

time to prepare for coming into compliance making a thirty-day delay in effective date unnecessary.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with that directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this emergency interim rule.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: January 15, 1999.

Andrew A. Rosenberg,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 679 is amended as follows:

50 CFR CHAPTER VI

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, a definition of “American Fisheries Act” is added in alphabetical order to read as follows:

§ 679.2 Definitions.

* * * * *

American Fisheries Act (AFA) (applicable through July 19, 1999) means Title II—Fisheries, Subtitles I and II, as cited within the Omnibus Appropriations Bill FY99 (Pub. L. 105–277).

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3. In § 679.20, paragraph (d)(1)(iv) is added to read as follows:

§ 679.20 General limitations.

* * * * *

(d) * * *

(1) * * *

(iv) *American Fisheries Act harvest limitations (applicable through July 19, 1999).* (A) If the Regional Administrator determines that any harvest limitation of groundfish other than pollock, established under section 211(b)(2) (A) or (C) of the American Fisheries Act for catcher/processers identified in section 208(e)(1) through (20) of that Act, has been or will be reached, the Regional Administrator may establish a directed fishing allowance for the species or species group applicable only to those identified catcher/processers.

(B) In establishing a directed fishing allowance under paragraph (d)(1)(iv)(A) of this section, the Regional

Administrator shall consider the amount of the harvest limitation established under section 211(b)(2) (A) or (C) of the American Fisheries Act that will be taken as incidental catch by those catcher/processers identified in section 208(e) (1) through (20) of that Act in directed fishing for other species.

4. In § 679.21, paragraphs (e)(3)(v) and (e)(7)(ix) are added to read as follows:

§ 679.21 Prohibited species bycatch management.

* * * * *

(e) * * *

(3) * * *

(v) *American Fisheries Act prohibited species catch limitations (applicable through July 19, 1999).* The aggregate amounts of any crab, halibut or herring trawl PSC limit caught by the catcher/processers identified under section 208(e)(1) through (20) of the American Fisheries Act and counted against the bycatch allowances specified for the fishery categories defined under paragraphs (e)(3)(iv)(B) through (E) of this section shall be limited to the amounts established under section 211(b)(2)(B) of that Act and published in the **Federal Register** under paragraph (e)(6) of this section.

* * * * *

(7) * * *

(ix) *Closures under the American Fisheries Act prohibited species catch limitations (applicable through July 19, 1999).* When the Regional Administrator determines that the catcher/processers identified under section 208(e)(1) through (20) of the American Fisheries Act have caught the amount of any crab, halibut, or herring prohibited species catch limitation specified under paragraph (e)(3)(v) of this section, directed fishing for groundfish by those vessels will be prohibited in the applicable area defined under this paragraph (e)(7), except for pollock with pelagic trawl gear.

* * * * *

5. In § 679.50, paragraph (c)(5) is added to read as follows:

§ 679.50 Groundfish Observer Program applicable through December 21, 2000.

* * * * *

(c) * * *

(5) *Observer coverage under the American Fisheries Act (applicable through July 19, 1999).* Any catcher/processor listed under section 208(e)(1) through (20) of the American Fisheries Act is required to have two observers aboard the vessel any day it harvests, receives, or processes groundfish. One of the two observers must meet the

qualifications described at paragraph (h)(1)(i)(D) of this section.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990115017–9017–01; I.D. 011199A]

RIN 0648–AM08

Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries Off Alaska

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

ACTION: Emergency interim rule; revision to 1999 interim harvest specifications; technical amendment to Steller sea lion no-trawl zones; request for comments.

SUMMARY: NMFS issues an emergency interim rule implementing reasonable and prudent alternatives to avoid the likelihood that the pollock fisheries off Alaska will jeopardize the continued existence of the western population of Steller sea lions or adversely modify their critical habitat. This emergency rule would implement three types of management measures for the pollock fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA): Measures to temporally disperse fishing effort, measures to spatially disperse fishing effort, and pollock trawl exclusion zones around important Steller sea lion rookeries and haulouts. These emergency measures are necessary and must be effective before the start of the BSAI and GOA pollock fisheries on January 20, 1999, or NMFS will be obligated under the Endangered Species Act to close all fishing for pollock until such measures are in place.

DATES: Effective January 20, 1999, through July 19, 1999. Comments must be received by February 22, 1999.

ADDRESSES: Comments may be sent to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the Biological Opinion

(BO) on the pollock fisheries of the BSAI and GOA and the Atka mackerel fishery of the Aleutian Islands Subarea, and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for the emergency rule may be obtained from the same address. The BO is also available on the Alaska Region home page at <http://www.fakr.noaa.gov>.
FOR FURTHER INFORMATION CONTACT: Kent Lind, 907-586-7228 or kent.lind@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone off Alaska under the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801, *et seq.*, implemented by regulations appearing at 50 CFR part 679. Regulations governing U.S. fisheries and implementing the FMPs appear at 50 CFR parts 600 and 679 respectively.

Purpose and Need for Action

NMFS issued a BO dated December 3, 1998, and revised December 16, 1998, on the pollock fisheries of the BSAI and GOA and the Atka mackerel fishery of the Aleutian Islands Subarea. The BO concluded that the BSAI and GOA pollock trawl fisheries, as currently managed, are likely to (1) jeopardize the continued existence of the western population of Steller sea lions and (2) adversely modify its critical habitat. The clause "jeopardize the continued existence of" means "to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species" (50 CFR 402.02). The clause "adversely modify its critical habitat" means "a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical" (50 CFR 402.02). The BO also concluded that the Atka mackerel fishery, as modified by recent regulatory changes, is not likely to jeopardize the

continued existence of Steller sea lions or their critical habitat.

In 1990, NMFS designated the Steller sea lion as a threatened species under the Endangered Species Act of 1973. The designation followed severe declines throughout much of the GOA and Aleutian Islands region. In 1993, NMFS defined critical habitat for the species to include (among other areas), the marine areas within 20 nautical miles (nm) of major rookeries and haulouts of the species west of 144° W longitude. In 1997, NMFS recognized two separate populations, and reclassified the western population (west of 144° W longitude) as endangered. Counts of adults and juveniles in the western population of Steller sea lions declined from about 110,000 to about 30,500 between the late 1970s and 1990, a decline of 72 percent. The decline has continued, with counts of adults and juveniles declining 27 percent from 1990 to 1996, and an additional 9 percent from 1996 through 1998. Similarly, counts of pups dropped by 19 percent from 1994 through 1998. The absolute magnitude of the decline has been smaller in recent years because the western population is already at a severely reduced level. However, the continued decline remains a serious problem.

