

management strategy for Federal lands in the basin) and the state and locally driven Oregon Plan for Salmon and Watersheds. NMFS will encourage, and where possible support these and other efforts to help Umpqua Basin cutthroat trout.

### Determinations

Based on an assessment of the available scientific and commercial information, and after taking into account public and peer review comments, NMFS finds that the Umpqua River cutthroat trout is no longer a "species" as defined by the ESA. New information collected during the coastwide status review indicate that the Umpqua River populations are part of a larger Oregon Coast ESU that previously was determined to be neither threatened nor endangered under the ESA (64 FR 16397, April 5, 1999). Therefore, NMFS concludes that the Umpqua River cutthroat trout should be removed from the Federal List of Endangered and Threatened species, thereby removing all protections provided by the ESA. FWS concurs with this action in accordance with 4(a)(2)(B) of the ESA.

As a result of this delisting, the taking, interstate commerce, import, and export of Umpqua River cutthroat trout will no longer be prohibited by the ESA. In addition, Federal agencies will no longer be required to consult with NMFS under section 7 of the ESA in the event activities they authorize, fund, or carry out adversely affect Umpqua River cutthroat trout.

In accordance with 5 U.S.C. 553(d), NMFS has determined that this rule relieves an existing restriction and that there is good cause to make the effective date of this delisting immediate. Delaying the delisting would keep the ESA's take prohibitions in place (as well as the resultant ESA consultation and permitting requirements) and result in needless expenditures of time and money. An immediate delisting will provide prompt public notification and allow NMFS and other Federal agencies to focus limited resources on actions affecting listed species.

### Critical Habitat

Critical habitat for the Umpqua River cutthroat trout was designated on January 9, 1998 (63 FR 1388). It includes all estuarine areas and river reaches accessible to the species in the Umpqua River basin, except areas above longstanding, naturally impassable barriers. The ESA defines critical habitat as "specific areas within the geographical area occupied by the species, at the time it is listed on which

are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection." Because critical habitat can be designated only for species listed as endangered or threatened under the ESA, there will be no designated critical habitat for the Umpqua River cutthroat trout upon publication of this final rule.

### Classification

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation v. Andrus*, 675 F.2d 825 (6th Cir. 1981), NMFS concluded that all ESA listing actions are not subject to environmental assessment requirements of the National Environmental Policy Act. See NOAA Administrative Order 216-6 (see **ADDRESSEES**).

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered in determinations regarding the status of species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this proposed rule is exempt from review under Executive Order 12866.

This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

### References

A complete list of all references cited herein is available upon request (see **ADDRESSES**) and can also be obtained from the internet at [www.nwr.noaa.gov](http://www.nwr.noaa.gov).

### List of Subjects

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

#### 50 CFR Part 224

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and record keeping requirements, Transportation.

#### 50 CFR Part 226

Endangered and threatened species.

Dated: April 14, 2000.

**Andrew A. Rosenberg**,  
Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 224 and 226 are amended as follows:

### PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 224 continues to read as follows:

**Authority:** 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

#### § 224.101 [Amended]

2. In § 224.101, in paragraph (a), remove the words "Umpqua River cutthroat trout (*Oncorhynchus clarki clarki*)".

### PART 226—DESIGNATED CRITICAL HABITAT

3. The authority citation for part 226 continues to read as follows:

**Authority:** 16 U.S.C. 1533.

#### § 226.206 [Removed and reserved]

4. Remove and reserve § 226.206.

#### Table 4 to Part 226 [Removed and reserved]

5. Remove and reserve Table 4 to part 226.

[FR Doc. 00-9842 Filed 4-18-00; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 981216308-9124-02; I.D. 040500B]

RIN 0648-AJ67

### Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems

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

**ACTION:** Delay of effectiveness.

**SUMMARY:** NMFS further delays the effective date of a section of a final rule published May 28, 1999, which required certain vessel owner/operators to install a NMFS-approved vessel monitoring system (VMS). The effective date of the VMS requirement is delayed until September 1, 2000.

**DATES:** The effective date of 50 CFR 635.69 is September 1, 2000.

**ADDRESSES:** Copies of the Highly Migratory Species Fishery Management Plan (HMS FMP), the final rule and supporting documents can be obtained from Rebecca Lent, Chief, Highly Migratory Species Division, Office of

Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Jill Stevenson, NMFS, (301) 713-2347, or Buck Sutter (727) 570-5447.

**SUPPLEMENTARY INFORMATION:** The final regulations to implement the HMS FMP, and Amendment 1 to the Atlantic Billfish Fishery Management Plan (64 FR 29090, May 28, 1999) included a provision requiring an owner or operator of a commercial vessel permitted to fish for Atlantic HMS under § 635.4 and that fishes with a pelagic longline to install a NMFS-approved VMS unit on board the vessel and operate the VMS unit whenever the vessel leaves port with pelagic longline gear on board. The VMS requirement of the final rule (§ 635.69) was to be effective September 1, 1999.

