

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 17

RIN 1018-AD95

Safe Harbor Agreements and Candidate Conservation Agreements with Assurances

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), published a final rule on June 17, 1999, amending Part 13 and 17 of Title 50 of the Code of Federal Regulations (CFR). These regulations implemented two final policies issued by the Service and the National Marine Fisheries Service (NMFS) on June 17, 1999, pursuant to the Endangered Species Act (Act)—the Safe Harbor and the Candidate Conservation Agreements with Assurances policies. We are correcting certain errors that appeared in the final regulations implementing these policies. The correction is required in part 13 section 13.25(d) because the current version is unclear and could unduly confuse the public. In sections 17.22(d)(2)(v) and 17.32(d)(2)(v) the word "not" was inadvertently omitted after the word "will."

DATES: This correction is effective September 30, 1999.

ADDRESSES: You may obtain copies of the final rule or this correction, or you may obtain further information, by contacting the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, NW (MS-420 ARLSQ), Washington, DC 20240 (Telephone 703/358-2171, Facsimile 703/358-1735).

FOR FURTHER INFORMATION CONTACT: Nancy Gloman, Chief, Division of Endangered Species (Telephone 703/358-2171, Facsimile 703/358-1735).

SUPPLEMENTARY INFORMATION: The Safe Harbor and Candidate Conservation Agreements with Assurances policies were published at 64 FR 32717 and 64 FR 32726, respectively, and the final implementing rule was published at 64 FR 32706. In the final rule, we committed editorial errors in part 13 section 13.25(d) and in part 17 sections 17.22(d)(2)(v) and 17.32 (d)(2)(v). We correct these errors in this rule.

List of Subjects

50 CFR part 13

Administrative practice and procedure, Exports, Fish, Imports,

Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR part 17

Endangered and threatened species, Export, Import, Reporting and recordkeeping requirements, Transportation.

PART 13—[Amended]

1. The authority citation for part 13 continues to read as follows:

Authority: 16 U.S.C. 668a; 704, 712; 742j-1; 1382; 1538(d); 1539, 1540(f); 3374; 4901-4916; 18 U.S.C. 42; 19 U.S.C. 1202; E.O. 11911, 41 FR 15683; 31 U.S.C. 9701.

2. Amend section 13.25 by revising paragraph (d) to read as follows:

§ 13.25 Transfer of permits and scope of permit authorization.

* * * * *

(d) In the case of permits issued under § 17.22(b)-(d) or § 17.32(b)-(d) of this subchapter to a State or local governmental entity, a person is under the direct control of the permittee where:

(1) The person is under the jurisdiction of the permittee and the permit provides that such person(s) may carry out the authorized activity; or

(2) The person has been issued a permit by the governmental entity or has executed a written instrument with the governmental entity, pursuant to the terms of the implementing agreement.

3. Amend section 17.22 by revising paragraph (d)(2)(v) to read as follows:

§ 17.22 Permits for scientific purposes, enhancements of propagation or survival, or for incidental taking.

* * * * *

(d) * * *

(2) * * *

(v) Implementation of the terms of the Candidate Conservation Agreement will not be in conflict with any ongoing conservation programs for species covered by the permit; and

* * * * *

4. Amend section 17.32 by revising paragraph (d)(2)(v) to read as follows:

§ 17.32 Permits—General.

* * * * *

(d) * * *

(2) * * *

(v) Implementation of the terms of the Candidate Conservation Agreement will not be in conflict with any ongoing conservation programs for species covered by the permit; and

* * * * *

Dated: September 24, 1999.

Donald J. Barry,

Assistant Secretary, Fish, Wildlife, and Parks, Department of the Interior.

[FR Doc. 99-25379 Filed 9-29-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062-9062-01; I.D. 092499J]

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: Inseason adjustment; request for comments.

SUMMARY: NMFS issues an inseason adjustment for managing directed fishing for pollock for the D fishing season in Statistical Area 630 of the Gulf of Alaska (GOA). This adjustment is necessary to authorize a closure at midnight. Current regulations specify that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is noon, A.l.t. Without this inseason adjustment, this fishery would close prematurely, thereby incurring underharvest of the directed fishing allowance and economic loss.

DATES: Effective 2400 hrs, Alaska local time (A.l.t.), September 24, 1999. Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 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.

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 1999 TAC of pollock in Statistical Area 630 of the GOA was established by the Final 1999 Harvest Specifications for Groundfish (64 FR 12094, March 11, 1999) as 30,520 metric tons (mt), determined in accordance with § 679.20(c)(3)(ii)

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1999 TAC for pollock in Statistical Area 630 will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 29,920 mt, and is setting aside the remaining 600 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 has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA.

Current information shows the catching capacity of vessels catching pollock in Statistical Area 630 is in excess of 4,000 mt per day.

Section 679.23(b) specifies that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.I.t. The Administrator, Alaska Region, NMFS, has determined that the pollock TAC would be underharvested if a 1200 hrs closure on September 24, 1999, were allowed to occur.

NMFS, therefore, in accordance with § 679.25(a)(1)(i), is adjusting the D fishing season for pollock in Statistical Area 630 of the GOA by prohibiting directed fishing at 2400 hrs, A.I.t., September 24, 1999. NMFS is taking this action to prevent the underharvest of the pollock TAC in Statistical Area 630 of the GOA as authorized by § 679.25(a)(2)(i)(C). In accordance with § 679.25(a)(2)(iii), NMFS has determined that closing the season at 2400 hrs on September 24, 1999, is the least restrictive management adjustment to harvest the pollock TAC in Statistical Area 630 of the GOA and will allow other fisheries to continue in noncritical areas and time periods.

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

Classification

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Without this inseason adjustment, the pollock TAC in Statistical Area 630 of the GOA would be underharvested. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until October 12, 1999.

This action is required by §§ 679.20 and 679.25 and is exempt from review under E.O. 12866.

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

Dated: September 24, 1999.

George H. Darcy,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-25372 Filed 9-24-99; 4:05 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063-9063-01; I.D. 092499N]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1999 B/C season pollock total allowable catch (TAC) specified to the mothership component in the Bering Sea subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.I.t.), September 27, 1999, until 1200 hrs, A.I.t., November 1, 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.

In accordance with § 679.20(a)(5)(i)(C)(3) and section 206(b)(1) of the American Fisheries Act, the Final 1999 Harvest Specifications for Groundfish (64 FR 12103, March 11, 1999, and 64 FR 39087, July 21, 1999) specified the B/C season TAC of pollock as a directed fishing allowance for the mothership component in the Bering Sea subarea as 50,354 metric tons.

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the BSAI.

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 in order to prevent exceeding the 1999 B/C season pollock TAC specified to the mothership component in the Bering Sea subarea of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. NMFS finds for good cause that the implementation of this action can 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: September 24, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-25412 Filed 9-27-99; 4:56 pm]

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