

from the recreational fishing community for more advance notice of retention limit adjustments and greater certainty in planning for the fishing season.

Since July 26, 1999, NMFS has maintained the daily retention limit at one large school or small medium BFT per vessel. In the announcement for the daily retention limit effective June 25 through July 25, 1999 (64 FR 31992, June 15, 1999), NMFS announced the intention to adjust the daily retention limit once again during late summer and early fall season when BFT have moved further north to the waters off Rhode Island, New York, and northern New Jersey, contingent upon the availability of BFT Angling category quota. NMFS has received comment from mid-Atlantic fishermen, earlier this year and since the June daily retention limit adjustment, that the implementation of an increased daily retention limit over a date-certain period is preferable to a longer season with a lower daily retention limit as it facilitates the scheduling of fishing trips, particularly charter trips. NMFS is encouraged by the positive feedback surrounding the June adjustment and, as information received from fishermen indicates that BFT are available in the northern area (New Jersey and north), has determined that a late-season daily retention limit adjustment is warranted to ensure reasonable fishing opportunities in all geographic areas without risking overharvest.

Landings of the North Carolina winter fishery BFT are deducted from the bridge period in a BFT quota adjustment action published elsewhere in this *Federal Register* issue. Preliminary Large Pelagic Survey estimates of landings for June through August 15, 1999, indicate that approximately 3.2 metric tons (mt) of school BFT and approximately 39 mt of large school/small medium BFT have been landed; reported landings of large medium and giant BFT total approximately 3.1 mt.

NMFS adjusts the BFT Angling category daily retention limit for all areas to two school BFT (measuring 27 to less than 47 inches (69 to less than 119 cm) curved fork length) and one large school or small medium BFT (measuring 47 to less than 73 inches (119 to less than 150 cm) curved fork length) per vessel.

This daily retention limit adjustment is effective September 1 through October 6, 1999, after which it will be one large school or small medium BFT per vessel. The daily retention limit and the duration of daily retention limit adjustment have been selected based on an examination of past catch and effort rates. NMFS will continue to monitor

the Angling category fishery closely through the Automated Catch Reporting System, the state harvest tagging programs in North Carolina and Maryland, and the Large Pelagic Survey. Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that an interim closure or additional retention limit adjustment is necessary to enhance scientific data collection from, and fishing opportunities in, all geographic areas. Additionally, NMFS may determine that an allocation from the school BFT reserve is warranted to further fishery management objectives.

Closures or subsequent adjustments to the daily retention limit, if any, shall be announced through publication in the **Federal Register**. In addition, anglers may call the Atlantic Tunas Information Line at 888-USA-TUNA (888-872-8862) or 978-281-9305 for updates on quota monitoring and retention limit adjustments. Anglers aboard Charter/Headboat category vessels, when engaged in recreational fishing for school, large school, and small medium BFT, are subject to the same rules as anglers aboard Angling category vessels. All BFT landed under the Angling category quota must be reported within 24 hours of landing to the NMFS Automated Catch Reporting System by calling 888-USA-TUNA (888-872-8862) or, if landed in the states of North Carolina or Maryland, to a reporting station prior to offloading. Information about these state harvest tagging programs, including reporting station locations, can be obtained in North Carolina by calling (800) 338-7804, and in Maryland by calling (410) 213-1531.

Classification

This action is taken under 50 CFR 635.23(b)(3). This action is exempt from review under E.O. 12866.

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

Dated: August 27, 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

RIN 0648-AM20

[Docket No. 990823233-9233-01; I.D. 072799C]

Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Quotas for the 1999-2000 Fishing Year

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

ACTION: Interim final quotas.

SUMMARY: NMFS announces the interim final harvest quotas for the northern anchovy fishery in the exclusive economic zone south of Point Reyes, California, for the 1999-2000 fishing year. These quotas were established according to the current regulations implementing the Northern Anchovy Fishery Management Plan (FMP). Amendment 8 to the FMP, which was partially approved by NMFS on June 10, 1999, will change the methodology of establishing the quota. However, the final rule implementing Amendment 8 was not published by August 1, when the fishery began. Therefore, existing regulations must be used to set the quotas for the 1999-2000 fishing season. The intended effect of this action is to establish allowable harvest levels for the central subpopulation of northern anchovy.

DATES: Effective August 27, 1999. Comments will be accepted until September 27, 1999.

ADDRESSES: Submit comments on the interim final quotas to Rodney R. McInnis, Acting Administrator, Southwest Region, (Regional Administrator), NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Administrative Reports LJ-95-11 and LJ-97-08 are available from this same address.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, (562) 980-4030.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and with the NMFS Southwest Fisheries Science Center, the Administrator, Southwest Region, NMFS, has decided to use the 1995 estimate of 388,000 metric tons (mt) spawning biomass for the central subpopulation of northern anchovy, *Engraulis mordax*, to set interim harvest

limits for the 1999–2000 fishing year. This is the same biomass estimate that was used for the 1995–96 through 1998–99 fishing years, and is being used because no new assessment of the resource has been made. Indices of relative abundance from airplane fish-spotter logs and egg production from research cruises in 1997 (Administrative Report LJ–97–08) indicated that the biomass remained at or above that estimated in 1995.

