

NMFS Actions

NMFS announces the dates of the fixed gear sablefish limited entry mop-up fishery. All other provisions remain in effect. In the January 8, 1999 **Federal Register** (64 FR 1316), annual management measures, paragraph IV.B.(6)(d)(i) is revised to read as follows:

IV. * * *

B. * * *

(6) * * *

(d) * * *

(i) *Mop-Up Season.* The mop-up season will begin at 12 noon l.t. on September 20, 1999, and end at noon on September 25, 1999. The cumulative trip limit for the mop-up fishery is 1,100 lb (499 kg). No vessel may be used to take more than one mop-up cumulative trip limit. (Note: The States of Washington, Oregon, and California use a conversion factor of 1.6 to convert dressed sablefish to its round-weight equivalent. Therefore, 1,100 lb (499 kg) round weight corresponds to 688 lb (312 kg) for dressed sablefish.)

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Classification

This action is authorized by the Pacific Coast Groundfish Fishery Management Plan, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. The determination to take these actions is based on the most recent data available. Because of the need for immediate action to start the mop-up fishery for sablefish, NMFS has determined that providing an opportunity for public notice and comment would be impractical and contrary to public interest. Delaying this rule could push the mop-up season into inclement autumn weather. Therefore, the agency believes that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period.

These actions are taken under the authority of 50 CFR 660.323(a)(2), and are exempt from review under E.O. 12866.

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

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-24487 Filed 9-20-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 990304063-9063-01; I.D. 091499F]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of Pacific ocean perch in the Western Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of Pacific ocean perch in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 1999 total allowable catch (TAC) of Pacific ocean perch in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 17, 1999, until 2400 hrs, A.l.t., December 31, 1999.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI 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 amount of the 1999 TAC of Pacific ocean perch in the Western Aleutian District of the BSAI was established as 5,753 metric tons by the Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 1999 TAC for Pacific ocean perch in the Western Aleutian District of the BSAI has been achieved. Therefore, NMFS is requiring that further catches of Pacific ocean perch in the Western Aleutian District of the BSAI be treated as

prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1999 TAC for Pacific ocean perch in the Western Aleutian District of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1999 TAC for Pacific ocean perch in the Western Aleutian District of the BSAI. Further delay would only result in overharvest. 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: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-24565 Filed 9-16-99; 2:01 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 990304062-9062-01; I.D. 091599E]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 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 Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the third seasonal allowance of pollock total allowable catch (TAC) in this area and to close the C season fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 16, 1999, until 1200 hrs, A.l.t., September 21, 1999.

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

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 is in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The pollock TAC in Statistical Area 630 was established by the Final 1999 Harvest Specifications for Groundfish for the GOA (64 FR 12094, March 11, 1999) as 30,520 metric tons (mt) for the entire fishing year and 7,630 mt for the third seasonal allowance.

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal catch was in excess of the second seasonal allowance by 402 mt and that the excess shall be proportionately subtracted from the subsequent seasonal allowances. In accordance with § 679.20(a)(5)(ii)(C), the third seasonal allowance of pollock TAC in Statistical Area 630 is 7,429 mt.

NMFS issued an inseason adjustment in expectation of excessive harvest capacity, effective September 2, 1999, limiting the initial opening of the C season fishery to 24 hours in accordance with § 679.25(a)(1)(i)(64 FR 48332,

September 3, 1999). Within that same adjustment NMFS extended the C fishing season by inseason adjustment to delay the start of the D fishing season until the agency had determined whether sufficient amounts of the C season allowance remained unharvested to allow another opening within the C fishing season prior to the harvest of the pollock authorized for the D season. NMFS opened the subsequent C season fishery to directed fishing effective 1200 hrs, A.l.t. September 14, 1999. The opening notice will be published in the **Federal Register** on September 17, 1999.

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the third seasonal allowance of pollock TAC in Statistical Area 630 has been reached and that sufficient amounts of the C season allowance were harvested to close the C fishing season which will initiate the regulatory schedule to open the D season. The Regional Administrator has established a directed fishing allowance of 7,379 mt for the C season allowance and has set aside the remaining 50 mt as bycatch to support other anticipated groundfish fisheries prior to the start of the D season. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 from 1200 hrs, A.l.t.,

September 16, 1999. Pursuant to 679.23(d)(3)(iv) the D season fishery will open 1200 hrs, A.l.t. September 21, 1999.

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

Classification

This action responds to the third seasonal TAC limitations and other restrictions on the fisheries established in the Final 1999 Harvest Specifications for Groundfish in the GOA. It must be implemented immediately to prevent overharvesting the third seasonal allowance of pollock TAC in Statistical Area 630 of the GOA. A delay in the effective date 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 §§ CFR 679.20 and 679.23 and is exempt from review under E.O. 12866.

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

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-24564 Filed 9-16-99; 2:01 pm]

BILLING CODE 3510-22-F