

this action by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

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

Dated: March 5, 1999.

**Andrew A. Rosenberg,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 981222313-8320-02; I.D. 030399B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands

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

**ACTION:** Modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for Atka mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the 1999 interim harvest specification of Atka mackerel in the Central Aleutian District, including the 1999 critical habitat percentage of the interim harvest specification of Atka mackerel established for this District.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 7, 1999, until 1200 hrs, A.l.t., April 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1999 interim TAC for Atka mackerel in the Central Aleutian District is 9,520 metric tons (mt), of which no more than 7,616 mt may be harvested from critical habitat (64 FR 3446,

January 22, 1999). See § 679.20(c)(2)(ii)(A) and 679.22(a)(8)(iii)(B). The directed fishery for Atka mackerel in the Central Aleutian District was closed to reserve amounts anticipated to be needed for incidental catch in other fisheries (64 FR 10398, March 4, 1999). The Steller Sea lion critical habitat in the Central Aleutian District was closed to trawl gear to prevent exceeding the percentage of the interim harvest specifications of Atka mackerel allocated to the Central Aleutian District (64 FR 8013, February 18, 1999). Fishing with trawl gear in critical habitat in the Central Aleutian District was opened concurrent with the closure of the Central Aleutian District to directed fishing for Atka mackerel (64 FR 10398, March 4, 1999). NMFS has determined that as of March 2, 1999, approximately 4,000 mt remains in the Central Aleutian Islands directed fishing allowance and 2,192 mt remains in the critical habitat percentage of the interim harvest specifications of Atka mackerel allocated to the Central Aleutian District.

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1999 directed fishing allowance for Atka mackerel in the Central Aleutian District and the critical habitat percentage of the interim harvest specifications of Atka mackerel established for this District have not been reached. Therefore, NMFS is terminating the previous closure and is reopening directed fishing for Atka mackerel in the Central Aleutian District of the BSAI. All other closures remain in full force and effect. Steller Sea lion critical habitat in the Central Aleutian District of the BSAI is defined at 50 CFR part 226, Table 1, Table 2, and Figure 4.

#### Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to fully utilize the 1999 interim harvest specification of Atka mackerel in the Central Aleutian District and the 1999 critical habitat percentage of the interim harvest specifications of Atka mackerel established for this District. Providing prior notice and opportunity for public comment for this action is impracticable and contrary to the public interest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: March 5, 1999.

**Richard W. Surdi,**

*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. 981222314-8321-02; I.D. 030599C]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Eastern Regulatory Area of the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in the Eastern Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim 1999 pollock total allowable catch (TAC) for the Eastern Regulatory Area established by the Interim 1999 Harvest Specifications.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 6, 1999, until superseded by the Final 1999 Harvest Specification for Groundfish, which will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Interim 1999 Harvest Specifications (64 FR 46, January 4, 1999) established the interim 1999 pollock TAC in the Eastern Regulatory Area as 1,395 metric tons (mt), in accordance with § 679.20(c)(2)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the interim TAC of pollock in the Eastern Regulatory Area will soon be reached. The Regional

Administrator is establishing a directed fishing allowance of 1,195 mt, and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. NMFS is prohibiting directed fishing for pollock in the Eastern Regulatory Area of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

#### Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the interim 1999 pollock TAC in the Eastern Regulatory Area. Providing prior notice and an opportunity for public comment is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: March 5, 1999.

**Richard W. Surdi,**

*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. 990304062-9062-01; I.D. 121098B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 1999 Harvest Specifications for Groundfish

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

**ACTION:** Final 1999 harvest specifications for groundfish and associated management measures.

**SUMMARY:** NMFS announces final 1999 harvest specifications for Gulf of Alaska (GOA) groundfish and associated

management measures. This action is necessary to establish harvest limits and associated management measures for groundfish during the 1999 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the GOA.

**DATES:** The final 1999 harvest specifications and associated management measures are effective at noon on March 8, 1999, through 2400 hrs, Alaska local time (A.l.t.), December 31, 1999.

**ADDRESSES:** The final Environmental Assessment and Final Regulatory Flexibility Analysis prepared for the 1999 Total Allowable Catch Specifications may be obtained from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or by calling 907-586-7229.

The Final Stock Assessment and Fishery Evaluation Report (SAFE report), dated November 1998, is available from the North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501-2252, or by calling 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, 907-481-1780 or tom.pearson@noaa.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

NMFS manages the groundfish fisheries in the exclusive economic zone of the GOA according to the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implementing the FMP appear at 50 CFR part 679. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 600.

NMFS announces for the 1999 fishing year: (1) Specifications of total allowable catch (TAC) amounts for each groundfish species category in the GOA, and reserves; (2) apportionments of reserves; (3) allocations of the sablefish TAC to vessels using hook-and-line and trawl gear; (4) apportionments of pollock TAC among regulatory areas, seasons, and allocations for processing between inshore and offshore components; (5) allocations for processing of Pacific cod TAC between inshore and offshore components; (6) Pacific halibut prohibited species catch (PSC) limits; and (7) fishery and seasonal apportionments of the Pacific

halibut PSC limits. A discussion of each of these measures follows.

Regulations implementing the FMP establish the process of determining TACs for groundfish species in the GOA. Pursuant to § 679.20(a)(2), the sum of the TACs for all species must fall within the combined optimum yield (OY) range of 116,000-800,000 metric tons (mt) established for these species at § 679.20(a)(1)(ii).

Council met from October 7 through 12, 1998, and developed recommendations for proposed 1999 TAC specifications for each species category of groundfish on the basis of the best available scientific information. The Council also recommended associated management measures pertaining to the 1999 fishing year.

The Council proposed rolling over all the 1998 final specifications for 1999, pending an update of the preliminary 1998 SAFE report to include new information collected during 1998 and revised stock assessments to be incorporated in the final SAFE report. Pursuant to § 679.20(c)(1)(ii), NMFS published the proposed 1999 harvest specifications for the GOA groundfish fishery in the **Federal Register** on December 30, 1998 (63 FR 71876), and comments were accepted through January 29, 1999. NMFS did not receive any comments on the proposed 1999 GOA specifications. Interim TAC and PSC amounts equal to one-fourth of the proposed amounts were published in the **Federal Register** on January 4, 1999 (64 FR 46). The final 1999 initial groundfish harvest specifications and associated management measures implemented by this action supersede the interim 1999 specifications.

The Council met December 9 through 14, 1998, to review the best available scientific information concerning groundfish stocks, and to consider public testimony regarding 1999 groundfish fisheries. The best available scientific information is contained in the current SAFE report, dated November 1998. The SAFE report includes the most recent information concerning the status of groundfish stocks based on the most recent catch data, survey data, and biomass projections using different modeling approaches or assumptions. The Council's GOA Plan Team prepared the SAFE report and presented it to the Council and the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP) at the December 1998 Council meeting. The Plan Team's recommendations for acceptable biological catch (ABC) levels and overfishing levels (OFL) are contained in the SAFE report.