

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

[Docket No. 990304063-9063-01; I.D. 092899B]

**Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Catching Pollock for Processing by the Inshore 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 inshore component in the critical habitat/catcher vessel operational area (CH/CVOA) of the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the C season limit of pollock total allowable catch (TAC) specified for the inshore component within the CH/CVOA will be reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.L.T.), September 29, 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.

In accordance with § 679.20(a)(5)(i)(C)(1) and the revised emergency interim rule (64 FR 39087, July 21, 1999), the C season limit of pollock TAC specified for harvest by the inshore component within the CH/CVOA is 79,307 metric tons (mt).

In accordance with § 679.22(a)(11)(iv)(A) the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the C season limit of pollock total allowable catch specified for harvest by the inshore component within the CH/CVOA will be reached.

Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the

inshore component within the CH/CVOA conservation zone, as defined at § 679.22(a)(11)(iv)(B).

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 C season limit of pollock TAC specified to the inshore component for harvest within the CH/CVOA. A delay in the effective date is impracticable and contrary to the public interest. Further delay would result in noncompliance with reasonable and prudent management measures implemented to promote the recovery of the endangered Steller sea lion. 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 § 679.22 and is exempt from review under E.O. 12866.

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

Dated: September 28, 1999.

**Bruce C. Morehead,**

*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. 990304063-9063-01; I.D. 092499K]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in 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 Pacific cod by catcher vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the portion of the 1999 total allowable catch (TAC) of Pacific cod allocated to these vessels using trawl gear in this area.

**DATES:** Effective 1200 hours, Alaska local time (A.L.T.), October 1, 1999, until 2400 hours, A.L.T., December 31, 1999, or until NMFS publishes further notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 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 Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999) established the portion of the TAC of Pacific cod allocated to catcher vessels using trawl gear in the BSAI as 38,475 metric tons (mt). See § 679.20(c)(3)(iii) and § 679.20(a)(7)(i)(B).

The fishery for Pacific cod by catcher vessels using trawl gear in the BSAI was closed to directed fishing under § 679.20(d)(1)(iii) on April 11, 1999, (64 FR 18373, April 14, 1999), in order to reserve amounts anticipated to be needed for incidental catch in other fisheries. In that notice, the Regional Administrator, Alaska Region, NMFS (Regional Administrator) also established a directed fishing allowance of 34,475 mt, and set aside the remaining 4,000 mt as bycatch to support other anticipated groundfish fisheries.

NMFS has determined that as of September 11, 1999, 2,870 mt remain in the portion of the TAC of Pacific cod allocated to catcher vessels using trawl gear in the BSAI and of that amount, 500 mt will be necessary as bycatch to support other anticipated groundfish fisheries through the end of 1999. Therefore, the Regional Administrator is establishing a revised directed fishing allowance of 37,975mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. NMFS has determined that 2,370 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by catcher vessels using trawl gear in the BSAI.

**Classification**

All other closures remain in full force and effect. This action responds to the

best available information recently obtained from the fishery. It must be implemented immediately in order to allow full utilization of the Pacific cod TAC. Providing prior notice and opportunity for public comment for this action is impracticable and contrary to the public interest. Further delay would only disrupt the FMP objective of providing the Pacific cod TAC for

harvest. 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 28, 1999.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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