

Administrator is establishing a directed fishing allowance of 1,195 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. NMFS is prohibiting directed fishing for pollock in the Eastern Regulatory Area 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. It must be implemented immediately to prevent overharvesting the interim 1999 pollock TAC in the Eastern Regulatory Area. Providing prior notice and an opportunity for public comment 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: March 5, 1999.

Richard W. Surdi,

Acting 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. 990304062-9062-01; I.D. 121098B]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 1999 Harvest Specifications for Groundfish

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

ACTION: Final 1999 harvest specifications for groundfish and associated management measures.

SUMMARY: NMFS announces final 1999 harvest specifications for Gulf of Alaska (GOA) groundfish and associated

management measures. This action is necessary to establish harvest limits and associated management measures for groundfish during the 1999 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the GOA.

DATES: The final 1999 harvest specifications and associated management measures are effective at noon on March 8, 1999, through 2400 hrs, Alaska local time (A.l.t.), December 31, 1999.

ADDRESSES: The final Environmental Assessment and Final Regulatory Flexibility Analysis prepared for the 1999 Total Allowable Catch Specifications may be obtained from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or by calling 907-586-7229.

The Final Stock Assessment and Fishery Evaluation Report (SAFE report), dated November 1998, is available from the North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501-2252, or by calling 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-481-1780 or tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages the groundfish fisheries in the exclusive economic zone of the GOA according to the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implementing the FMP appear at 50 CFR part 679. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 600.

NMFS announces for the 1999 fishing year: (1) Specifications of total allowable catch (TAC) amounts for each groundfish species category in the GOA, and reserves; (2) apportionments of reserves; (3) allocations of the sablefish TAC to vessels using hook-and-line and trawl gear; (4) apportionments of pollock TAC among regulatory areas, seasons, and allocations for processing between inshore and offshore components; (5) allocations for processing of Pacific cod TAC between inshore and offshore components; (6) Pacific halibut prohibited species catch (PSC) limits; and (7) fishery and seasonal apportionments of the Pacific

halibut PSC limits. A discussion of each of these measures follows.

Regulations implementing the FMP establish the process of determining TACs for groundfish species in the GOA. Pursuant to § 679.20(a)(2), the sum of the TACs for all species must fall within the combined optimum yield (OY) range of 116,000-800,000 metric tons (mt) established for these species at § 679.20(a)(1)(ii).

Council met from October 7 through 12, 1998, and developed recommendations for proposed 1999 TAC specifications for each species category of groundfish on the basis of the best available scientific information. The Council also recommended associated management measures pertaining to the 1999 fishing year.

The Council proposed rolling over all the 1998 final specifications for 1999, pending an update of the preliminary 1998 SAFE report to include new information collected during 1998 and revised stock assessments to be incorporated in the final SAFE report. Pursuant to § 679.20(c)(1)(ii), NMFS published the proposed 1999 harvest specifications for the GOA groundfish fishery in the **Federal Register** on December 30, 1998 (63 FR 71876), and comments were accepted through January 29, 1999. NMFS did not receive any comments on the proposed 1999 GOA specifications. Interim TAC and PSC amounts equal to one-fourth of the proposed amounts were published in the **Federal Register** on January 4, 1999 (64 FR 46). The final 1999 initial groundfish harvest specifications and associated management measures implemented by this action supersede the interim 1999 specifications.

The Council met December 9 through 14, 1998, to review the best available scientific information concerning groundfish stocks, and to consider public testimony regarding 1999 groundfish fisheries. The best available scientific information is contained in the current SAFE report, dated November 1998. The SAFE report includes the most recent information concerning the status of groundfish stocks based on the most recent catch data, survey data, and biomass projections using different modeling approaches or assumptions. The Council's GOA Plan Team prepared the SAFE report and presented it to the Council and the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP) at the December 1998 Council meeting. The Plan Team's recommendations for acceptable biological catch (ABC) levels and overfishing levels (OFL) are contained in the SAFE report.

For establishment of the ABCs and TACs, the Council considered information in the SAFE report, recommendations from its SSC and AP, as well as public testimony. The SSC adopted the OFL recommendations from the Plan Team, which were provided in the SAFE report, for all groundfish species categories. The SSC also adopted the ABC recommendations from the Plan Team, which were provided in the SAFE report, for all of the groundfish species categories, except pollock and Pacific cod in the GOA.