The biomass estimate was derived from a stock assessment model using spawning biomass estimated by five indices of abundance. Documentation of the spawning biomass is described in Administrative Report LJ–95–11, published by the Southwest Fisheries Science Center, NMFS (see **ADDRESSES**). Information on the status of the resource was last provided at a public meeting of the Pacific Fishery Management Council's (Council) Coastal Pelagic Species Plan Development Team (Planning Team) and Advisory Subpanel in Long Beach, CA, on June 11, 1998. At that time, a review of the status of the anchovy resource was presented by the Planning Team, and NMFS requested estimates of domestic processing needs from the fishing industry so that a basis could be established for setting annual quotas. The industry estimated that 13,000 mt would meet the needs of the reduction industry.

No meeting between the Planning Team and the Advisory Subpanel was held in 1999, because no new information on the anchovy resource was available and harvests have been consistently low.

Existing regulations establish optimum yield at 100 percent of the amount of the biomass above 300,000 mt (88,000 mt) for reduction fishing plus 7,000 mt for nonreduction fishing. In allocations for reduction and nonreduction fishing, 70 percent is allocated to the U.S. fishery and 30 percent is set aside to account for the Mexican fishery.

The Council reviewed the information available at its public meeting in Portland, OR, on June 22, 1999. The Council acknowledged that the domestic reduction harvest will be low and recommended that the reduction allocation should comprise an amount consistent with recent allocations for reduction fishing (13,000 mt) and the 3,000 mt that the Council recommended

as a limit for harvest by two vessels participating in an experimental fishery in the Farallon Islands Closed Area off San Francisco. This would result in a Domestic Allowable Harvest (DAH) of 16,000 mt.

The Council recommended that the total allowable level offoreign fishing (TALFF) be zero; however, the existing regulations require that the amount not allocated to the domestic fishery be reserved for TALFF.

According to the formula in the FMP, the U.S. optimum yield (OY) is 66,500 mt (70 percent of the 95,000–mt international OY). The U.S. OY includes 61,600 mt, which is allocated to reduction fisheries, plus 4,900 mt for non-reduction fisheries. There is no agreement with Mexico on the management of northern anchovy; a portion of the biomass (30 percent) above 300,000 mt is designated as the amount to account for this unregulated harvest. TALFF constitutes any portion of U.S. OY that U.S. fishermen will not use, minus the amount harvested by Mexican vessels in excess of that assumed in the FMP. The Mexican harvest increased significantly in 1995, but dropped to a moderate level in 1996. In recent years, the Mexican harvest has not exceeded the catch levels defined in the FMP.

After considering the above, the Regional Administrator made the following determinations for the 1999–2000 fishing year by applying the formulas in the FMP and in 50 CFR 660.509(b).

1. The total U.S. OY for northern anchovy is 66,500 mt.

2. The total U.S. harvest quota for reduction purposes is 16,000 mt.

a. Of the total reduction harvest quota, 1,600 mt is reserved for the reduction fishery in Subarea A (the northern portion of the Pacific anchovy fishery area (PAFA) between 38° N. lat., (Point Reyes), and a southern limit at 35°14' N. lat. (Point Buchon)). The FMP requires that 10 percent of the U.S. reduction quota or 9,072 mt, whichever is less, be reserved for the northern fishery. This is not a special quota, but only a reduction in the amount allocated to the southern fishery south of Pt. Buchon Subarea B (the southern portion of the PAFA between 35°14' N. lat. (Point Buchon), and the United States-Mexico International Boundary. After the northern fishery has harvested 1,600 mt, any unused portion of the Subarea B

allocation may also be harvested north of Pt. Buchon.

b. The reduction quota for subarea B (south of Pt. Buchon) is 14,400 mt.

3. The U.S. harvest quota for non-reduction fishing (i.e., fishing for anchovy for use as dead bait or human consumption) is 4,900 mt (as set by § 660.509(b)).

4. There is no U.S. harvest limit for the live baitfishery.

5. The domestic annual processing capacity (DAP) is 16,000 mt.

6. The amount allocated to joint venture processing (JVP) is zero, because there is no history of, nor are there applications for, joint ventures.

7. Domestic annual harvest capacity (DAH) is 16,000 mt. DAH is the sum of DAP and joint venture processing.

8. The TALFF is 45,600 mt.

The fishery will be monitored during the year and evaluated with respect to the OY and the estimated needs of the fishing industry.

Classification

This action is authorized by 50 CFR 660.509 and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds for good cause under 5 U.S.C. 553(b)(B) that providing prior notice and an opportunity for public comment on this action is unnecessary because establishing the quota is a ministerial act, determined by applying a formula in the FMP. Accordingly, providing prior notice and an opportunity for public comment would serve no useful purpose.

Because this rule merely establishes a quota and does not require any participants in the fishery to take action or to come into compliance, the AA finds for good cause under 5 U.S.C. 553(d)(3) that delaying the effective date of this rule for 30 days is unnecessary. Accordingly, the AA makes the quota effective upon the date of filing for public inspection with the Office of the Federal Register.

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

Dated: August 27, 1999.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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