

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on: June 18, 1998.

L. Robert Shelton,

Associate Administrator for Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 061898A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the second seasonal apportionment of pollock total allowable catch (TAC) in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), June 19, 1998, until 1200 hrs, A.l.t., September 1, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS 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. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The second seasonal apportionment of pollock TAC has been changed to 35 percent of the annual TAC (63 FR 31939, June 11, 1998) plus a proportionate amount of any unharvested first seasonal apportionment of TAC or minus a proportionate amount of TAC harvested in excess of the first seasonal apportionment (§ 679.20 (a)(5)(ii)(B)). This action was taken to limit potential impacts of pollock fishing on Stellar sea lions and their critical habitat during the fall months. The notice of Final 1998 Harvest Specifications (63 FR 12027, March 12, 1998) established a pollock TAC of 29,790 metric tons (mt) in Statistical Area 610 for the entire 1998 fishing year and apportioned 7,978 mt of that pollock TAC as the second seasonal apportionment. The Administrator, Alaska Region, NMFS (Regional Administrator), established a directed fishing allowance of 7,478 mt and set aside the remaining 500 mt as bycatch in support of other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator found that the directed fishing allowance would soon be reached and NMFS closed the directed fishery for pollock in Statistical Area 610 of the GOA on June 3, 1998 (63 FR 30644, June 5, 1998). The fishery was reopened on June 8, 1998 (63 FR 31938, June 11, 1998) to fully utilize a revised second seasonal apportionment equal to 35 percent of the annual of pollock TAC. The revised second seasonal apportionment of the pollock TAC in Statistical Area 610 is now 10,605 mt.

The Regional Administrator is establishing a directed fishing

allowance of 10,105 mt and setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the second seasonal apportionment of pollock TAC in Statistical Area 610 will be reached. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 until 1200 hrs, A.l.t., September 1, 1998.

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

Classification

This action responds to the second seasonal TAC limitations and other restrictions on the fisheries established in the Final 1998 Harvest Specifications for Groundfish for the GOA. It must be implemented immediately to prevent overharvesting the second seasonal apportionment of pollock TAC in Statistical Area 610 of the GOA. A delay in the effective date is impracticable and contrary to the public interest. 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.

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

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

Dated: June 19, 1998.

Gary C. Matlock,

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

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