The SSC did not adopt the Plan Team's recommendation of ABC for pollock in the GOA. The Plan Team's recommendation was to exclude pollock harvested in the State of Alaska (State) managed pollock fishery in Prince William Sound (PWS) from the ABC specified for the GOA based on the results of a 1997 bottom trawl survey conducted by the State. The SSC did not concur, and remains unconvinced that the PWS fishery exploits a resource that is entirely independent of the assessed GOA population. The SSC recommended that the State's guideline harvest level (GHL) of 2,100 mt in the PWS pollock fishery be deducted from the total GOA ABC of 103,020 mt, reducing the ABC to 100,920 mt, and that the 100,920 mt ABC be apportioned among GOA regulatory areas based on the biomass distribution throughout the GOA.

The SSC also did not adopt the Plan Team's recommendation of ABC for Pacific Cod. In consideration of the influence of a strong 1995 year class on the ABC assessment and the declining trend of spawning biomass, the Plan Team recommended that the 1998 ABC of 77,900 mt be rolled over to 1999. The SSC, while considering the recent biomass decline, believes the 1999 ABC assessment of 90,900 mt represents the best scientific estimate and uses new data from the 1998 fishery. The SSC recommended an ABC stepped up from 1998 as the average value of the two years: 77,900 mt and 90,900 mt, resulting in an ABC of 84,400 mt. The Council adopted the SSC's ABC recommendation for Pacific cod. Because the Plan Team, SSC, and Council recommended that total removals of Pacific cod from the GOA not exceed the ABC recommendations for those areas, the Council recommended that the TACs be adjusted downward from the ABCs by amounts equal to the 1999 GHLs established for Pacific cod by the State of Alaska for a State-managed fishery in State waters. The effect of the State's GHL on the

Pacific cod TAC is discussed in greater detail below.

In consideration of the trawl prohibition east of 140° W. long., the Plan Team recommended dividing Eastern GOA ABCs among the West Yakutat (WYK) and Southeast Outside (SEO) Districts for those groundfish that could be disproportionately harvested (relative to estimated biomass) in directed fisheries by trawl gear in the WYK area. The Plan Team recommended separate ABCs for pollock, all flatfish, Pacific ocean perch (POP), other slope rockfish, pelagic shelf rockfish, and sablefish. The Plan Team did not recommend separating the Eastern GOA ABC for those groundfish caught by multiple gear types in directed fisheries and those harvested only as bycatch. The SSC adopted the Plan Team's ABC recommendations in the Eastern GOA, with the exception of pollock.

The Plan Team also recommended a split of the Eastern GOA pollock ABC between the WYK and SEO Districts to prevent a disproportionate harvest of pollock from the WYK District following the 1998 prohibition of the use of any gear other than non-trawl gear east of 140° W. long. (§ 679.7(i)(1)). The SSC did not concur stating that because pollock is a migratory species, its harvest in the WYK District should not harm the overall Eastern GOA population. The SSC recommended a single ABC for pollock in the Eastern GOA. The Council accepted the SSC's recommendation for pollock ABCs in the GOA.

The Council adopted the SSC's ABC recommendations for the Eastern GOA, except for sablefish. The Council recommended a single sablefish ABC for the Eastern GOA to allow for the allocation of the 5 percent Eastern GOA trawl allocation to the WYK District, due to the trawl prohibition east of 140° W. long. The Plan Team, SSC, and Council also recommended combining the ABC for northern rockfish with the ABC for the other rockfish assemblage in the Eastern GOA. Northern rockfish is uncommon in the Eastern GOA, the eastern limit of the species range, and the resultant small ABC is impracticable to manage.

The Council's recommended ABCs, listed in Table 1, reflect harvest amounts that are less than the specified overfishing amounts. The sum of the 1999 ABCs for all groundfish is 532,590 mt, which is lower than the 1998 ABC total of 548,650 mt.

1999 Harvest Specifications

1. Specifications of TAC and Reserves

The Council recommended TACs equal to ABCs for pollock, deep-water flatfish, rex sole, sablefish, shorttraker/roughey rockfish, other slope rockfish, northern rockfish, pelagic shelf rockfish, thornyhead rockfish, demersal shelf rockfish, and Atka mackerel. The Council recommended TACs less than the ABC for Pacific cod, flathead sole, shallow-water flatfish, arrowtooth flounder, and POP (Table 1).

