

schedule should be adjusted, i.e., certain RFDs should be waived, in order to allow for maximum utilization of the General category June-August subquota. Therefore, NMFS increases the daily retention limit from zero to one large medium or giant BFT on the following previously designated RFDs for 1999: August 8, 9, 15, and 16.

**DATES:** Effective August 2, 1999.

**FOR FURTHER INFORMATION CONTACT:** Pat Scida or Brad McHale, 978-281-9260.

**SUPPLEMENTARY INFORMATION:**

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. General category effort controls (including time-period subquotas and RFDs) are specified annually under §§ 635.23(a) and 635.27(a). The 1999 General category effort controls were implemented June 1, 1999 (64 FR 29806, June 3, 1999).

**Adjustment of Daily Retention Limit for Selected Dates**

Under § 635.23 (a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT. Based on a review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds, NMFS has determined that adjustment to the RFD schedule, and therefore an increase of the daily retention limit for selected previously designated RFDs, is necessary. Therefore, NMFS adjusts the daily retention limit for August 8, 9, 15, and 16, 1999, to one large medium or giant BFT per vessel. NMFS has selected these days in order give adequate advanced notice to fishery participants and NMFS enforcement.

The intent of this adjustment is to allow for maximum utilization of the June-August subquota (specified under § 635.27(a)) by General category participants in order to help achieve optimum yield in the General category fishery, to collect a broad range of data for stock monitoring purposes, and to be consistent with the objectives of the HMS FMP.

**Classification**

This action is taken under § 635.23(a)(4) and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: August 2, 1999.

**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 660**

[Docket No. 99043-913-01; I.D. 072299C]

**Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial Closure From Fort Ross to Point Reyes, CA; Inseason Adjustment from Cape Flattery to Leadbetter Point, WA**

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

**ACTION:** Closure; inseason adjustment (transfer); request for comments.

**SUMMARY:** NMFS announces that the commercial salmon fishery in the area from Fort Ross to Point Reyes, CA, was closed at midnight, July 12, 1999. The Northwest Regional Administrator, NMFS (Regional Administrator), has determined that the commercial quota of 2,500 chinook salmon has been reached. In addition, 2,500 chinook salmon will be transferred from the May/June commercial troll fishery between the U.S.-Canada border and Cape Falcon, Oregon, to the July through September fishery between Cape Flattery and Leadbetter Point, WA. These actions are necessary to conform to the 1999 management measures and are intended to ensure conservation of chinook salmon.

**DATES:** Closure effective 2400 hours local time (l.t.), July 12, 1999. Transfer effective August 5, 1999. Comments will be accepted through August 20, 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 to Rodney R. McInnis, Acting 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:**

**Closure of the Test Fishery**

Regulations governing the ocean salmon fisheries at 50 CFR 660.409(a)(1) state that, when a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS will, by notification issued under 50 CFR 660.411, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

In the 1999 management measures for ocean salmon fisheries (64 FR 24078, May 5, 1999), NMFS announced that the commercial fishery for all salmon, except coho, in the area between Fort Ross (38°31'00" N. lat.) to Point Reyes, CA (test fishery inside 6 nm [11.1 km]) would open on July 1 through the earlier of July 14 or attainment of a 2,500 chinook quota.

Daily landings of chinook salmon from July 1 to 8 ranged from 0 to 300 fish, with 1 to 22 boats participating daily. On Friday, July 9, participation increased to 49 boats, with most boats catching the 30-fish limit early in the day, and total landings for the day were over 1,100 fish. California Department of Fish and Game (CDFG) staff recognized the increased effort and anticipated the quota would be met by Saturday but were unable to close the fishery until Monday, July 12, 1999. The information regarding the attainment of the quota was distributed to the commercial fish buyers and fishermen on Saturday morning, and a voluntary closure was encouraged by the CDFG. In response to CDFG concerns, most fishermen chose to respect the voluntary closure; participation dropped from 51 boats on Saturday to 4 boats on Sunday. As of July 11, 1999, the total landings of chinook were 3,144, 644 fish over the quota.

In order to provide notification to the fishing fleet, the fishery was closed at midnight, July 12. In making this decision, the Regional Administrator consulted with representatives of the Pacific Fishery Management Council and the CDFG. The State of California will manage the commercial fishery in state waters adjacent to this area of the exclusive economic zone (EEZ) in accordance with this Federal action. As provided by the inseason notification procedures of 50 CFR 660.411, actual

notice to fishermen of this action was given prior to 2400 hours l.t., July 12, 1999, by telephone hotline numbers 206-526-6667 and 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 to close the fishery upon achievement of the quota, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. This action does not apply to other fisheries that may be operating in other areas.

#### **Transfer of Chinook Salmon**

In the 1999 management measures for ocean salmon fisheries (64 FR 24078, May 5, 1999), NMFS announced that the commercial fishery for all salmon except coho, from the U.S.-Canada border to Cape Falcon, Oregon, would open May 1 through the earlier of June 15 or attainment of a 24,000 chinook guideline, and that the commercial fishery for all salmon from Cape Flattery (48°23'00" N. lat.) to Cape Alava (48°10'00" N. lat.) West of 125°05'00" W. long. and Cape Alava to Leadbetter Point, WA, would open July 10 through

the earliest of September 30 or attainment of the overall chinook quota (preseason 4,500 chinook guideline) or 20,000 coho quota.

The May/June commercial fishery for salmon from the U.S.-Canada border to Cape Falcon, Oregon, landed 11,116 chinook salmon of the 24,000 chinook salmon guideline, with 12,884 fish remaining. The Regional Administrator consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife, and the Oregon Department of Fish and Wildlife to consider transferring all, or a portion of, the 12,884 fish remaining from the May/June fishery chinook guideline to the July through September season. The States of Washington and Oregon have recommended that any amount transferred should not result in increased impacts to Endangered Species Act (ESA) listed stocks from the level of impacts approved in the preseason regulations. Analysis of the transfer indicated that a transfer of 2,500 chinook salmon to the later season from Cape Flattery to Leadbetter Point, WA, could occur without increasing impacts to ESA-listed salmon. Therefore, NMFS

is transferring 2,500 of the remaining 12,884 chinook salmon from the May/June commercial fishery to the July through September fishery from Cape Flattery to Leadbetter Point, WA, making the total guideline for this area for this period 7,000 chinook salmon.

Modification of fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i). All other restrictions that applied to this fishery remained in effect as announced in the annual management measures. The State of Washington will manage the commercial fishery in state waters adjacent to this area of the EEZ in accordance with this Federal action.

#### **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: August 2, 1999.

**Bruce C. Morehead,**

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