

species, with the introductions of least chub in two additional springs in the spring of 1999. Negotiations are also underway to introduce the least chub to a suitable spring on lands managed by Hill Air Force Base. These additional populations reduce the likelihood of a single catastrophic event affecting a major portion of the population. To assist with range expansion activities and the development of least chub brood stock, as well as other native species, feasibility studies were conducted at Gandy and Goshen Warm Springs for a native aquatic/warm water species hatchery. To further assist with range expansion activities, all least chub historical habitats were aerial photographed to identify potential survey and reintroduction sites.

The expansion in the range of least chub is identified in the Least Chub Conservation Agreement as a necessary action to conserve the species. To expand the range of the least chub, the conservation agreement calls for: (1) Establishing additional populations through introductions or reintroductions from either transplanted (wildstock) or brood stock least chub raised in a designated hatchery; (2) identifying and developing broodstock sources, including identification and taking of wild sources, and hatching and rearing facilities; and (3) restoring least chub populations into appropriate areas.

Finding and Withdrawal

Section 4(b)(1)(a) of the Act provides that the Secretary shall make listing decisions solely on the basis of the best scientific and commercial data available and after taking into account those efforts being made by any State or foreign nation to protect such species. In accordance with this requirement we have evaluated the species on the basis of each of the five listing factors discussed above; the current improved status of the least chub, and the efforts being made by the State of Utah, other signatories to the Least Chub Conservation Agreement and other private entities; to protect the species. Based on our evaluation of the above information, completed and ongoing actions and protective measures have substantially reduced the threats to the least chub such that the species is not likely to become endangered in the foreseeable future and, therefore, listing is not warranted at this time. We consequently withdraw the proposed rule to list the least chub as endangered with critical habitat.

Endangered Species Act Oversight

We will continue to monitor the status of the least chub throughout the

term of the conservation agreement and maintain oversight. If it is deemed necessary, an emergency listing of the least chub would not be precluded by the 60-day written notice required to withdraw from the conservation agreement. We will initiate the process for listing the least chub if—(1) an emergency which poses a significant threat to the least chub is identified and not immediately and adequately addressed; (2) the biological status of the least chub becomes such that it is in danger of extinction throughout all or a significant portion of its range; or (3) the biological status of the least chub becomes such that it is likely to become endangered in the foreseeable future throughout all or a significant portion of its range. Appropriate notice will be given to signatory members of the Least Chub Conservation Agreement should we find that it is necessary to reinstate the listing process.

References Cited

A complete list of all references cited is available upon request from the Salt Lake City Field Office (see ADDRESSES above).

Authors: The primary author of this document is Janet A. Mizzi (see ADDRESSES above).

Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 8, 1999.

John G. Rogers, Jr.,
Acting Director, Fish and Wildlife Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063-9063-01; I.D. 072199B]

Fisheries of the Exclusive Economic Zone Off Alaska; Halibut Bycatch Mortality Allowance in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Proposed reapportionment of Pacific halibut bycatch mortality allowance specified for the nontrawl

fishery categories; request for comments.

SUMMARY: NMFS proposes the reapportionment of the 1999 halibut bycatch mortality allowance specified for the Pacific cod hook-and-line fishery category to the "other nontrawl" fishery category in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the harvest of species constrained by the other nontrawl halibut bycatch mortality allowance, in particular Greenland turbot, while not further restricting the hook-and-line Pacific cod fishery. This action is intended to promote the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP).

DATES: Comments on this action must be received at the following address no later than 4:30 p.m., A.L.T., August 12, 1999.

ADDRESSES: Comments may be mailed to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel. Hand delivery or courier delivery of comments may be sent to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801. The final environmental assessment and final regulatory flexibility analysis prepared for the final 1999 total allowable catch (TAC) specifications may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the 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 are codified at Subpart H of 50 CFR part 600 and 50 CFR part 679.

The BSAI halibut prohibited species catch (PSC) limit for nontrawl gear is an amount of halibut equivalent to 900 mt of halibut mortality (§ 679.21(e)(2)(i)). The Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999) established the apportionment of the nontrawl halibut PSC limit for bycatch allowances for the Pacific cod hook-and-line and "other nontrawl" fisheries as 748 mt and 84 mt respectively. As of July 3, 1999, 480 mt remained of the total 1999 halibut bycatch mortality allowance for the

hook-and-line Pacific cod fishery. The "other nontrawl" fishery has exceeded its halibut bycatch mortality allowance by 6 mt and is closed for the remainder of the year unless its halibut bycatch mortality allowance is increased.

The hook-and-line fishery for Pacific cod will reopen on September 15, 1999, and is projected to take as much as 250 mt of halibut mortality for the remainder of 1999. The directed fishery for Greenland turbot, a constituent and primary fishery of the "other nontrawl" category, would require an estimated 150 mt of halibut mortality to fully harvest the remaining directed fishing allowance of Greenland turbot.

NMFS has determined, therefore, that a reapportionment of 150 mt of halibut bycatch mortality allowance from the hook-and-line Pacific cod to the "other nontrawl" fishery category is necessary to achieve the optimum yield harvest of the BSAI nontrawl fisheries. This reapportionment is based on the best available scientific information pertaining to bycatch rates reported by NMFS-certified observers.

In order to provide greater opportunity to harvest the BSAI Greenland turbot TAC, while not jeopardizing the opportunity to harvest the amount of the Pacific cod TAC allocated to hook-and-line vessels,

NMFS proposes to increase the halibut bycatch mortality allowance specified for the other nontrawl fishery category by 150 mt and reduce the halibut bycatch mortality allowance specified for the Pacific cod hook-and-line fishery by the same amount. The halibut bycatch mortality specifications for the 1999 BSAI nontrawl fisheries are listed in Table 7 of the final 1999 harvest specifications (64 FR 12103, March 11, 1999). To accommodate the proposed action, the 1999 BSAI final harvest specifications would be amended by adding the following Table 7A.

TABLE 7A.—1999 BSAI PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI NON-TRAWL FISHERIES

Non-trawl fisheries	Halibut mortality (mt) BSAI
Pacific cod—Total	598.
Jan. 1–April 30	457.
May 1–Sept. 14	0.
Sept.15–Dec. 31	141.
Other non-trawl—Total	234.
May 1–Aug. 31 ¹	42.
Sept.1–Dec.31	192.
Groundfish pot & jig	exempt.
Sablefish hook-and-line	Exempt.

¹ Consistent with § 679.21(e)(5)(iv)(A), any portion of the first seasonal allowance of the Pacific cod halibut bycatch mortality allowance that is not harvested by the end of the first season will become available on September 15, the beginning of the third season.

NMFS invites public comments on its proposal to reallocate the projected unused amount of halibut mortality from the hook-and-line Pacific cod fishery to the other nontrawl fishery category.

Classification

This action is authorized under 50 CFR 679.21(e)(4) and is exempt from OMB review under E.O. 12866.

NMFS prepared an environmental assessment (EA) and final regulatory flexibility assessment (FRFA) for the 1999 harvest specifications (See ADDRESSES). The proposed reapportionment of the BSAI nontrawl halibut PSC limit is intended to provide fuller opportunity to conduct the fishing activities considered in the EA/FRFA and is fully within the scope of these analyses.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.* and 3631 *et seq.*

Dated: July 23, 1999.

Bruce C. Morehead,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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