The TAC for pollock has decreased in the Central and Western GOA from 119,150 mt in 1998 to 92,480 mt in 1999. It has increased from 5,580 mt in 1998 to 8,440 mt in 1999 in the Eastern GOA. The apportionment of TAC in the Central and Western GOA reflects the current biomass distribution. The Council did not adopt the AP's recommendation for a single pollock TAC in the Eastern GOA. The Council's recommendation for the 1999 pollock TAC in the Eastern GOA is 2,110 mt in the WYK District and 6,330 mt in the SEO District. The Council's recommendation is based on consideration of the survey estimates of distribution in the Eastern GOA and the potential for disproportionate harvest in the WYK District.

Pursuant to Section 7 of the Endangered Species Act, NMFS completed a consultation on the effects of the pollock fisheries on listed species, including the Steller sea lion, and designated critical habitat. The biological opinion prepared for the consultation, dated December 3, 1998, and revised December 16, 1998, concluded that the pollock fishery in the GOA jeopardizes the continued existence of Steller sea lions and adversely modifies their habitat. At its December meeting, the Council reviewed the reasonable and prudent alternatives (RPAs) contained in the biological opinion to mitigate the adverse impacts of the GOA pollock fishery on Steller sea lions and made recommendations to NMFS for implementing specific RPAs. The Council's RPA recommendations for the 1999 pollock fishery in the GOA included four seasonal apportionments of pollock TAC, with limited rollovers, in the Western and Central GOA; limitations on the seasonal harvest of pollock in critical habitat; augmentation of the closure areas around rookery and haul-out sites; and the establishment of a 136 mt (300,000 lb) trip limit for pollock in the Western and Central GOA. NMFS incorporated these recommendations and other management measures into an

emergency rule (64 FR 3437, January 22, 1999), effective from January 20, 1999, through July 19, 1999. The final specifications establish four seasonal apportionments of the pollock TAC (Table 3). Under the emergency rule, 30 percent of the annual TAC is apportioned to the A season (January 20 through April 1) with a harvest limitation of 15,857 mt within the Shelikof Strait conservation zone (§ 679.22(b)(3)(iii)); 20 percent to the B season (June 1 through July 1); 25 percent to the C season (September 1 until closed in a particular statistical area or October 1, whichever date is earlier); and 25 percent to the D season (which starts 5 days after the C season closure in a particular statistical area through November 1 (§ 679.23(d)(3)(i) through (iv)). The harvest limitation of 15,857 mt in the Shelikof Strait conservation area during the A season is derived from the most recent estimate of pollock biomass in the critical habitat of the Shelikof Strait (489,900 mt) divided by the most recent pollock biomass estimated for the entire GOA (933,000 mt) multiplied by the first seasonal apportionment of pollock TAC, 30 percent of the annual TACs in the GOA (30,280 mt) (§ 679.22(b)(2)(iii)(C)).

The 1999 Pacific cod TAC is affected by the State's developing fishery for Pacific cod in state waters in the Central and Western GOA, as well as PWS. The SSC, AP, and Council recommended that the sum of all State and Federal water Pacific cod removals should not

exceed the ABC. The Council recommended that (1) the TAC for the Eastern GOA be lower than the ABC by 320 mt, the amount of the State's proposed GHL for PWS, and (2) the TACs for the Central and Western GOA be lower than the ABCs by 10,235 mt and 5,910 mt respectively, the amounts of the State's proposed GHLs for these areas. These amounts reflect the increased percentages the State has established for GHLs in these areas. In the Western GOA, the State Pacific cod GHL has increased from 15 percent in 1998, to 20 percent in 1999. The Pacific cod GHL in the Central GOA has increased from 15 percent in 1998 to 19.25 percent in 1999. The State's Pacific cod GHL of 320 mt for PWS is based on 25 percent of the Eastern GOA ABC, and is unchanged from 1998.

The Council accepted the AP recommendation for the TACs of all species, except pollock and POP. For pollock, the Council requested that NMFS establish separate pollock TACs for the WYK and SEO Districts of the Eastern GOA as proposed by the Plan Team in its ABC recommendations to prevent disproportionate harvest (relative to biomass estimates) of pollock from the WYK District. For POP, the Council recommended a TAC of 820 mt of POP in the WYK District, less than the 1,350 mt TAC recommended by the AP. The Council's recommendation is based upon the most recent estimate of biomass in the area and concerns that

POP has only recently been estimated to have met rebuilding goals.

