically disadvantaged individuals under the prohibited species donation (PSD) program. Salmon and halibut are caught incidentally during directed fishing for groundfish with trawl gear off Alaska. This action is necessary to comply with provisions of the PSD program and is intended to promote the goals and objectives of the North Pacific Fishery Management Council.

DATES: The permits are effective from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] through [INSERT DATE 3 YEARS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Electronic copies of the PSD permits for salmon and halibut prepared for this action may be obtained from the Alaska Region website at <http://www.alaskafisheries.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Sarah Ellgen, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) is managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). These fishery management plans (FMPs) were prepared by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. Regulations governing the Alaska groundfish fisheries and implementing the FMPs appear at 50 CFR parts 600 and 679. Fishing for halibut in waters in and off Alaska is governed by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention). The International Pacific Halibut Commission (IPHC) promulgates regulations pursuant to the Convention. The IPHC's regulations are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce. After approval by the Secretary of State and the Secretary of Commerce, the IPHC regulations are published in the Federal Register as annual management measures pursuant to 50 CFR 300.62.

Amendments 26 and 29 to the BSAI and GOA FMPs, respectively, authorize a salmon donation program and were approved by NMFS on July 10, 1996; a final rule implementing this program was published in the Federal Register on July 24, 1996 (61 FR 38358). The salmon donation program was expanded to include halibut as part of the

PSD program under Amendments 50 and 50 to the FMPs that were approved by NMFS on May 6, 1998. A final rule implementing Amendments 50 and 50 was published in the Federal Register on June 12, 1998 (63 FR 32144). Although that final rule contained a sunset provision for the halibut PSD program of December 31, 2000, the halibut PSD program was permanently extended under a final rule published in the Federal Register on December 14, 2000 (65 FR 78119). A full description of, and background information on, the PSD program may be found in the preambles to the proposed rules for Amendments 26 and 29, and Amendments 50 and 50 (61 FR 24750, May 16, 1996, and 63 FR 10583, March 4, 1998, respectively).

Regulations at § 679.26 authorize the voluntary distribution of salmon and halibut taken incidentally in the groundfish trawl fisheries off Alaska to economically disadvantaged individuals by tax-exempt organizations through an authorized distributor. The Administrator, Alaska Region, NMFS (Regional Administrator), may select one or more tax-exempt organizations to be authorized distributors, as defined by § 679.2, based on the information submitted by applicants under § 679.26. After review of qualified applicants, NMFS must announce the selection of each authorized distributor in the Federal Register and issue one or more PSD permits to each selected distributor.

Renewal of Permits to SeaShare

Currently, SeaShare, a tax-exempt organization, is the sole authorized distributor of salmon and halibut taken incidentally in the groundfish trawl fisheries off Alaska. SeaShare's current salmon and halibut PSD permits became effective July 8, 2011, and authorize SeaShare to participate in the PSD program through July 8, 2014 (76 FR 40336, July 8, 2011).

On May 19, 2014, the Regional Administrator received two applications from SeaShare to renew its salmon and halibut PSD permits. The Regional Administrator reviewed the applications and determined that they are complete and that SeaShare continues to meet the requirements for an authorized distributor under the PSD program. As required by § 679.26(b)(2), the Regional Administrator based his selection on the following criteria:

1. The number and qualifications of applicants for PSD permits. Seashare is the only applicant for PSD permits at this time. NMFS has previously approved applications submitted by SeaShare. As of the date of this notice, no other applications have been approved by NMFS. SeaShare has been coordinating the distribution of salmon taken incidentally in trawl fisheries since 1993, and of halibut taken incidentally in trawl fisheries since 1998, under exempted fishing permits from 1993 to 1996 and under the PSD program since 1996. SeaShare employs independent seafood quality control experts to ensure product quality is maintained by cold storage facilities and common carriers servicing the areas where salmon and halibut donations would take place.

2. The number of harvesters and the quantity of fish that applicants can effectively administer. Current participants in the salmon donation program administered by SeaShare include: 15 shoreside processors and 137 catcher vessels delivering to shoreside processors; 30 catcher/processors; and 3 motherships and 15 catcher vessels delivering to motherships, with 12 vessels delivering to both shoreside and motherships. Fifteen shoreside processors and 137 catcher vessels participate in the halibut donation program administered by SeaShare. Two reprocessing plants that generate steaked salmon and halibut participate in the PSD program. SeaShare has the capacity to receive

and distribute salmon and halibut from up to 60 processors and the associated catcher vessels. Therefore, it is anticipated that SeaShare has more than adequate capacity for any foreseeable expansion of donations.

