

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 679

[Docket No. 991223349-9349-01; I.D. 122099A]

## Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in 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 specified groundfish fisheries in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the prohibited species bycatch allowances and directed fishing allowances specified for the 2000 interim total allowable catch (TAC) amounts.

**DATES:** Effective 0001 hrs, Alaska local time (A.l.t.), January 1, 2000, until superseded by the notice of Final 2000 Harvest Specification for Groundfish, which will be published in the **Federal Register**.

**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 § 679.20(d), if the Administrator, Alaska Region, NMFS (Regional Administrator) determines that the amount of a target species or "other species" category apportioned to a fishery will be reached, the Regional Administrator may establish a directed fishing allowance for that species or species group. NMFS will prohibit directed fishing for a species or species group in the specified subarea or district (§ 679.20(d)(1)(iii)) if the Regional

Administrator establishes a directed fishing allowance for that species or species group, and that allowance is or will be reached before the end of the fishing year. Similarly, under § 679.21(e), if the Regional Administrator determines that a fishery category's bycatch allowance of halibut, red king crab, or *C. bairdi* Tanner crab for a specified area has been reached, the Regional Administrator will prohibit directed fishing for each species in that category in the specified area.

Interim 2000 harvest specifications for the groundfish fisheries in the BSAI will be published in the **Federal Register** on or around the publication date of this closure. The Regional Administrator has determined that the interim TAC amounts of the following species will be reached and will be necessary as incidental catch to support other anticipated groundfish fisheries prior to the time that final specifications for groundfish are likely to be in effect for the 2000 fishing year. Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the interim TAC amounts for the species listed below as directed fishing allowances.

Pollock—Bogoslof District  
 Pollock—Bering Sea subarea  
 Pacific ocean perch—Bering Sea subarea  
 "Other rockfish"—Bering Sea subarea  
 "Other red rockfish"—Bering Sea subarea  
 Pollock—Aleutian Islands subarea  
 Sharpchin/northern rockfish—Aleutian Islands subarea  
 Shortraker/rougheye rockfish—Aleutian Islands subarea  
 "Other rockfish"—Aleutian Islands subarea

Further, the Regional Administrator finds that these directed fishing allowances will be reached before the end of the year. Therefore, in accordance with § 679.20(d) NMFS is prohibiting directed fishing for these species in the specified areas. In addition, the interim BSAI halibut bycatch allowance specified for the trawl rockfish fishery and the trawl Greenland turbot/arrowtooth flounder/sablefish fishery categories, defined at § 679.21(e)(3)(iv)(C) and (D), is 0 mt. In accordance with § 679.21(e)(7)(v), therefore, NMFS is prohibiting directed fishing for the following species:

Rockfish by vessels using trawl gear—BSAI

Greenland turbot/arrowtooth flounder/sablefish by vessels using trawl gear—BSAI

These closures will be in effect beginning at 0001 hours, A.l.t., January 1, 2000, until superseded by the notice of Final 2000 Initial Harvest Specifications for Groundfish.

While these closures are in effect, the maximum retainable bycatch amounts at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 679. Refer to § 679.2 for definitions of areas. In the BSAI, "Other rockfish" includes *Sebastes* and *Sebastolobus* species except for Pacific ocean perch and the "other red rockfish" species. "Other red rockfish" includes shortraker, rougheye, sharpchin, and northern rockfish.

NMFS may implement other closures under the interim specifications, at the time the notice of Final 2000 Initial Harvest Specifications are implemented, during the 2000 fishing year, or as necessary for effective conservation and management.

## Classification

This action is required by § 679.20 and is exempt from review under E.O. 12866.

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the Interim 2000 Harvest Specifications for groundfish for the BSAI. It must be implemented immediately to prevent overharvesting the 2000 interim TAC of several groundfish species in the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet will begin to harvest groundfish on January 1, 2000. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

Dated: December 27, 1999.

**George H. Darcy,**

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