The FMP specifies 5-percent of the combined TAC amount for target species as the formula for specifying the amount for the "other species" category. The GOA-wide "other species" TAC is 14,600 mt, which is 5 percent of the sum of the combined TAC amounts for the target species. The sum of the TACs for all GOA groundfish is 306,535 mt, which is within the OY range specified by the FMP. The sum of the TACs is lower than the 1998 TAC sum of 327,046 mt. On February 6, 1998, NMFS approved Amendment 39 to the FMP, which established a new species category for forage fish species. Amendment 39 removed capelin, eulachon, and smelt from the "other species" category in the FMP and moved these species to the new forage fish species category. While this action changed the list of species in the "other species" category, it did not affect the formula for specifying a TAC for the "other species" category, which remains 5 percent of the combined TAC amounts for target species. Under Amendment 39, ABC and TAC amounts are not specified for forage fish species.

NMFS has reviewed the Council's recommended TAC specifications and apportionments and hereby approves these specifications under § 679.20(c)(3)(ii). The 1999 ABCs, TACs, and overfishing levels are shown in Table 1.

TABLE 1.—1999 ABCs, TACs, INITIAL TACs (PACIFIC COD ONLY) AND OVERFISHING LEVELS OF GROUND FISH FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULF-WIDE (GW) DISTRICTS OF THE GULF OF ALASKA
[Values are in metric tons]

Species	Area ¹	ABC	TAC	Initial TAC	Overfishing
Pollock ²					
Shumagin	(610)	23,120	23,120}	.....	.....
Chirikof	(620)	38,840	38,840}	.....	.....
Kodiak	(630)	30,520	30,520}	.....	.....
Subtotal	W/C	92,480	92,480	.....	134,100
WYK	(640) .....	.....	2,110}	.....	.....
SEO	(650) .....	.....	6,330}	.....	.....
Subtotal	E	8,440	8,440	.....	12,300
Total .....	.....	100,920	100,920	.....	146,400
Pacific cod ³					
W .....	.....	29,540	23,630	18,904	.....
C .....	.....	53,170	42,935	34,348	.....
E .....	.....	1,690	1,270	1,016	.....
Total .....	.....	84,400	67,835	54,268	134,000
Flatfish ⁴ (deep water)					
W .....	.....	240	240	.....	.....
C	2,740	2,740
WYK	1,720	1,720
SEO	1,350	1,350
Total	6,050	6,050	8,070
Rex sole ⁴	W	1,190	1,190

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[Values are in metric tons]

Species	Area ¹	ABC	TAC	Initial TAC	Overfishing
	C	5,490	5,490
	WYK	850	850	.....	.....
	SEO	1,620	1,620	.....	.....
Total .....	.....	9,150	9,150	.....	11,920
Flathead sole	W	8,440	2,000	.....	.....
	C	15,630	5,000	.....	.....
	WYK	1,270	1,270	.....	.....
	SEO	770	770	.....	.....
Total .....	.....	26,110	9,040	.....	34,010
Flatfish ⁵ (shallow water)	W	22,570	4,500	.....	.....
	C	19,260	12,950	.....	.....
	WYK	250	250	.....	.....
	SEO	1,070	1,070	.....	.....
Total .....	.....	43,150	18,770	.....	59,540
Arrowtooth flounder	W	34,400	5,000	.....	.....
	C	155,930	25,000	.....	.....
	WYK	13,260	2,500	.....	.....
	SEO	13,520	2,500	.....	.....
Total .....	.....	217,110	35,000	.....	308,880
Sablefish ⁶	W	1,820	1,820	.....	.....
	C	5,590	5,590	.....	.....
	WYK .....	.....	2,090	.....	.....
	SEO .....	.....	3,200	.....	.....
Subtotal	E	5,290	5,290	.....	.....
Total .....	.....	12,700	12,700	.....	19,720
Pacific ocean perch ⁷	W	1,850	1,850	.....	2,610
	C	6,760	6,760	.....	9,520
	WYK	820	820	.....	.....
	SEO	3,690	3,160	.....	.....
Subtotal	E .....	.....	.....	.....	6,360
Total .....	.....	13,120	12,590	.....	18,490
Short raker/rougheye ⁸	W	160	160	.....	.....
	C	970	970	.....	.....
	.....	460	460	.....	.....
Total .....	.....	1,590	1,590	.....	2,740
Other rockfish ^{9,10}	W	20	20	.....	.....
	C	650	650	.....	.....
	WYK	470	470	.....	.....
	SEO	4,130	4,130	.....	.....
Total .....	.....	5,270	5,270	.....	7,560
Northern rockfish ^{0,12}	W	840	840	.....	.....
	C	4,150	4,150	.....	.....
	E	N/A	N/A	.....	.....
Total .....	.....	4,990	4,990	.....	9,420
Pelagic shelf rockfish ¹³	W	530	530	.....	.....
	C	3,370	3,370	.....	.....
	WYK	740	740	.....	.....
	SEO	240	240	.....	.....
Total .....	.....	4,880	4,880	.....	8,190
Thornyhead rockfish	W	260	260	.....	.....
	C	700	700	.....	.....
	E	1,030	1,030	.....	.....
Total	1,990	1,990	2,800
Demersal shelf rockfish ¹¹	SEO	560	560	950
Atka mackerel	GW	600	600	6,200