Multiple factors have contributed to the decline, but considerable evidence indicates that lack of available prey is a major problem. Foraging studies confirm that Steller sea lions depend on pollock as a major prey source, and sea lions may be particularly sensitive to the availability of prey during the winter. The significance of pollock in the diet of sea lions may have increased since the 1970s due to shifts in the Bering Sea ecosystem related to oceanographic changes. Pollock are also the target of the largest commercial fisheries in Alaska, fisheries that have grown increasingly concentrated in time and space. This concentration of effort occurs largely in areas designated as Steller sea lion critical habitat and may reduce prey availability at critical times in the life history of sea lions. For these reasons, the BO concluded that the pollock fisheries of the BSAI and GOA may compete with sea lions and either contribute to their decline or impede their recovery. Additional information on Steller sea lions and the pollock fisheries of the BSAI and GOA is contained in the BO and in the EA prepared for this action (See **ADDRESSES**).

The BO concluded that, to avoid the likelihood of jeopardizing the continued existence of the western population of Steller sea lions or of adversely

modifying its critical habitat, reasonable and prudent alternatives to the existing pollock trawl fisheries in the BSAI and GOA must accomplish three basic principles: (1) Temporal dispersion of fishing effort, (2) spatial dispersion of fishing effort, and (3) pollock trawl exclusion zones around Steller sea lion rookeries and haulouts. The BO also contained examples of specific management measures that would implement the three basic principles.

At its December, 1998 meeting, the Council deliberated on various management measures to implement the principles described in the BO. After significant debate and public comment, the Council voted to adopt a series of emergency measures to protect Steller sea lions. After review, NMFS has determined that the Council's recommended measures, with certain modifications, adhere to the principles identified in the BO. The Council's motion forms the basis for the management measures contained in this emergency rule.

Elements of the Emergency Rule

Aleutian Islands Closure

The emergency rule closes the Aleutian Islands Subarea to directed fishing for pollock. This closure, recommended by the Council as part of its emergency rule recommendation, is consistent with the principles contained within the BO. In light of its recommendation to close the Aleutian Islands Subarea to directed fishing for pollock, the Council also recommended that the pollock total allowable catch (TAC) for the Aleutian Islands Subarea be reduced to 2,000 metric tons (mt) to provide for incidental catch of pollock by vessels participating in other groundfish fisheries. This TAC recommendation, if approved by NMFS, will be published in the final 1999 BSAI harvest specifications.

Pollock Trawl Exclusion Zones

This emergency rule prohibits directed fishing for pollock within either 10 or 20 nm of rookeries and haulouts in the Bering Sea Subarea and GOA. The location, size, and period of each exclusion zone are set out in the Tables 12 and 13 of 50 CFR part 679 of the codified text. The size of the exclusion zones in each area reflects the relative widths of the continental shelf. In the Bering Sea Subarea, the shelf is relatively wide and exclusion zones have radii of 20 nm. In the GOA, the shelf is narrower and exclusion zones have radii of 10 nm.

NMFS approved these sites on the basis of ten Steller sea lion counts

conducted since 1979 during the reproductive season (summer) and non-reproductive season (winter). NMFS used the following criteria to identify and approve sites that require exclusion zones and to determine the period of the closure:

1. Rookeries

All rookery sites have 10 or 20 nm year-round pollock trawl exclusion zones.

2. Summer Haulouts

Haulouts with greater than 200 sea lions in a summer survey since 1979 and less than 75 sea lions in winter surveys since 1979 have 10 or 20 nm pollock trawl exclusion zones effective May 1 through October 31.

3. Winter Haulouts

Haulouts with less than 200 sea lions in summer surveys since 1979 and greater than 75 sea lions in a winter survey since 1979 have 10 or 20 nm pollock trawl exclusion zones effective November 1 through April 31.

4. Year-Round Haulouts

Haulouts with greater than 200 sea lions in a summer survey since 1979 and greater than 75 sea lions in a winter survey since 1979 have year-round 10 or 20 nm pollock trawl exclusion zones.

The Council's emergency rule recommendations contained all of the pollock exclusion zones put forth by

NMFS in the BO with one exception in the Bering Sea Subarea and eight exceptions in the GOA.

In the Bering Sea Subarea, the Council recommended no closure for a proposed 20 nm exclusion zone around the Cape Sarichef haulout. The BO states that "some of the principles identified above may be accomplished by an incremental or phased approach if the incremental approach does not jeopardize the continued existence of the western population of Steller sea lions. The phase in of any reasonable and prudent alternative must not be drawn out, and two years is a general guideline with a significant portion occurring in year one."

Consistent with the BO, and based on the above criteria, NMFS has decided to phase in the exclusion zone around this haulout with a 10 nm exclusion zone in 1999 and anticipates extending the exclusion zone to 20 nm for 2000 and beyond.

In the GOA, the Council recommended no closures around Cape Barnabas, Gull Point, Rugged Island, Point Elrington, Cape Ikolik, Needles, Mitrofanina, and Sea Lion Rocks. Based on the above criteria, NMFS has decided to implement a 1 year phase-in period for these locations. For 1999, NMFS has decided not to implement exclusion zones at these locations, and anticipates phasing-in 10 nm exclusion zones for 2000 and beyond. The extension of exclusion zones for Cape Sarichef and

the eight locations in the GOA would be accomplished through separate rulemaking.

Although the Council's recommended measures included pollock trawl exclusion zones in the Aleutian Islands Subarea, implementation of these exclusion zones becomes unnecessary with the closure of the Subarea to directed fishing for pollock. This emergency rule does not affect existing no-trawl and no-entry zones that apply to all groundfish fisheries. The new exclusion zones established by this emergency rule prohibit directed fishing for pollock only.

Bering Sea Management Measures

1. Fishing Seasons

This emergency rule establishes new fishing seasons for the four sectors of the Bering Sea pollock fishery that are defined in the American Fisheries Act (AFA). These new fishing seasons are summarized in Table 1. This emergency rule also repeals existing fair start provisions that required vessels fishing for pollock in the Bering Sea Subarea to cease fishing for groundfish during the week leading up to each pollock season or face a mandatory stand down period during the first week of the pollock season. The Council has determined that these fair start requirements are no longer necessary given the protections for other fisheries that are contained within the AFA.

