

sole/"other flatfish" fishery category by vessels using trawl gear in the BSAI.

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

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent exceeding the 1999 halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery category. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to the public interest. The fleet will soon take the allowance. Further delay would result in the 1999 halibut bycatch allowance being exceeded. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under U.S.C. 553(d), a delay in the effective date is hereby waived.

Classification

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

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

Dated: August 31, 1999.

George H. Darcy,

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. 990304062-9062-01; I.D. 083099B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 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 prohibiting directed fishing for pollock in Statistical Area 610 of the Gulf of Alaska (GOA) 6 hours after its scheduled opening at 1200 hrs, Alaska local time (A.L.T.), September 1, 1999, and extending the C fishing season for pollock in Statistical Area 610 until further notice. This adjustment is necessary to manage the C seasonal allowance of the pollock total allowable

catch (TAC), given the existence of excessive harvesting capacity.

DATES: Directed fishing for pollock in Statistical Area 610 will be closed at 1800 hrs, A.L.T., September 1, 1999. Comments must be received at the following address no later than 4:30 p.m., A.L.T., September 15, 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: Andrew Smoker, 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.

As of August 21, 1999, 4,700 metric tons (mt) of pollock remained in the C seasonal allowance of the pollock TAC in Statistical Area 610 of the GOA. That amount will be available for harvest at 1200 hrs, A.L.T., September 1, 1999. The emergency interim rule (EIR) establishing Steller sea lion protection measures for pollock off Alaska (64 FR 3437, January 22, 1999, and extended at 64 FR 39087, July 21, 1999) defines the C fishing season for pollock in Statistical Area 610 of the GOA as starting from 1200 hrs, A.L.T., September 1, 1999, until the directed fishery is closed or 1200 hrs, A.L.T. October 1, 1999, whichever comes first. The D fishing season is to begin 5 days after the closure of the C fishing season in Statistical Area 610.

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.L.T. A fishery opening, therefore, must be a minimum of 24 hours. Current information shows the catching capacity of vessels catching pollock for processing by the inshore component is in excess of 9,600 mt per day. The Administrator, Alaska Region, NMFS, has determined that the C seasonal allowance of the pollock TAC could be exceeded if a 24-hour fishery were allowed to occur. NMFS intends

that the seasonal allowance not be exceeded and, therefore, will not allow a 24-hour directed fishery.

NMFS, in accordance with § 679.25(a)(1)(i), is adjusting the C fishing season for pollock in Statistical Area 610 of the GOA by closing the fishery at 1800 hrs, A.L.T., September 1, 1999, at which time directed fishing for pollock will be prohibited. This action has the effect of opening the fishery for 6 hours. NMFS is taking this action to allow a controlled fishery to occur, thereby preventing the overharvest of the C seasonal allowance of the pollock TAC designated in accordance with the EIR establishing Steller sea lion protection measures for pollock off Alaska.

NMFS also is extending the C fishing season by inseason adjustment to delay the start of the D fishing season until the agency has determined whether sufficient amounts of the C season allowance remains unharvested to allow another opening within the C fishing season prior to the harvest of the pollock authorized for the D season. In accordance with § 679.20(a)(5)(ii)(C), underages from the C fishing season also may be applied to the D fishing season, provided that the revised D fishing seasonal allowance does not exceed 30 percent of the annual TAC.

While the potential catching capacity for vessels delivering pollock for processing by the inshore component is large enough to limit the first opening during the C fishing season to 6 hours, that limitation may reduce interest in participating in the fishery. If the catch during the C fishing season is very limited, the potential exists for a substantial amount of the C seasonal allowance of the pollock TAC not to be caught and to be eligible for harvest during the D fishing season. Therefore, in accordance with § 679.25(a)(1)(i) and (a)(2)(i)(C), NMFS is extending the C fishing season to prevent the underharvest of that seasonal allowance of the pollock TAC until NMFS has determined the C seasonal allowance has been harvested, or October 1, 1999, whichever occurs first.