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[Values are in metric tons]

Species	Area ¹	ABC	TAC	Initial TAC	Overfishing
Other ¹⁴ species	GW	N/A ¹⁵	14,600
Total ¹⁶ .....	.....	532,590	306,535	.....	778,890

¹ Regulatory areas and districts are defined at § 679.2.

² Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area (Table 3), each of which is further divided into four seasonal allowances. In the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

³ Pacific cod is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Component allocations are shown in Table 4.

⁴ "Deep water flatfish" means Dover sole, Greenland turbot, and deepsea sole.

⁵ "Shallow water flatfish" means flatfish not including "deep water flatfish," flathead sole, rex sole, or arrowtooth flounder.

⁶ Sablefish is allocated to trawl and hook-and-line gears (Table 2).

⁷ "Pacific ocean perch" means *Sebastes alutus*.

⁸ "Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

⁹ "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District means Slope rockfish.

¹⁰ "Slope rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegates* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergry), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), and *S. reedi* (yellowmouth). In the Eastern GOA only, "slope rockfish" also includes northern rockfish, *S. polyspinous*.

¹¹ "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

¹² "Northern rockfish" means *Sebastes polyspinis*.

¹³ "Pelagic shelf rockfish" means *Sebastes ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

¹⁴ "Other species" means sculpins, sharks, skates, squid, and octopus. The TAC for "other species" equals 5 percent of the TACs of target species.

¹⁵ N/A means not applicable.

¹⁶ The total ABC is the sum of the ABCs for target species.

2. Apportionments of Reserves

Regulations implementing the FMP require 20 percent of each TAC for pollock, Pacific cod, flatfish, and the "other species" category be set aside in reserves for possible apportionment at a later date (§ 679.20(b)(2)). For the preceding 11 years, including 1998, NMFS reapportioned all of the reserves in the final harvest specifications, except for Pacific cod. Beginning in 1997, NMFS retained the Pacific cod reserve. NMFS proposed reapportionment of all reserves for 1999, except for Pacific cod, in the proposed GOA groundfish specifications published in the **Federal Register** on December 30, 1998 (63 FR 71876). NMFS received no public comments on the proposed reapportionments. For 1999, NMFS has reapportioned all of the reserve for pollock, flatfish, and "other species." NMFS is retaining the Pacific cod reserve at this time to provide for a management buffer to account for excessive fishing effort and/or incomplete or late catch reporting. In recent years, unpredictable increases in fishing effort and harvests, uncertainty of incidental catch needs in other directed fisheries throughout the year,

and untimely submission and revision of weekly processing reports have resulted in early and late closures of the Pacific cod fishery. NMFS believes that retention of the Pacific cod reserve to provide for TAC management difficulties later in the year is a conservative approach that will lead to a more orderly fishery and provide greater assurance that incidental catch of Pacific cod may be retained throughout the year. Specifications of TAC shown in Table 1 reflect apportionment of reserve amounts for pollock, flatfish species, and "other species." Table 1 also lists the initial TACs for Pacific cod which reflect the withholding of the Pacific cod TAC reserve.