TABLE 1.—BSAI POLLOCK FISHING SEASONS BY SECTOR

Fishing season ¹	Industry sector		
	Inshore and catcher/processor	Mothership	Community development quota (CDQ)
A1 Season	Jan. 20–Feb. 15 ...	Feb. 1–April 15	Jan. 20–April 15.
A2 Season	Feb. 20–April 15 ...	Feb. 1–April 15	Jan. 20–April 15.
B Season	Aug. 1–Sept. 15 ...	Aug. 1–Sept. 15 ...	April. 15–Dec. 31.
C Season	Sept. 15–Nov. 1 ...	Sept. 15–Nov. 11 ..	April 15–Dec. 31.

¹ The time of all openings and closures of fishing seasons, other than the beginning and end of the calendar fishing year, is 1200 hours, Alaska local time (A.l.t.).

2. Seasonal Apportionment of TAC

The pollock TAC allocated to each industry sector will be apportioned to the fishing seasons previously identified

according to the following formula set out in Table 2. Overages and underages may be "rolled over" to subsequent fishing seasons during the same year,

except that the combined fishing activities of all sectors during a fishing season may not exceed 30 percent of the annual TAC.

TABLE 2.—BSAI SEASONAL APPORTIONMENTS OF POLLOCK TAC

Fishing Season	Industry Sector (in percent)		
	Inshore and Catcher/processor	Mothership	CDQ
A1 Season	27.5	40	45
A2 Season	12.5	40	45
B Season	30	30	55

TABLE 2.—BSAI SEASONAL APPORTIONMENTS OF POLLOCK TAC—Continued

Fishing Season	Industry Sector (in percent)		
	Inshore and Catcher/processor	Mothership	CDQ
C Season	30	30	55

3. Critical Habitat/Catcher Vessel Operational Area (CH/CVOA) Conservation Zone

This emergency rule establishes a combined CH/CVOA conservation zone for the purpose of regulating total removals of pollock. This CH/CVOA conservation zone includes the portion of Bering Sea critical habitat known as the Bogoslof foraging area and the

portion of the CVOA that extends eastward from the Bogoslof foraging area. The CH/CVOA conservation zone consists of the area of the Bering Sea Subarea between 170°00' W long. and 163°00' W long., south of straight lines connecting the following points in the order listed:

- 55°00' N lat. 170°00' W long.;
- 55°00' N lat. 168°00' W long.;

- 55°30' N lat. 168°00' W long.;
- 55°30' N lat. 166°00' W long.;
- 56°00' N lat. 166°00' W long.;
- 56°00' N lat. 163°00' W long.

This emergency rule restricts pollock harvests within the CH/CVOA conservation zone during the A1 and A2 seasons to a percentage of each sector's seasonal TAC apportionment according to the percentages displayed in Table 3.

TABLE 3.—TAC LIMITS WITHIN THE CH/CVOA CONSERVATION ZONE

Fishing season	Industry sector (in percent)			
	Inshore	Catcher/processor	Mothership	CDQ
A1 Season	70	40	50	100
A2 Season	70	40	50	100
B Season		[reserved]		
C Season		[reserved]		

NMFS will monitor catch by each industry sector and close the CH/CVOA conservation zone to directed fishing for pollock by sector when NMFS determines that the specified CH/CVOA limit has been reached. The Council intended that inshore catcher vessels less than or equal to 99 ft (30.2 m) length overall (LOA) would be exempt from CH/CVOA closures from September 1 through March 31 unless the 70 percent cap for the inshore sector has been reached. NMFS will announce the closure of the CH/CVOA conservation zone to catcher vessels over 99 ft (30.2 m) LOA before the inshore sector 70 percent limit is reached. NMFS will implement the closure in a manner intended to leave remaining quota within the CH/CVOA that is sufficient to support directed fishing for pollock by vessels less than or equal to 99 ft (30.2 m) LOA for the duration of the current inshore sector opening.

An emergency rule implemented pursuant to the Magnuson-Stevens Act must not remain in effect for more than 180 days. This emergency rule will expire on July 19, 1999, and does not specify a spatial distribution of pollock TAC for the B and C seasons in the Bering Sea Subarea. NMFS has determined that the spatial dispersion scheme recommended by the Council for the B and C seasons does not adequately meet the principles for reasonable and prudent alternatives outlined in the BO. If the Council submits revised recommendations in a timely manner, NMFS will consider implementing them. In the absence of further recommendations by the Council that provide protections equivalent to or exceeding the principles contained in the BO, NMFS anticipates implementing through subsequent emergency rule the B and C season spatial allocation scheme contained in the BO. Under this scheme, the B and C season TAC allocations would be apportioned

among the following three areas based on distribution of exploitable biomass as determined by summer surveys: (1) CH/CVOA conservation zone, (2) east of 170° W long. and outside of the CH/CVOA conservation zone, and (3) west of 170° W long. and north of 56° N lat.

Gulf of Alaska Management Measures

1. Fishing Seasons and TAC Apportionments

This emergency rule establishes new fishing seasons and pollock TAC apportionments in the Western and Central (W/C) Regulatory Areas of the GOA. These new fishing seasons are summarized in Table 4. The TAC for pollock in the combined W/C Regulatory Areas will continue to be apportioned among Statistical Areas 610, 620, and 630 in proportion to the distribution of the pollock biomass as determined by the most recent NMFS surveys. The pollock fishing season in the Eastern Regulatory Area will be unchanged.

TABLE 4.—POLLOCK FISHING SEASONS AND SEASONAL TAC APPORTIONMENTS FOR THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA

Fishing season	TAC apportionment (percent)	Dates ¹	
		From	To
A Season	30	January 20	April 1.

TABLE 4.—POLLOCK FISHING SEASONS AND SEASONAL TAC APPORTIONMENTS FOR THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA—Continued

Fishing season	TAC apportionment (percent)	Dates ¹	
		From	To
B Season	20	June 1	July 1.
C Season	25	September 1	The date of closure of a statistical area (610, 620, 630) to directed fishing, or October 1, whichever comes first.
D Season	25	Five days after the date of closure of a statistical area (610, 620, 630) to directed fishing in the C season.	November 1.