In accordance with § 679.25(a)(2)(iii), NMFS has determined that prohibiting directed fishing at 1800 hrs, A.L.T., September 1, 1999, after a 6-hour opening, and extending the C fishing season, is the least restrictive management adjustment to achieve the C seasonal allowance of the pollock TAC and will allow other fisheries to continue in noncritical areas and time periods. Pursuant to § 679.25(b)(2), NMFS has considered data regarding catch per unit of effort and rate of harvest in making this adjustment.

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, NMFS could not allow this fishery, and the C seasonal allowance of the pollock TAC in Statistical Area 610 of the GOA would not be harvested in accordance with the regulatory schedule, resulting in a seasonal loss of more than \$1.0 million. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until September 15, 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: August 30, 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. 083099D]

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 prohibiting directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA) and extending the C fishing season for pollock in Statistical Area 630 until further notice. This adjustment is necessary to manage the C seasonal allowance of the pollock total allowable catch (TAC), given the existence of excessive harvesting capacity.

DATES: Directed fishing for pollock in Statistical Area 630 will be closed at

1200 hrs, A.l.t., September 2, 1999. Comments must be received at the following address no later than 4:30 p.m., A.l.t., September 15, 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: Andrew Smoker, 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.

As of August 21, 1999, 7,400 metric tons (mt) of pollock remain in the C seasonal allowance of the pollock TAC in Statistical Area 630 of the GOA. That amount will be available for harvest at 1200 hrs, A.l.t., September 1, 1999. The emergency interim rule establishing Steller sea lion protection measures for pollock off Alaska (64 FR 3437, January 22, 1999, and extended at 64 FR 39087, July 21, 1999) defines the C fishing season for pollock in Statistical Area 630 of the GOA as starting from 1200 hrs, A.l.t., September 1, 1999, until the directed fishery is closed or 1200 hrs, A.l.t. October 1, 1999, whichever comes first. The D fishing season is to begin 5 days after the closure of the C fishing season in Statistical Area 630.

NMFS also is extending the C fishing season by inseason adjustment to delay the start of the D fishing season until the agency has determined whether sufficient amounts of the C season allowance remains unharvested to allow another opening prior to the harvest of the pollock authorized for the D season. In accordance with § 679.20(a)(5)(ii)(C), underages from the C fishing season also may be applied to the D fishing season, provided that the revised D fishing seasonal allowance does not exceed 30 percent of the annual TAC.

While the potential catching capacity for vessels delivering pollock for

processing by the inshore component is large enough to limit the first opening during the C fishing season to 24 hours, that limitation may reduce interest in participating in the fishery. If the catch during the C fishing season is very limited, the potential exists for a substantial amount of the C seasonal allowance of the pollock TAC not to be caught and to be eligible for harvest during the D fishing season. Therefore, in accordance with § 679.25(a)(1)(i) and (a)(2)(i)(C), NMFS is extending the C fishing season to prevent the underharvest of that seasonal allowance of the pollock TAC until NMFS has determined the C seasonal allowance has been harvested or October 1, 1999, whichever occurs first.

In accordance with § 679.25(a)(2)(iii), NMFS has determined that prohibiting directed fishing at 1200 hrs, A.l.t., September 2, 1999, after a 24-hour opening, and extending the C fishing season is the least restrictive management adjustment to achieve the C seasonal allowance of the pollock TAC and will allow other fisheries to continue in noncritical areas and time periods. Pursuant to § 679.25(b)(2), NMFS has considered data regarding catch per unit of effort and rate of harvest in making this adjustment.

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, NMFS could not allow this fishery, and the C seasonal allowance of the pollock TAC in Statistical Area 630 of the GOA would not be harvested in accordance with the regulatory schedule, resulting in a seasonal loss of more than \$1.0 million. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until September 15, 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: August 30, 1999.

Bruce C. Morehead,

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

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