On August 9, 1999, NMFS delayed the effective date of this final rule until January 1, 2000 (64 FR 43101). On October 14, 1999, NMFS again delayed the effective date of this final rule until June 1, 2000 (64 FR 55633). NMFS further delays the effective date of implementation of the VMS regulations until September 1, 2000.

Dated: April 10, 2000.

**George H. Darcy,**

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

[FR Doc. 00-9699 Filed 4-18-00; 8:45 am]

**BILLING CODE 3510-22-F**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 000211039-0039-01; I.D. 041200A]

#### Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Gulf of Alaska

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

**ACTION:** Apportionment of reserve.

**SUMMARY:** NMFS is apportioning the initial reserve of Pacific cod in the Gulf of Alaska (GOA). This action is necessary to allow incidental catch of Pacific cod to be retained in other directed fisheries and to account for previous harvest of the total allowable catch (TAC) in the GOA.

This action is necessary to meet the objectives in the Magnuson-Stevens

Fishery Conservation and Management Act (Magnuson-Stevens Act), and is intended to further the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), April 19, 2000, until 2400 hrs, A.l.t., December 31, 2000. Comments must be received by May 4, 2000.

**ADDRESSES:** Comments may be sent to Sue Salveson, Assistant Administrator for Fisheries, Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801 or 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 St., Room 453, Juneau, AK 99801. Comments will not be accepted if submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, (907)481-1780, fax (907)481-1781, or tom.pearson@noaa.gov.

#### SUPPLEMENTARY INFORMATION:

NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the 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 initial TAC of Pacific cod in the Western, Central, and Eastern Regulatory Areas of the GOA was established by the Final 2000 Harvest Specifications for Groundfish of the GOA (65 FR 8298, February 18, 2000) as 16,500 metric tons (mt), 27,264 mt, and 3,208 mt, respectively. Directed fishing for Pacific cod for processing by the offshore component in the Western Regulatory Area of the GOA was closed on February 7, 2000, and by the inshore component in the Western and Central Regulatory Areas of the GOA on March 4, 2000, under § 679.20(d)(1)(iii), in order to prevent exceeding the allocation for processing by the offshore and inshore components in these areas (65 FR 6561, February 10, 2000, and 65 FR 12137 and 12138, March 8, 2000).

The reserves of Pacific cod in the GOA were created by the Final 2000 Harvest Specifications for Groundfish of the GOA (65 FR 8298, February 18, 2000) as a management buffer to prevent exceeding the TACs and to provide greater assurance that Pacific cod could

be retained as bycatch throughout the fishing year.

The Administrator, Alaska Region, NMFS, (Regional Administrator), has determined that the initial TAC for Pacific cod in the GOA needs to be supplemented from the Pacific cod reserve for the GOA in order to allow incidental catch of Pacific cod to be retained in other fisheries and to account for prior harvest. Therefore, in accordance with § 679.20(b)(3)(i)(A), NMFS is apportioning 11,743 mt of Pacific cod from the reserve to the TAC in the GOA: 4,125 mt in the Western, 6,816 mt in the Central, and 802 mt in the Eastern Regulatory Areas.

Pursuant to § 679.20(a)(6)(iii), the apportionment of the Pacific cod reserve in the GOA is allocated to vessels catching Pacific cod for processing by the inshore and offshore components as 90 percent and 10 percent of the TAC respectively. This action increases the total allocation of the 2000 Pacific cod TACs for vessels catching Pacific cod for processing by the inshore component to 18,563 mt, 30,672 mt, and 3,609 mt in the Western, Central, and Eastern Regulatory Areas respectively, and for the offshore component to 2,062 mt, 3,408 mt and 401 mt in the Western, Central, and Eastern Regulatory Areas respectively. In accordance with § 679.20(b)(3)(iii)(A), NMFS finds that there is good cause for not providing the public with a prior opportunity to comment. As of March 25, 2000, NMFS estimates the initial TACs of 14,850 mt and 24,538 mt allocated to the inshore component in the Western and the Central Regulatory Areas of the GOA have been reached and that the initial TAC of 1,650 mt allocated to the offshore component in the Western Regulatory Area of the GOA has been reached. This action is necessary to allow retention of amounts of Pacific cod that are caught incidentally while conducting directed fishing for other species in these areas.

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

#### Classification

This action responds to the initial TAC limitations for Pacific cod established in the Final 2000 Harvest Specifications for Groundfish in the GOA. This action will allow incidental catch of Pacific cod to be retained in other directed fisheries. The alternative is to prohibit retention of Pacific cod which is contrary to the FMP goals of providing the opportunity to more fully utilizing the available TACs and reducing discards. A delay in the effective date is impracticable and