¹ The time of all openings and closures of fishing seasons, other than the beginning and end of the calendar fishing year, is 1200 hours, A.I.t.

2. Limits on Pollock Catch Within Shelikof Strait

To prevent localized depletions of pollock within Shelikof Strait, an important winter foraging area for Steller sea lions, the emergency rule limits removals from within Shelikof Strait during the A season. For the purpose of this emergency rule, a Shelikof Strait conservation zone is defined as the area bound by straight lines and shoreline connecting the following coordinates in the following order:

- 58°51' N lat. 153°15' W long.;
- 58°51' N lat. 152°00' W long.; and, the intersection of 152°00' W long. with Afognak Island; aligned counterclockwise around the shoreline of Afognak, Kodiak, and Raspberry Islands to
- 57°00' N lat. 154°00' W long.;
- 56°30' N lat. 154°00' W long.;
- 56°30' N lat. 155°00' W long.;
- 56°00' N lat. 155°00' W long.;
- 56°00' N lat. 157°00' W long.; and, the intersection of 157°00' W long. with the Alaska Peninsula.

This area overlaps portions of statistical areas 620 and 630. The Shelikof Strait conservation zone catch limit is not a separate TAC for this area, but a limit on allowable removals from this area. Either one or both of the statistical areas could be closed to directed fishing upon attainment of the specific TACs before the Shelikof Strait catch limit is reached.

NMFS will determine the A season catch limit for the Shelikof Strait conservation zone by calculating a ratio equal to the most recent estimate of pollock biomass in Shelikof Strait divided by the most recent estimate of

total pollock biomass in the GOA. NMFS will then multiply by the overall pollock TAC for the GOA and further multiplied by the A season apportionment of 30 percent. For 1999, NMFS has specified an interim Shelikof Strait catch limit of 15,857 mt (see the revised 1999 interim specifications below). When NMFS determines that the A season pollock removals from within the Shelikof Strait conservation zone have reached this specified limit, NMFS will prohibit directed fishing for pollock in Shelikof Strait.

3. W/C GOA Trip Limits

The Council recommended that NMFS establish a 300,000 lb trip limit for catcher vessels harvesting pollock in the directed pollock fisheries of the Western or Central Regulatory Areas of the Gulf of Alaska (W/C GOA). However, NMFS' recordkeeping and reporting requirements currently require that catch and landings be reported in metric tons (mt). NMFS is, therefore, rounding the Council's recommended 300,000 lb trip limit to the nearest equivalent in mt and establishing a trip limit of 136 mt. The emergency rule prohibits the operator of a catcher vessel fishing for groundfish in the W/C GOA from retaining on board more than 136 mt of pollock harvested in the W/C GOA. In addition, to prevent the large scale use of tender vessels to avoid the trip limit restriction, this rule also prohibits vessels operating as tenders from retaining on board more than 272 mt (the equivalent of 2 fishing trips) of unprocessed pollock that was harvested in the W/C GOA. This 136 mt trip limit does not exempt vessels from existing regulations that require 100 percent retention of pollock when directed

fishing for pollock is open. A vessel operator must cease fishing for pollock during a fishing trip before the 136 mt trip limit is reached in order to avoid a violation of either the 136 mt trip limit or the 100 percent retention requirement for pollock.

Revised 1999 Interim Harvest Specifications for Pollock in the BSAI and GOA

The regulatory changes in this emergency rule require revision of the 1999 interim specifications of pollock TAC for the BSAI and GOA. Existing regulations at 50 CFR 679.20(c)(2) do not require that interim harvest specifications for pollock in the BSAI and GOA be temporally or spatially dispersed. However, the BO concluded that the current program for managing the BSAI and GOA pollock fisheries could jeopardize Steller sea lions or their critical habitat. Therefore, to allow the Bering Sea and GOA pollock fisheries to commence on January 20, 1999, this emergency rule also adjusts the 1999 interim specifications for pollock to comport with the reasonable and prudent management measures outlined above.

The specifications for Bering Sea Subarea pollock in Table 1 of the 1999 interim harvest specifications (64 FR 50, January 4, 1999) are replaced by the following Table 6. The interim specifications for pollock were changed for two reasons: (1) To comport with the temporal and spatial dispersions required by the BO, and (2) to incorporate the Council's final 1999 TAC recommendations for pollock, which are reduced from the 1999 proposed specifications.

TABLE 6.—REVISED INTERIM 1999 TAC AMOUNTS FOR POLLOCK IN THE BERING SEA SUBAREA

Species and component	Area	A1 Season ¹		A2 Season	
		Interim TAC	CH/CVOA limit	Interim TAC	CH/CVOA limit
Pollock:					
Inshore	BS	115,394	² 80,776	52,452	² 36,716
Offshore catcher/processor and catcher vessel total	BS	92,316	36,926	41,962	16,785
Listed catcher/processors ³	BS	84,469	33,787	38,395	15,358
Listed catcher vessels ³	BS	7,847	3,139	3,567	1,427
Mothership	BS	33,569	16,785	n/a	n/a
CDQ	BS	44,640	44,640	n/a	n/a

¹ The mothership and CDQ sectors have a single A season apportionment equal to 40 and 45 percent of their annual TAC allocations, respectively.

² Under the emergency rule, NMFS will close the CH/CVOA conservation zone to inshore vessels greater than 99 ft (30.2 m) LOA while maintaining a sufficient CH/CVOA allowance to support fishing activities by inshore catcher vessels under 99 ft (30.2 m) LOA for the duration of the current opening. However, once the specified CH/CVOA limit is reached, all inshore vessels will be prohibited from engaging in directed fishing for pollock inside the CH/CVOA conservation zone.

³ Section 210(c) of the AFA requires that not less than 8.5 percent of the directed fishing allowance allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

The first seasonal allowances for W/ C GOA pollock in Table 1 of the 1999 Interim Harvest Specifications (64 FR 46, January 4, 1999) are replaced by the following Table 7:

TABLE 7.—REVISED FIRST SEASONAL ALLOWANCES OF POLLOCK IN THE WESTERN (W) AND CENTRAL (C) REGULATORY AREAS OF THE GULF OF ALASKA (GOA)

Species and area	Interim TAC
Pollock:	
W (610)	6,936
C (620)	11,652
C (630)	9,156
W/C Subtotal	27,744
Shelikof Strait Subtotal ¹	15,857

¹ The pollock catch limit for the Shelikof Strait conservation zone is determined by calculating the ratio of the most recent estimate of pollock biomass in Shelikof Strait (489,900 mt) divided by the most recent estimate of total pollock biomass in the GOA (933,000 mt). This ratio will then be multiplied by the overall pollock TAC for the GOA (100,920 mt) and multiplied by the A season apportionment of 30 percent.

