

population segment within the United States.

(2) Exceptions. No person may take this species, except in the following instances in accordance with applicable State fish and wildlife conservation laws and regulations relevant to protection of bull trout in effect on April 8, 1999.

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act;

(ii) Incidental to State-permitted recreational fishing activities, provided that any bull trout caught are immediately returned to the stream.

(iii) The exceptions in paragraphs (x)(2) (i) and (ii) of this section will be in effect until April 9, 2001. At that time, all take prohibitions of the Act will be reinstated for the Jarbidge River population segment unless exceptions to take prohibitions are otherwise provided through a subsequent special rule.

(3) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species is also a violation of the Endangered Species Act.

(4) No person may possess, sell, deliver, carry, transport, ship, import, or export, any means whatsoever, any such species taken in violation of this section or in violation of applicable State fish and conservation laws and regulations.

(5) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (x)(2) through (4) of this section.

Dated: April 5, 1999.

**Donald J. Barry,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 980429110-8110-01; I.D. 032499B]

#### Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon, OR, to Point Pitas, CA

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Inseason adjustments; request for comments.

**SUMMARY:** NMFS announces that a commercial salmon test fishery for all salmon except coho in the areas from Point Pillar (37°29'48" N. lat.) to Point Pigeon (37°10'54" N. lat.) and from Point Piedras Blancas (35°40'00" N. lat.) to Point Pitas (34°19'02" N. lat.), CA, that was tentatively scheduled to open April 2, 1999, will open April 14, 1999, run 3 days open and 4 days closed, and continue through the earlier of April 28, 1999, or the attainment of chinook quotas of 3,000 and 5,000 respectively. NMFS also announces that the commercial and recreational fisheries for all salmon except coho, in the areas from Cape Falcon to Humbug Mountain, OR, will open April 1, 1999, and continue through dates to be determined in the 1999 management measures for 1999 ocean salmon fisheries in the exclusive economic zone (EEZ). This action is necessary to conform to the 1998 announcement of management measures for 1999 salmon seasons opening earlier than May 1, 1999, and is intended to ensure conservation of chinook salmon.

**DATES:** Effective April 1, 1999, until the effective date of the 1999 management measures, which will be published in the **Federal Register** for the west coast salmon fisheries. Comments will be accepted through April 22, 1999.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070; or William Hogarth, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:** William Robinson, 206-526-6140, or Svein Fougner, 562-980-4030.

**SUPPLEMENTARY INFORMATION:** The 1999 April test fishery off southern California is a continuation of the test fishery initiated in April 1997, and is intended to evaluate the contribution of Sacramento River winter chinook and Central Valley spring chinook to the commercial catch off Morro Bay and Santa Barbara during the month of April. Sacramento River winter chinook are listed under the Federal and California State endangered species acts

and Central Valley spring chinook are listed under the state act and proposed under the Federal act.

In the 1998 management measures for 1999 ocean salmon fisheries in the EEZ opening earlier than May 1, 1999 (63 FR 24973, May 6, 1998), NMFS announced that an experimental fishery would open between Point Sur and the U.S.-Mexican border for all salmon except coho, from April 2, 1999, through the earlier of April 29, 1999, or achievement of a chinook quota. Details regarding the season, the areas, the chinook quota, and participating vessels would be determined through an inseason recommendation of the Pacific Fishery Management Council (Council) at the November 1998 meeting.

At the November meeting, the Council decided to delay the final recommendation until its March meeting when there would be more information available about the status of the stocks in 1999. At the March 1999 meeting, the Council made its inseason recommendation to open the April test fishery in two locations: the area from Point Pillar to Point Pigeon and from Point Piedras Blancas to Point Pitas, CA. The Council also recommended adding an additional test area between Point Pillar and Point Pigeon to provide comparative data from the same year in a different area. In evaluating the effect of the test fishery to determine whether the overall impact of the proposed options for 1999 ocean fisheries on Sacramento River winter chinook will achieve NMFS consultation standards under the Endangered Species Act, the Council considered the results of the 1997 April test fishery from Point Lopez to Point Mugu and substantially increased its estimates of the incidental take of winter chinook associated with the fishery relative to the estimate used in evaluating the 1997 April test fishery.

The test fishery will be conducted from Point Pillar to Point Pigeon, for all salmon except coho, with a 3,000 chinook quota; from Point Piedras Blancas to Point Conception (34°27'00" N. lat.), for all salmon except coho, with a 2,500 chinook quota; and Point Conception to Point Pitas, for all salmon except coho, with a 2,500 chinook quota. The subareas and subquotas between Point Piedras Blancas and Point Pitas are intended to ensure that samples are collected uniformly over the entire area. The season will open 0001 hours local time, April 14, 1999, and operate on a schedule of 3 days open and 4 days closed, through the earlier of 2359 hours local time April 28, 1999, or attainment of chinook

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,