

recently instituted measures have reduced fishing mortality for greater amberjack as expected, then this resource is no longer experiencing overfishing.

Section 304(e) of the Magnuson-Stevens Act requires that within 1 year of being notified of the identification of a stock as being overfished, the affected Regional Fishery Management Council must develop measures to end overfishing and rebuild the stock. On February 9, 2001, the Acting Regional Administrator, NMFS Southeast Region, notified the Council of the overfished status of the Gulf of Mexico greater amberjack and requested that the Council take appropriate action. The letter to the Council reads as follows:

Ms. Kay Williams, Chairman

Gulf of Mexico Fishery Management Council  
3018 U.S. Highway 301, Suite 1000  
Tampa, Florida 33619

Dear Kay:

This is to inform the Council that, based upon the best available scientific information, the National Marine Fisheries Service (NMFS) has determined that the Gulf of Mexico greater amberjack stock is overfished but is not experiencing overfishing.

This determination is based on the 2000 greater amberjack stock assessment conducted by the Southeast Fisheries Science Center and the December 2000 Report of the Reef Fish Stock Assessment Panel (RFSAP; copies enclosed). These most recent analyses indicate that the stock is overfished but is not undergoing overfishing due to presumed recent reductions in fishing mortality (F). The NMFS assessment used a calibrated VPA to obtain estimates of population abundance and mortality rates using data through 1998. Inputs to the assessment were obtained from data on catch at age and selectivity, from an index of abundance from private vessels and charter boats, and from indices of abundance from the headboat and handline fisheries. Sensitivity analyses included examination of various combinations of the three indices for tuning, truncation of the time series for the three indices to a period in which size limits were generally constant, examination of alternatives for the F ratios for the terminal age group (fixing or estimating F), examination of two alternative stock-recruitment relationships, and an examination of the assumed level of natural mortality (0.15, 0.25, 0.35).

Based on all the assessment options presented, the RFSAP chose four combinations for further consideration that comprised the best available advice to the Council. All four combinations indicated that the greater amberjack stock was overfished in 1998 based on the Minimum Stock Size Threshold (MSST). The best estimate of stock size in 2000 showed that the stock is at less than one-half of MSST. The assessment results also indicate that reductions in fishing mortality are required to eliminate

overfishing; however, the assessment did not take into account recent (1998) management actions that the RFSAP believes are adequate to achieve the required reductions in F. The RFSAP panel recognizes that the most recent (as of 1997) estimates of F will not reflect any effects of the closed season (started in 1998), greater amberjack bag limit, and bag and size limits that are presently in place for lesser amberjack/rudderfish (often mistaken for greater amberjack). The stock, therefore, is no longer experiencing overfishing if these recent regulations have reduced fishing mortality as expected.

The reference points for overfishing and overfished currently in the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico are based only on fishing mortality rates expressed as spawning potential ratios (overfishing: 30% static SPR; overfished: 20% transitional SPR). These reference points are not fully compliant with the national standard guidelines because they do not include a component based on stock size and, thus, are not an adequate basis for determination of stock status. The national guidelines require specification of a minimum stock size threshold (MSST) and a maximum fishing mortality threshold (MFMT). The 2000 stock assessment includes estimates of these status determination criteria as well as an estimate of MSY.

The Magnuson-Stevens Fishery Conservation and Management Act requires that the Council propose management measures to initiate rebuilding of the stock within one year of the determination that the stock is overfished. The 2000 stock assessment and the December 2000 RFSAP Report provide the Council with a range of assessment and rebuilding scenarios. As the Council addresses the overfished status and rebuilding of the greater amberjack stock, the Council must develop a plan to rebuild the stock to the biomass at maximum sustainable yield (MSY) and must select specific estimates of MSY, optimum yield, MFMT, and MSST as part of this plan. Clearly, the Council has already considered this at the January meeting when it voted to use the RFSAP's Table 6 as a basis for a rebuilding plan, if they were informed by NMFS that such a plan is required. We will be happy to assist the Council in future development of this rebuilding plan.

Please note that the most recent 2000 Report to Congress on the Status of Fisheries of the United States will list the status of amberjack as neither overfished nor approaching the overfished condition. Unfortunately, our determination of an overfished status for the Gulf greater amberjack stock was not completed in time for inclusion in the 2000 Congressional Report but will be included in the 2001 Report.

I look forward to working with the Council to develop a plan for rebuilding the greater amberjack stock.

Sincerely yours,

Joseph E. Powers, Ph.D.

Acting Regional Administrator

Enclosures

Dated: March 21, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 032101H]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the pollock total allowable catch (TAC) specified for the West Yakutat District in the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 22, 2001, until 2400 hrs, A.l.t., December 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907-586-7228

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 pollock TAC in the West Yakutat District, Statistical Area 640, was established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001) as 2,235 metric tons (mt). The West Yakutat District pollock fishery was closed under § 679.20(d)(1)(iii) on March 15, 2001, (66 FR 15359, March 19, 2001) and reopened on March 21, 2001 (reopening filed by the Office of the Federal Register on March 21, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region,

NMFS (Regional Administrator), has determined that the TAC of pollock in the West Yakutat District will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,035 mt, and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the GOA.

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

#### **Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the pollock TAC in the West Yakutat District constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely

fashion to prevent exceeding the pollock TAC in the West Yakutat District constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 22, 2001.

**Bruce C. Morehead,**

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

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