Technical Amendment to Steller Sea Lion No-Trawl Zones

This emergency interim rule also makes technical changes to the existing no-trawl zones set out in Tables 4 and 6 50 CFR part 679 by suspending them and by adding Tables 13 and 14 to 50 CFR part 679.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this emergency interim rule is necessary to respond to an emergency situation and that it is consistent with

the Magnuson-Stevens Act and other applicable laws.

This emergency interim rule has been determined to be not significant for purposes of E.O. 12866.

Failure to have the measures contained in this rule in place by January 20, 1999, would force delay of the start of the pollock fisheries of the BSAI and GOA with significant costs to industry. This would occur because without these measures, the December 16, 1998, BO would require that to protect Steller sea lions, no pollock fishing occur. Thus, notice and comment procedures for this rule would prevent NMFS from performing its necessary function of allowing the fishery to be prosecuted while protecting this endangered species. As such, NMFS finds that the immediate need to effect the provisions of this rule by January 20, 1999, constitutes good cause to waive the requirement to provide prior notice and an opportunity for public comment pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be impracticable and contrary to the public interest. The need for these measures to be in place by January 20, 1999, as explained above, constitutes good cause under authority contained in 5 U.S.C. 553(d)(3) to waive the requirement for a 30-day delay in effective date.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with that directive, we seek public comment on any ambiguity or unnecessary

complexity arising from the language used in this emergency interim rule.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: January 15, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 679 is amended as follows:

50 CFR CHAPTER VI

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.7, paragraph (b) is suspended and paragraph (i) is added to read as follows:

§ 679.7 Prohibitions.

* * * * *

(i) *Prohibitions specific to the GOA (applicable through July 19, 1999)*—(1) *Southeast Outside trawl closure (applicable through July 19, 1999).* Use any gear other than non-trawl gear in the GOA east of 140° W long.

(2) *Western/Central GOA Pollock trip limit (applicable through July 19, 1999).* Retain on board a catcher vessel at any time, more than 136 mt of unprocessed pollock, or retain on board a tender vessel at any time, more than 272 mt of unprocessed pollock, harvested in the Western or Central Areas of the GOA.

3. In § 679.20, paragraphs (a)(5)(i)(A) and (a)(5)(ii)(B) are suspended, and new paragraphs (a)(5)(i)(C) and (a)(5)(ii)(C) are added to read as follows:

§ 679.20 General limitations.

* * * * *

(a) * * *
 (5) * * *
 (i) * * *
 (C) *BSAI seasonal allowances (applicable through July 19, 1999)*—(1) *Inshore*. The portion of the Bering Sea Subarea pollock TAC allocated to the inshore component under Section 206(b) of the American Fisheries Act will be divided into four seasonal allowances corresponding to the four fishing seasons set out at § 679.23(e)(4)(i), as follows: A1 Season, 27.5 percent; A2 Season, 12.5 percent, B Season, 30 percent, C Season, 30 percent. Within any fishing year, underage or overage of a seasonal allowance may be added to or subtracted from subsequent seasonal allowances in a manner to be determined by the Regional Administrator provided that overall pollock removals from all sectors during a fishing season do not exceed 30 percent of the combined annual TAC of pollock.

(2) *Catcher/processor*. The portion of the Bering Sea Subarea pollock TAC allocated to the catcher/processor component under Section 206(b) of the American Fisheries Act will be divided into four seasonal allowances corresponding to the four fishing seasons set out at § 679.23(e)(4)(ii), as follows: A1 Season, 27.5 percent; A2 Season, 12.5 percent; B Season, 30 percent; C Season, 30 percent. Within any fishing year, underage or overage of a seasonal allowance may be added to or subtracted from subsequent seasonal allowances in a manner to be determined by the Regional Administrator, provided that overall pollock removals from all sectors during a fishing season do not exceed 30 percent of the combined annual TAC of pollock.

(3) *Mothership*. The portion of the Bering Sea Subarea pollock TAC allocated to the mothership component under Section 206(b) of the American Fisheries Act will be divided into three

seasonal allowances corresponding to the three fishing seasons set out at § 679.23(e)(4)(iii) as follows: A Season, 40 percent; B Season, 30 percent; C Season, 30 percent. Within any fishing year, underage or overage of any seasonal allowance may be added to or subtracted from subsequent seasonal allowances in a manner to be determined by the Regional Administrator provided that overall pollock removals from all sectors during a fishing season do not exceed 30 percent of the combined annual TAC of pollock.

* * * * *
 (ii) * * *

(C) *GOA seasonal allowances (applicable through July 19, 1999)*. Each apportionment established under paragraph (a)(5)(ii)(A) of this section will be divided into four seasonal allowances corresponding to the four fishing seasons set out at § 679.23(d)(3) as follows: A Season, 30 percent; B Season, 20 percent; C Season, 25 percent; D Season, 25 percent. Within any fishing year, underage or overage of a seasonal allowance may be added to or subtracted from subsequent seasonal allowances in a manner to be determined by the Regional Administrator, provided that a revised seasonal allowance does not exceed 30 percent of the annual TAC apportionment.

* * * * *

4. In § 679.22, paragraphs (a)(7) and (b)(2) are suspended and (a)(11) and (b)(3) are added to read as follows:

§ 679.22 Closures.

(a) * * *
 (8) * * *
 (iv) *Pollock closure (applicable through July 19, 1999)*. Directed fishing for pollock is prohibited at all times within the Aleutian Islands Subarea.

* * * * *

(11) *Steller sea lion protection areas, Bering Sea Subarea and Bogoslof District (applicable through July 19, 1999)*—(i) *Year-round trawl closures*. Trawling is prohibited within 10 nm of

each of the eight Steller sea lion rookeries shown in Table 12 to this part.

(ii) *Seasonal trawl closures*. During January 1 through April 15, or a date earlier than April 15, if adjusted under § 679.20, trawling is prohibited within 20 nm of each of the four Steller sea lion rookeries shown in Table 12 to this part.

