

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

[Docket No. 971208297-8054-02; I.D. 092598A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska

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

ACTION: Modification of a closure, inseason adjustment, and request for comments.

SUMMARY: NMFS is opening directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to fully utilize the total allowable catch (TAC) of pollock in that area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t), September 26, 1998, until 2400 hrs, A.l.t, September 26, 1998. Comments must be received at the following address no later than October 13, 1998.

ADDRESSES: Comments may be sent to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, 709 West 9th Room 543, Juneau, AK 99801 or P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Nick Hindman, 907-581-2062.

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.

In accordance with § 679.20(a)(5)(ii)(A), the allowance for the pollock TAC apportioned to Statistical Area 630 in the GOA was established by the Final 1998 Harvest Specifications for Groundfish (63 FR 12027, March 12, 1998) as 39,315 metric tons (mt). The Administrator, Alaska Region, NMFS (Regional Administrator), has established a directed fishing allowance of 38,815 mt, and set aside 500 mt as bycatch to support other anticipated groundfish fisheries. The fishery for pollock in Statistical Area

630 was closed to directed fishing under § 679.20(d)(1)(iii) on September 16, 1998 (63 FR 50170, September 21, 1998), in order to reserve amounts anticipated to be needed for incidental catch in other fisheries.

NMFS has determined that as of September 24, 1998, 1,824 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for pollock in Statistical Area 630 of the GOA effective 1200 hrs, A.l.t, September 26, 1998.

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. 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 year is 1200 hrs, A.l.t. The Regional Administrator has determined that the remaining portion of the pollock TAC in Statistical Area 630 would be underharvested if the fishery remained closed, but would likely be overharvested if a 24-hour fishery were allowed to occur. Therefore NMFS is adjusting the duration of the fishery to 12 hours.

In accordance with § 679.25(a)(1)(i), NMFS is adjusting the season for pollock in Statistical Area 630 of the GOA. NMFS is prohibiting directed fishing for pollock in Statistical Area 630 at 2400 hrs, A.l.t, September 26, 1998.

NMFS is taking this action to prevent the underharvest of the pollock TAC in Statistical Area 630 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, A.l.t, September 26, 1998, is the least restrictive management adjustment to harvest the pollock TAC in Statistical Area 630 and will allow other fisheries to continue in noncritical areas and time periods.

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 impractical and contrary to the public interest. Without this inseason adjustment, the pollock TAC in Statistical Area 630 would be underharvested, resulting in an economic loss to the groundfish industry. Under § 679.25 (c)(2), interested persons are invited to submit written comments on this action to the above address until October 13, 1998.

All other closures remain in full force and effect.

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 25, 1998.

Gary C. Matlock,

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. 971208298-8055-02; I.D. 092898E]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Trawl Vessels Using Nonpelagic Trawl Gear in Bycatch Limitation Zone 1 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 closing directed fishing for pollock by trawl vessels using nonpelagic trawl gear in Bycatch Limitation Zone 1 (Zone 1) of the Bering Sea and Aleutian Islands management area (BSAI) except for the red king crab savings subarea. This action is necessary to prevent exceeding the 1998 bycatch allowance of red king crab apportioned to the trawl pollock/Atka mackerel/"other species" fishery category in Zone 1.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 28, 1998, until 2400 hrs, A.l.t., December 31, 1998.

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 bycatch allowance of red king crab for the BSAI trawl pollock/Atka mackerel/"other species" fishery category, which is defined at

§ 679.21(e)(4)(iv)(F), was established as 6,938 animals by the Final 1998 Harvest Specifications of Groundfish for the BSAI (63 FR 12689, March 16, 1998).

The red king crab savings subarea as described at § 679.21 (e)(3)(ii)(B), is located within Zone 1 and is apportioned a separate allocation of red king crab bycatch. That subarea is not affected by this action.

In accordance with § 679.21(e)(7), the Administrator, Alaska Region, NMFS, has determined that the 1998 bycatch allowance of red king crab apportioned to the trawl pollock/Atka mackerel/"other species" fishery in Zone 1 has been caught. Consequently, NMFS is closing directed fishing for pollock by trawl vessels using nonpelagic trawl gear in Zone 1 except for the red king crab savings subarea.

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 to prevent exceeding the 1998 bycatch allowance of red king crab specified for the trawl pollock/Atka mackerel/"other species" fishery category in Zone 1. 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 bycatch allowance. Further delay would only result in the bycatch allowance of red king crab being exceeded and disrupt the FMP's objective of limiting the bycatch of trawl red king crab. 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.

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

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

Dated: September 28, 1998.

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. 971208298-8055-02; I.D. 092898A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Trawl Vessels Using Nonpelagic Trawl Gear in Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for pollock by trawl vessels using nonpelagic trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1998 Pacific halibut bycatch allowance specified for the trawl pollock/Atka mackerel/"other species" fishery category.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 28, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 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.

In accordance with § 679.21(e)(3)(iv)(F), the Final 1998 Harvest Specifications of Groundfish for the BSAI (63 FR 12689, March 16, 1998) established the 1998 Pacific halibut bycatch allowance specified for the BSAI pollock/Atka mackerel/"other species" fishery category as 324 metric tons.

In accordance with § 679.21(e)(7)(v), the Administrator, Alaska Region, NMFS, has determined that the 1998 Pacific halibut bycatch allowance specified for the trawl pollock/Atka mackerel/"other species" fishery in the BSAI has been caught. Consequently, NMFS is closing directed fishing for pollock by trawl vessels using nonpelagic trawl gear in 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 to prevent exceeding the 1998 Pacific halibut bycatch allowance specified for the trawl pollock/Atka mackerel/"other species" fishery category in the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet will soon take the Pacific halibut bycatch allowance specified for the trawl pollock/Atka mackerel/"other species" fishery category in the BSAI. Further delay would only result in exceeding the Pacific halibut bycatch allowance. 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 § 679.21 and is exempt from review under E.O. 12866.

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

Dated: September 28, 1998.

Bruce C. Morehead,

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

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