3. Allocations of the Sablefish TACs to Vessels Using Hook-and-Line and Trawl Gear

Under § 679.20(a)(4) (i) and (ii), sablefish TACs for each of the regulatory areas and districts are allocated to hook-and-line and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to hook-and-line gear and 20 percent of each TAC is allocated to trawl gear. In

the Eastern Regulatory Area, 95 percent of the TAC is allocated to hook-and-line gear and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used to support incidental catch of sablefish in directed fisheries for other target species. In recognition of the trawl ban in the SEO District of the Eastern Regulatory Area, the Council recommended that 90 percent of the WYK District sablefish TAC and 100 percent of the SEO District sablefish TAC be allocated to vessels using hook-and-line gear. This recommendation results in an allocation of 209 mt to trawl gear and 1,881 mt to hook-and-line gear in WYK District. However, the resultant 10-percent allocation of WYK District sablefish TAC to trawl gear (209 mt) does not equal 5 percent of the combined Eastern GOA TACs (265 mt) as required at § 679.20(a)(4)(i). Therefore, NMFS is adjusting the allocation of sablefish TAC in the WYK District by allocating 1,825 mt of the sablefish TAC to hook-and-line gear and 265 mt of the sablefish TAC to trawl gear. Table 2 shows the allocations of the 1999 sablefish TACs between hook-and-line and trawl gear.

TABLE 2.—1999 SABLEFISH TAC SPECIFICATIONS IN THE GULF OF ALASKA AND ALLOCATIONS THEREOF TO HOOK-AND-LINE AND TRAWL GEAR
[Values are in metric tons]

Area/district	TAC	Hook-and-line apportionment	Trawl apportionment
Western	1,820	1,456	364
Central	5,590	4,472	1,118
West Yakutat	2,090	1,825	265
Southeast Outside	3,200	3,200	0
Total	12,700	10,953	1,747

4. Apportionments of Pollock TAC Among Regulatory Areas and Seasons, and Allocations for Processing by Inshore and Offshore Components

In the GOA, pollock is apportioned by area and season, and is further allocated for processing by inshore and offshore components. Regulations at § 679.20(a)(5)(ii)(A) require that the TAC for pollock in the combined Western and Central GOA be apportioned in proportion to the distribution of pollock biomass as determined by the most recent NMFS surveys among the Shumagin (610), Chirikof (620), and Kodiak (630) statistical areas. This measure was intended to provide spatial distribution of the pollock harvest as a sea lion protection measure. As required by the emergency rule effective January 20, 1999 (64 FR 3437, January 22, 1999) each statistical area apportionment is further apportioned into four seasonal allowances of 30, 20, 25, and 25 percent, respectively (§ 679.20(a)(5)(ii)(C)). As required by § 679.23(d)(3), the A, B, C, and D season allowances are available

on January 20, June 1, September 1, and 5 days following the C season closure, respectively. 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 Administrator, Alaska Region, NMFS (Regional Administrator), provided that a revised seasonal allowance does not exceed 30 percent of the annual TAC apportionment (§ 679.20(a)(5)(ii)(C)). The WYK and SEO District pollock TACs of 2,110 mt and 6,330 mt, respectively, are not allocated seasonally.

Regulations at § 679.20(a)(6)(ii) require that 100-percent of the pollock TAC in all regulatory areas and all seasonal allowances thereof be allocated to vessels catching pollock for processing by the inshore component after subtraction of amounts that the Regional Administrator projects will be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. The

amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is that amount actually taken as bycatch during directed fishing for groundfish species other than pollock, up to the maximum retainable bycatch amounts allowed under regulations at § 679.20 (e) and (f). At this time, these bycatch amounts are unknown and will be determined during the fishing year. The distribution of pollock within the combined Western and Central Regulatory Areas is shown in Table 3, except that amounts of pollock for processing by the inshore and offshore component are not shown. The emergency rule (64 FR 3437, January 22, 1999) implementing the RPAs for the pollock fishery is effective until July 19, 1999. NMFS intends to extend this emergency rule beyond for an additional 180 days. However, the Council may make additional recommendations for the B and C seasons, which adhere to the biological principals of the RPAs and would require amending these specifications.