(iii) *Pollock closures (applicable through July 19, 1999)*. Directed fishing for pollock is prohibited within 10 or 20 nm of each of the 25 Steller sea lion haulout and rookery sites shown in Table 12 to this part. The radius in nm and time period that each closure is in effect are shown in Table 12 to this part.

(iv) *Critical Habitat/Catcher Vessel Operational Area (CH/CVOA) conservation zone (applicable through July 19, 1999)*—(A) *General*. Directed fishing for pollock by vessels catching pollock for processing either by the inshore, offshore catcher processor, or mothership component is prohibited within the CH/CVOA conservation zone for the duration of a fishing season when the Regional Administrator announces by notification in the **Federal Register** that the criteria set out in paragraph (a)(7)(iv)(C) of this section have been met by that industry component.

(B) *Boundaries*. The CH/CVOA conservation zone consists of the area of the Bering Sea Subarea between 170°00' W long. and 163°00' W long., south of straight lines connecting the following points in the order listed:

- 55°00' N lat. 170°00' W long.;
- 55°00' N lat. 168°00' W long.;
- 55°30' N lat. 168°00' W long.;
- 55°30' N lat. 166°00' W long.;
- 56°00' N lat. 166°00' W long.; and,
- 56°00' N lat. 163°00' W long.

(C) *Criteria for closure*—(1) *General*. The directed fishing closures identified in paragraph (a)(7)(iv)(A) of this section will take effect when the Regional Administrator determines that the harvest of a seasonal allowance of pollock reaches a percentage specified in the following table:

Fishing season	Industry component (in percent)		
	Inshore	Catcher/processor	Mothership
A1 Season	70	40	50
A2 Season	70	40	50
B Season		[reserved]	
C Season		[reserved]	

(2) *Inshore catcher vessels greater than 99 ft (30.2 m) LOA*. The Regional Administrator will close directed fishing to inshore catcher vessels greater than 99 ft (30.2 m) LOA prior to

reaching the inshore CH/CVOA limit to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) LOA inside the CH/CVOA conservation zone for the duration of the inshore seasonal

opening. During the A1 and A2 seasons, the Regional Administrator will estimate how much of the inshore A1 and A2 seasonal allowance is likely to be harvested by catcher vessels less than

or equal to 99 ft (30.2 m) LOA and reserve a sufficient amount of the inshore CH/CVOA allowance to accommodate fishing by such vessels after the closure of the CH/CVOA conservation zone to vessels greater than 99 ft (30.2 m) LOA. The CH/CVOA conservation zone will be closed to directed fishing for all inshore catcher vessels when the inshore limit specified in paragraph (a)(7)(iv)(C)(1) of this section has been met.

(b) * * *

(3) *Steller sea lion protection areas*—(applicable through July 19, 1999)—(i) *Year-round trawl closures.* Trawling is prohibited in the GOA within 10 nm of the nine Steller sea lion rookeries shown in Table 13 to this part.

(ii) *Pollock closures (applicable through July 19, 1999).* Directed fishing for pollock is prohibited within 10 nm of each of the 45 Steller sea lion haulout and rookery sites shown in Table 13 to this part. The radius in nm and time period that each closure is in effect are shown in Table 13 to this part.

(iii) *Shelikof Strait conservation zone (applicable through July 19, 1999).*—(A) *General.* Directed fishing for pollock is prohibited within the Shelikof Strait conservation zone during the A season defined at § 679.23(d)(3) when the Regional Administrator announces through notification in the **Federal Register** that the A season catch of pollock from within the Shelikof Strait conservation zone reaches the amount determined by paragraph (b)(2)(iii)(C) of this section.

(B) *Boundaries.* The Shelikof Strait conservation zone consists of the area bound by straight lines and shoreline connecting the following coordinates in the following order:

58°51' N lat. 153°15' W long.

58°51' N lat. 152°00' W long.

and the intersection of 152°00' W long. with Afognak Island; aligned

counterclockwise around the shoreline of Afognak, Kodiak, and Raspberry Islands to

57°00' N lat. 154°00' W long.

56°30' N lat. 154°00' W long.

56°30' N lat. 155°00' W long.

56°00' N lat. 155°00' W long.

56°00' N lat. 157°00' W long.

and the intersection of 157°00' W long. with the Alaska Peninsula.

(C) *Determination of catch limit.* The pollock catch limit for the Shelikof Strait conservation zone will be published in the annual specifications under § 679.20(c) and is determined by calculating a ratio equal to the most recent estimate of pollock biomass in Shelikof Strait divided by the most recent estimate of total pollock biomass in the GOA. NMFS will then multiply by the overall pollock TAC for the GOA and further multiplied by the A season apportionment of 30 percent.

* * * * *

5. In § 679.23, paragraphs (d)(2) and (e)(2) are suspended, and new paragraphs (d)(3) and (e)(4) are added to read as follows:

§ 679.23 Seasons.

* * * * *

(d) * * *

(3) *Directed fishing for pollock (applicable through July 19, 1999).*

Subject to other provisions of this part, directed fishing for pollock in the Western and Central Regulatory Areas is authorized only during the following four seasons:

(i) *A season.* From 1200 hours, A.I.t., January 20, through 1200 hours, A.I.t., April 1;

(ii) *B season.* From 1200 hours, A.I.t., June 1, through 1200 hours, A.I.t., July 1;

(iii) *C season.* From 1200 hours, A.I.t., September 1, within a statistical area until the date of closure of the statistical area to directed fishing, or 1200 hours, A.I.t., October 1, whichever comes first.

(iv) *D season.* From 1200 hours, A.I.t., five days after the closure of the C season in a statistical area until 1200 hours, A.I.t., November 1.

(e) * * *

(4) *Directed fishing for pollock in the Bering Sea Subarea (applicable through July 19, 1999).*—(i) *Inshore and offshore catcher/processor components.* Subject to other provisions of this part, directed fishing for pollock by vessels catching pollock for processing by the inshore component and by the offshore catcher processor component in the Bering Sea Subarea is authorized only during the following four seasons:

(A) *A1 season.* From 1200 hours, A.I.t., January 20, through 1200 hours, A.I.t., February 15;

(B) *A2 season.* From 1200 hours, A.I.t., February 20, through 1200 hours, A.I.t., April 15;

(C) *B season.* From 1200 hours, A.I.t., August 1, through 1200 hours, A.I.t., September 15; and,

(D) *C season.* From 1200 hours, A.I.t., September 15, through 1200 hours, A.I.t., November 1.

