

conservation recommendations in areas designated as EFH for Atlantic salmon will complement the goals set by the Maine Atlantic Salmon Conservation Plan. NMFS will be working closely with the State of Maine and other interested parties on this issue.

#### *Comments on Other Issues*

*Comment:* One fishing industry group commented that continued closure of HAPC will be a significant impact under the Regulatory Flexibility Act.

*Response:* NMFS does not believe that supplementing the basis for the current closure as a measure to protect juvenile cod HAPC and continuing this closure as a part of Closed Area II have any bearing on the Regulatory Flexibility Act because no additional regulatory impacts occur.

*Comment:* A commenter suggested that the Council establish and implement a plan for satisfying information needs with specific time frames for when objectives will be met and when notice will be provided to the public.

*Response:* The Council included a strategic plan in the amendments that addresses the refinement of EFH designations, designation of additional HAPCs, and improving understanding of fishing gear impacts, among other things. Since the Council is not a research body, it cannot schedule research activities to complement EFH conservation efforts. However, in its plan, the Council has committed to annual reviews of its EFH conservation program, which specifically includes identification and incorporation of ongoing and future studies as the results become available. Information on these efforts will be available to the public through the Council process.

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

Dated: April 14, 1999.

#### **Gary C. Matlock,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 990304063-9063-01; I.D. 041599A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for Vessels Using Hook-and-line and Pot Gear 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 directed fishing for Pacific cod by vessels using hook-and-line and pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first seasonal allowance of the 1999 total allowable catch (TAC) of Pacific cod allocated for vessels using hook-and-line and pot gear in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), April 17, 1999, until 1200 hrs, A.l.t., May 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI 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.

The Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999) established the first seasonal allowance of the TAC of Pacific cod allocated to vessels using hook-and-line and pot gear in the BSAI during the time period January 1 to April 30 as 60,000 metric tons (mt). See § 679.20(c)(3)(iii) and § 679.20(a)(7)(i)(A).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the first seasonal allowance of the TAC of Pacific cod allocated to vessels using hook-and-line and pot gear in the BSAI has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 59,900 mt, and is setting aside the remaining 100 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 has been reached. Consequently, NMFS is closing directed fishing for Pacific cod for vessels using hook-and-line and pot gear in the BSAI.

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. It must be implemented immediately in order to prevent overharvesting the first seasonal allowance of the 1999 TAC of Pacific cod allocated to vessels using hook-and-line and pot gear in the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The Pacific cod directed fishing first seasonal allowance established for vessels using hook-and-line and pot gear has been reached. Further delay would only result in overharvest which would disrupt the FMP's objective of providing sufficient Pacific cod to support bycatch needs in other anticipated groundfish fisheries throughout the year. NMFS finds for good cause that the implementation of this action can 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: April 15, 1999.

#### **Bruce C. Morehead,**

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