In 2011, participation in the PSD program expanded beyond the BSAI to include GOA processors and vessels. Table 1 shows the total pounds of headed-and-gutted and steaked salmon and halibut donated to food bank organizations from 2011 to 2013.

NMFS does not have information to convert accurately the net weights of salmon and halibut to numbers of salmon and numbers of halibut.

Table 1. Headed-and-Gutted (H&G) and Steaked Salmon and Halibut Donated to Food Bank Organizations (pounds)

	2011	2012	2013
Salmon H&G	0	30,582	534
Salmon steaked	252,427	83,845	349,235
Halibut H&G	0	3,663	30,824
Halibut steaked	17,715	5,414	15,002

3. The anticipated level of salmon and halibut incidental catch based on salmon and halibut incidental catch from previous years. The incidental catch of salmon and incidental catch mortality of halibut in the GOA and BSAI trawl fisheries are shown in Table 2.

Table 2. Incidental Catch of Salmon and Incidental Catch Mortality of Halibut in the GOA and BSAI Trawl Fisheries (in number of fish or metric tons)

Area Fishery	2011	2012	2013
BSAI Trawl Chinook Salmon Incidental Catch	25,499 fish	11,352 fish	13,036 fish
BSAI Trawl Other	192,904 fish	24,318 fish	126,980 fish

Salmon Incidental Catch			
GOA Trawl Chinook Salmon Incidental Catch	21,712 fish	22,581 fish	23,892 fish
GOA Trawl Other Salmon Incidental Catch	2,647 fish	1,006 fish	5,475 fish
BSAI Trawl Halibut Mortality	2,447 mt	2,905 mt	2,876 mt
GOA Trawl Halibut Mortality	1,856 mt	1,713 mt	1,226 mt

mt = metric tons

Halibut incidental catch amounts are constrained by an annual prohibited species catch (PSC) limit in the BSAI and GOA. Future halibut incidental catch levels likely will be similar to those experienced from 2011 to 2013. Chinook salmon PSC limits are established for the Bering Sea and central and western GOA pollock fisheries that, when attained, result in the closure of pollock fishing. The Chinook salmon PSC limits for the Bering Sea pollock fisheries were established by Amendment 91 to the BSAI FMP (75 FR 53026, August 30, 2010) and established for the central and western GOA pollock fisheries by Amendment 93 to the GOA FMP (77 FR 42629, July 20, 2012). In June and December 2013, the North Pacific Fishery Management Council recommended a suite of measures that would establish annual Chinook salmon PSC limits for the non-pollock trawl fisheries in the central and western GOA. Consequently, less salmon bycatch is expected in the GOA in the future. While salmon incidental catch amounts tend to vary between years, making it difficult to accurately predict future incidental take amounts, the total, or maximum, amount of annual Chinook salmon incidental catch in the Bering Sea and GOA pollock fisheries is constrained by the PSC limits.

4. Number of vessels and processors participating in the PSD program. For the

2014 permit renewal, shoreside processors will remain at 15, and vessels delivering to shoreside processors will decrease from 137 to 132. Catcher/processors participating in the PSD program for salmon will increase slightly from 30 to 31 under the 2014 permit renewal. Catcher vessels delivering to motherships will remain at 15 vessels.

NMFS issues PSD permits to SeaShare for a 3-year period unless the permits are suspended or revoked under § 679.26. The permits may not be transferred; however, they may be renewed following the application procedures in § 679.26.

If the authorized distributor modifies the list of participants in the PSD program or delivery locations, the authorized distributor must submit a modified list of participants or a modified list of delivery locations to the Regional Administrator.

These permits may be suspended, modified, or revoked under 15 CFR part 904 for violation of § 679.26 or other regulations in 50 CFR part 679.

Classification

This action is taken under § 679.26.

Authority: 16 U.S.C. 773 et seq.; 1801 et seq.; 3631 et seq.; Pub. L. 108-447.

Dated: June 6, 2014.

Emily H. Menashes,
Acting Director,
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National Marine Fisheries Service.

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