(ii) *Mothership component.* Subject to other provisions of this part, directed fishing for pollock by vessels catching pollock for processing by the offshore mothership component in the Bering Sea Subarea is authorized only during the following three seasons:

(A) *A season.* From 1200 hours, A.I.t., February 1, through 1200 hours, A.I.t., April 15;

(B) *B season.* From 1200 hours, A.I.t., August 1, through 1200 hours, A.I.t., September 15; and,

(C) *C season.* From 1200 hours, A.I.t., September 15, through 1200 hours, A.I.t., November 1.

* * * * *

6. Tables 4 and 6 to 50 CFR part 679 are suspended and Tables 12 and 13 are added to read as follows:

TABLE 12 TO 50 CFR PART 679

[Steller sea lion protection areas¹ in the Bering Sea Subarea² are identified in the following table. Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.]

Management area/island/site	Boundaries to				Directed fishing for pollock prohibited within . . . (nm)		Trawling prohibited within . . . (nm)	
	Latitude (N)	Longitude (W)	Latitude (N)	Longitude (W)	Nov. 1 through April 31	May 1 through Oct. 31	Jan. 1 through April 15	Year-round
Bering Sea								
Walrus	57°11.00'	169°56.00'	.....	.....	20	20	.....	10
Uliaga	53°04.00'	169°47.00'	53°05.00'	169°46.00'	.....	20	.....	.....
Chuginadak	52°46.50'	169°42.00'	52°46.50'	169°44.50'	.....	20	.....	.....
Kagamil	53°02.50'	169°41.00'	.....	.....	.....	20	.....	.....
Samalga	52°46.00'	169°15.00'	.....	.....	.....	20	.....	.....
Adugak	52°55.00'	169°10.50'	.....	.....	20	20	.....	10
Umnak/Cape Aslik	53°25.00'	168°24.50'	.....	.....	20	20	.....	.....

TABLE 12 TO 50 CFR PART 679—Continued

[Steller sea lion protection areas¹ in the Bering Sea Subarea² are identified in the following table. Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.]

Management area/island/site	Boundaries to				Directed fishing for pollock prohibited within . . . (nm)		Trawling prohibited within . . . (nm)	
	Latitude (N)	Longitude (W)	Latitude (N)	Longitude (W)	Nov. 1 through April 31	May 1 through Oct. 31	Jan. 1 through April 15	Year-round
Ogchul	53°00.00'	168°24.00'	.....	.....	20	20	.....	10
Bogoslof/Fire Island	53°56.00'	168°02.00'	.....	.....	20	20	.....	10
Emerald	53°17.50'	167°51.50'	.....	.....	.....	20	.....	.....
Unalaska/Cape Izigan	53°13.50'	167°39.00'	.....	.....	20	20	.....	.....
Unalaska/Bishop Pt	53°58.50'	166°57.50'	.....	.....	20	20	.....	.....
Akutan/Reef-lava	54°07.50'	166°06.50'	54°10.50'	166°04.50'	20	20	.....	.....
Old Man Rocks	53°52.00'	166°05.00'	.....	.....	20	20	.....	.....
Akutan/Cape Morgan	54°03.50'	166°00.00'	54°05.50'	166°05.00'	20	20	20	10
Rootok	54°02.50'	165°34.50'	.....	.....	.....	20	.....	.....
Akun/Billings Head	54°18.00'	165°32.50'	54°18.00'	165°31.50'	20	20	20	10
Tanginak	54°12.00'	165°20.00'	.....	.....	20	.....	.....	.....
Tigalda/Rocks NE	54°09.00'	164°57.00'	54°10.00'	164°59.00'	20	20	.....	.....
Unimak/Cape Sarichef	54°34.50'	164°56.50'	.....	.....	10	10	.....	.....
Aiktak	54°11.00'	164°51.00'	.....	.....	20	.....	.....	.....
Ugamak	54°14.00'	164°48.00'	54°13.00'	164°48.00'	20	20	20	10
Round	54°12.00'	164°46.50'	.....	.....	.....	20	.....	.....
Sea Lion Rock (Amak)	55°28.00'	163°12.00'	.....	.....	20	20	20	10
Amak+rocks	55°24.00'	163°07.00'	55°26.00'	163°10.00'	20	20	.....	.....

¹ Three nm NO TRANSIT ZONES are described at 50 CFR 227.12(a)(2) of this title.

² Closure zones around many of these sites also extend into statistical area 610 of the Gulf of Alaska Management Area.

TABLE 13 TO 50 CFR PART 679 (EFFECTIVE THROUGH JULY 19, 1999)

[Steller sea lion protection areas¹ in the Gulf of Alaska² are identified in the following table. Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.]

