

quotas. All fish must be landed within 24 hours of closure and there is a daily possession and landing limit of 30 fish/day. The fishery will be open April 14–16, will be closed April 17–20, will be reopened April 21–23, will be closed April 24–27, and will be reopened April 28. The minimum size limit is 26 inches (66.0 cm) total length; all fish must be landed in the same area in which they were caught; all fish must be landed daily to ensure good tissue quality needed for genetic sampling; and all fish must be offloaded within 12 hours of reaching port and documented with a California Department of Fish and Game (CDFG) landing receipt (no transportation tickets). The southernmost boundary of the fishery is a line between Point Pitas and the eastern end of Anacapa Island (34°00'56" N. lat.); all other boundaries run due west of the referenced points to the outer limit of the EEZ. Landing limits and days open may be adjusted inseason to meet the requirements of data collection. If landing limits or open days are changed or the quota is attained in any area before April 28, 1999, the closure of the area and any other inseason action will be announced on the NMFS hot line and in a notice to mariners.

In the 1998 annual management measures for ocean salmon fisheries (63 FR 24973, May 6, 1998), inseason management guidance was provided to NMFS such that the Council would consider at the March 1999 meeting a recommendation to open commercial and recreational seasons for all salmon except coho in areas off Oregon. Due to the timing of the March and April Council meetings, where the major 1999 salmon seasons are developed, such action would be necessary to implement the opening of these seasons prior to May 1, 1999. In the 1998 management measures for 1999 ocean salmon fisheries, NMFS announced that the recreational fishery would not open until May 1, 1999, between Cape Falcon and Humbug Mountain, OR, for all salmon except coho, unless reopened following an inseason recommendation of the Council at the March 1999 meeting. In addition, the Council could also consider inseason modifications to open or modify commercial fisheries off Oregon, for all salmon except coho, prior to May 1, 1999.

At the March 1999 meeting, the Council made its inseason recommendations to open the recreational and commercial fisheries, for all salmon except coho, from Cape Falcon to Humbug Mountain, OR, on April 1, 1999. The closing dates for both fisheries will be determined at the April

1999 meeting when the entire 1999 management measures for the 1999 ocean salmon fisheries are finalized.

The recreational fishery for all salmon except coho, from Cape Falcon to Humbug Mountain, OR, opens on April 1, 1999. The daily possession limit is two fish per day, with no more than six fish retained in 7 consecutive days. The minimum size limit is 20 inches (50.8 cm). Allowed gear is artificial lures and plugs of any size, or bait no less than 6 inches (15.2 cm) long (excluding hooks and swivels). All gear must have no more than two single point, single shank barbless hooks. Divers are prohibited and flashers may only be used with downriggers. Oregon State regulations describe a closure at the mouth of Tillamook Bay.

The commercial fishery for all salmon except coho, from Cape Falcon to Humbug Mountain, OR, opens on April 1, 1999. No more than four spreads are allowed per line. The minimum size limit is 26 inches (66.0 cm) (19.5 in (49.5 cm) head-off). Chinook not less than 26 inches (66.0 cm) (19.5 inches (49.5 cm) head-off) taken in open seasons south of Cape Falcon may be landed north of Cape Falcon only when the season is closed north of Cape Falcon. Oregon state regulations describe a closure at the mouth of Tillamook Bay.

The Regional Administrator consulted with representatives of the Council, Washington Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, and the CDFG regarding these adjustments. The State of California will manage test commercial fisheries in state waters adjacent to these areas of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures at 50 CFR 660.411, actual notice to fishermen of these actions will be given prior to 0001 hours local time, April 1, 1999, by telephone hotline number 206–526–6667 or 800–662–9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

Because of the need for immediate action, NMFS has determined that good cause exists for this document to be issued without affording a prior opportunity for public comment. This document does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

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

Dated: April 2, 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. 040599A]

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: Closure.

SUMMARY: NMFS is prohibiting 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 prevent exceeding the first seasonal allowance of Atka mackerel total allowable catch (TAC) specified for the Central Aleutian District. NMFS is also opening fishing with trawl gear in Steller sea lion critical habitat in the Central Aleutian District for species for which directed fisheries are open.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 5, 1999, until 1200 hrs, A.l.t., September 1, 1999.

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 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 (64 FR 12103, March 11, 1999) established the first seasonal allowance, the period January 1, 1999 through April 15, 1999, of Atka mackerel TAC specified for the Central Aleutian District as 10,360 metric tons (mt).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region,

NMFS (Regional Administrator), has determined that the first seasonal allowance of Atka mackerel TAC specified for the Central Aleutian District has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 10,000 mt, and is setting aside the remaining 360 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 soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Central Aleutian District of the BSAI.

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

On March 31, 1999, NMFS prohibited trawling within Steller sea lion critical

habitat in the Central Aleutian District because the 1999 critical habitat percentage of the first seasonal allowance of Atka mackerel allocated to the Central Aleutian District had been reached (64 FR 16362, April 5, 1999). Regulations at 679.22(a)(8)(iii)(C) authorize opening Steller sea lion critical habitat in the Central Aleutian District to fishing with trawl gear after NMFS closes Atka mackerel to directed fishing within that district. NMFS, therefore, is opening critical habitat in the Central Aleutian District to fishing with trawl gear for species open to directed fishing.

Classification

This action responds to the best available information recently attained from the fishery. It must be implemented immediately to prevent overharvesting the 1999 first seasonal

allowance of Atka mackerel specified for the Central Aleutian District of the BSAI. 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 § 679.20 and is exempt from review under E.O. 12866.

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

Dated: April 5, 1999.

Bruce Morehead,

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