Management area/island/site	Boundaries to				Directed fishing for pollock prohibited within . . . (nm)		Trawling prohibited within . . . (nm)	
	Latitude (N)	Longitude (W)	Latitude (N)	Longitude (W)	Nov. 1 through April 31	May 1 through Oct. 31	Jan. 1 through April 15	Year-round
Gulf of Alaska								
Bird	54°40.50'	163°18.00'	.....	.....	10	10	.....	.....
South Rocks	54°18.00'	162°41.50'	.....	.....	10	10	.....	.....
Clubbing Rocks	54°42.00'	162°26.50'	54°43.00'	162°26.50'	10	10	.....	10
Pinnacle Rock	54°46.00'	161°46.00'	.....	.....	10	10	.....	10
Sushilnoi Rocks	54°50.00'	161°44.50'	.....	.....	.....	10	.....	.....
Olga Rocks	55°00.50'	161°29.50'	54°59.00'	161°31.00'	10	10	.....	.....
Jude	55°16.00'	161°06.00'	.....	.....	10	10	.....	.....
The Whaleback	55°16.50'	160°06.00'	.....	.....	10	10	.....	.....
Chernabura	54°47.50'	159°31.00'	54°45.50'	159°33.50'	10	10	.....	10
Castle Rock	55°17.00'	159°30.00'	.....	.....	.....	10	.....	.....
Atkins	55°03.50'	159°19.00'	.....	.....	10	10	.....	10
Spitz	55°47.00'	158°54.00'	.....	.....	.....	10	.....	.....
Kak	56°17.00'	157°51.00'	.....	.....	.....	10	.....	.....
Lighthouse								
Rocks	55°47.50'	157°24.00'	.....	.....	10	10	.....	.....
Sutwik	56°31.00'	157°20.00'	56°32.00'	157°21.00'	.....	10	.....	.....
Chowiet	56°00.50'	156°41.50'	56°00.50'	156°42.00'	10	10	.....	10
Nagai Rocks	55°50.00'	155°46.00'	.....	.....	10	10	.....	.....
Chirikof	55°46.50'	155°39.50'	55°46.50'	155°43.00'	10	10	.....	10
Puale Bay	57°41.00'	155°23.00'	.....	.....	10	10	.....	.....
Takli	58°03.00'	154°27.50'	58°02.00'	154°31.00'	.....	10	.....	.....
Cape Gull	58°13.50'	154°09.50'	58°12.50'	154°10.50'	.....	10	.....	.....
Sitkinak/Cape								
Sitkinak	56°34.50'	153°51.50'	.....	.....	10	10	.....	.....
Kodiak/Cape								
Ugat	57°52.00'	153°51.00'	.....	.....	10	10	.....	.....
Shakun Rock	58°32.50'	153°41.50'	.....	.....	10	10	.....	.....
Twoheaded Is-								
land	56°54.50'	153°33.00'	56°53.50'	153°35.50'	10	10	.....	.....
Cape Douglas	58°51.50'	153°14.00'	.....	.....	.....	10	.....	.....

TABLE 13 TO 50 CFR PART 679 (EFFECTIVE THROUGH JULY 19, 1999)—Continued

[Steller sea lion protection areas¹ in the Gulf of Alaska² are identified in the following table. Where two sets of coordinates are given, the base-line extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.]

Management area/island/site	Boundaries to				Directed fishing for pollock prohibited within . . . (nm)		Trawling prohibited within . . . (nm)	
	Latitude (N)	Longitude (W)	Latitude (N)	Longitude (W)	Nov. 1 through April 31	May 1 through Oct. 31	Jan. 1 through April 15	Year-round
Latax Rocks	58°42.00'	152°28.50'	58°40.50'	152°30.00'	10	10	.....	.....
Ushagat/SW	58°55.00'	152°22.00'	.....	.....	.....	10	.....	.....
Ugak	57°23.00'	152°15.50'	57°22.00'	152°19.00'	.....	10	.....	.....
Sea Otter Island	58°31.50'	152°13.00'	.....	.....	10	10	.....	.....
Long	57°47.00'	152°13.00'	.....	.....	10	.....	.....	.....
Kodiak/Cape Chiniak	57°37.50'	152°09.00'	.....	.....	10	10	.....	.....
Sugarloaf	58°53.00'	152°02.00'	.....	.....	10	10	.....	10
Sea Lion Rocks (Marmot)	58°21.00'	151°48.50'	.....	.....	10	10	.....	.....
Marmot	58°14.00'	151°47.50'	58°10.00'	151°51.00'	10	10	.....	10
Perl	59°06.00'	151°39.50'	.....	.....	10	10	.....	.....
Outer (Pye) Island	59°20.50'	150°23.00'	59°21.00'	150°24.50'	10	10	.....	10
Steep Point	59°29.00'	150°15.00'	.....	.....	.....	10	.....	.....
Chiswell Islands	59°36.00'	149°34.00'	.....	.....	10	10	.....	.....
Wooded Island (Fish)	59°53.00'	147°20.50'	.....	.....	10	10	.....	.....
Glacier Island	60°51.00'	147°09.00'	.....	.....	10	10	.....	.....
Seal Rocks	60°10.00'	146°50.00'	.....	.....	10	10	.....	.....
Cape Hinchinbrook ..	60°14.00'	146°38.50'	.....	.....	.....	10	.....	.....
Hook Point	60°20.00'	146°15.50'	.....	.....	.....	10	.....	.....
Cape St. Elias ..	59°48.00'	144°36.00'	.....	.....	10	10	.....	.....

¹ Three nm NO TRANSIT ZONES are described at 50 CFR 227.12(a)(2) of this title.

² Additional closures along the Aleutian Island chain that extend into statistical area 610 of the Gulf of Alaska are displayed in Table 13 to this part.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 981021264-9016-02; I.D. 092998A]

RIN 0648-AL29

Fisheries of the Exclusive Economic Zone Off Alaska; Season and Area Apportionment of Atka Mackerel Total Allowable Catch

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

ACTION: Final rule; 1999 interim Atka mackerel specifications.

SUMMARY: NMFS issues regulations that divide the Atka mackerel total allowable catch (TAC) specified for the Aleutian Islands Subarea (AI) into two seasonal allowances; reduce the percentage of Atka mackerel TAC harvested from Steller sea lion critical habitat (CH) over

a 4-year period in the Western and Central Districts of the AI; and extend the seasonal no-trawl zone around Seguum and Agligadak rookeries in the AI Eastern District into a year-round closure. This action is necessary to avoid potential jeopardy to the continued existence of Steller sea lions due to fishery-induced localized depletions of Atka mackerel, a primary prey species for Steller sea lions. This action is intended to foster the recovery of Steller sea lions and to further the conservation goals of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP).

DATES: Effective January 19, 1999.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this action may be obtained from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or by calling 907-586-7228.

FOR FURTHER INFORMATION CONTACT: Jay Ginter, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the

Bering Sea and Aleutian Islands Management Area (BSAI) pursuant to the FMP. General regulations governing U.S. fisheries appear at 50 CFR part 600. The FMP is implemented by regulations appearing at 50 CFR part 679 issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The North Pacific Fishery Management Council (Council) prepared the FMP under authority of the Magnuson-Stevens Act. Fishing for Atka mackerel (*Pleurogrammus monopterygius*) is governed by the FMP and its implementing regulations.

Background

The purpose and need for this action were described in the preamble to the proposed rule published on November 9, 1998 (63 FR 60288). That document and the EA/RIR/FRFA describe the conservation and management events leading to this action. In summary, the number of Steller sea lions (*Eumetopias jubatus*) west of 144°W. long. in the Gulf of Alaska (GOA) and the BSAI has declined severely during the last several decades. In 1997, NMFS recognized these animals as a separate and endangered population. NMFS has