TABLE 3.—DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (W/C GOA); BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND SEASONAL ALLOWANCES. ABC FOR THE W/C GOA IS 92,480 METRIC TONS (MT). BIOMASS DISTRIBUTION IS BASED ON 1996 SURVEY DATA. TACS ARE EQUAL TO ABC. INSHORE AND OFFSHORE ALLOCATIONS OF POLLOCK ARE NOT SHOWN

[Values are in mt]

Statistical area	Biomass percent	1999 ABC=TAC	Seasonal allowances			
			A	B	C	D
Shumagin (610)	25	23,120	6,936	4,624	5,780	5,780
Chirikof (620)	42	38,840	11,652	7,768	9,710	9,710
Kodiak (630)	33	30,520	9,156	6,104	7,630	7,630
Total	100	92,480	27,744	18,496	23,120	23,120

*Harvests of pollock in Shelikof Strait conservation zone, defined at § 679.22(b)(3)(iii)(C) are limited to 15,857 mt during the A season.

5. Allocations for Processing of Pacific Cod TAC Between Inshore and Offshore Components

Regulations at § 679.20(a)(6)(iii) require that the TAC apportionment of Pacific cod in all regulatory areas be allocated to vessels catching Pacific cod

for processing by the inshore and offshore components. Ninety percent of the Pacific cod TAC in each regulatory area is allocated to vessels catching Pacific cod for processing by the inshore component. The remaining 10 percent of the TAC is allocated to vessels

catching Pacific cod for processing by the offshore component. These allocations of the Pacific cod initial TAC for 1999 are shown in Table 4. The Pacific cod reserves are not included in the table.

TABLE 4.—1999 ALLOCATION (METRIC TONS) OF PACIFIC COD INITIAL TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS

Regulatory area	Initial TAC	Component allocation	
		Inshore (90%)	Offshore (10%)
Western	18,904	17,014	1,890
Central	34,348	30,913	3,435
Eastern	1,016	914	102
Total	54,268	48,841	5,427

6. Pacific Halibut PSC Mortality Limits

Under § 679.21(d), annual Pacific halibut PSC limits are established and apportioned to trawl and hook-and-line gear and may be established for pot gear.

As in 1998, the Council recommended that pot gear, jig gear, and the hook-and-line sablefish fishery be exempted from the non-trawl halibut limit for 1999. The Council recommended these exemptions because of the low halibut bycatch mortality experienced in the pot gear fisheries (13 mt in 1998) and because of the 1995 implementation of the sablefish and halibut Individual Fishing Quota program, which allows legal-sized halibut to be retained in the sablefish fishery. Halibut mortality for the jig gear fleet cannot be estimated because these vessels do not carry observers. However, halibut mortality is assumed to be very low given the small amount of fish harvested by this gear type (279 mt in 1998) and the assumed high survival rate of any halibut that are incidentally taken and discarded.

As in 1998, the Council recommended a hook-and-line halibut PSC mortality limit of 300 mt. Ten mt of this limit are apportioned to the demersal shelf rockfish fishery in the Southeast Outside District. The remainder is seasonally apportioned among the non-sablefish hook-and-line fisheries as shown in Table 5.

The Council continued to recommend a trawl halibut PSC mortality limit of 2,000 mt. The PSC limit has remained unchanged since 1989. Regulations at § 679.21(d)(3)(iii) authorize separate apportionments of the trawl halibut PSC limit between trawl fisheries for deep-water and shallow-water species. Regulations at § 679.21(d)(5) authorize seasonal apportionments of halibut PSC limits. For 1999, the Council recommended delaying the release of the third seasonal apportionment of trawl halibut PSC limits in July to facilitate inseason management of directed trawl fisheries, particularly rockfish.

NMFS concurs with the Council's recommendations described here and

listed in Table 5. The following types of information as presented in, and summarized from, the current SAFE report, or as otherwise available from NMFS, Alaska Department of Fish and Game, the International Pacific Halibut Commission (IPHC) or public testimony were considered:

(A) Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is based on 1998 observed halibut bycatch rates and NMFS's estimates of groundfish catch. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through December 31, 1998, is 2,023 mt, 296 mt, and 13 mt, respectively, for a total of 2,332 mt.

Halibut bycatch restrictions seasonally constrained trawl gear and hook-and-line gear fisheries throughout 1998. Trawling for the deep-water fishery complex was closed during the first quarter on March 10 (63 FR 12688, March 16, 1998), for the second quarter on April 21 (63 FR 20541, April 27, 1998) and for the third quarter on July 28 (63 FR 40839, July 31, 1998). The shallow-water complex was closed in the second quarter on May 2 (63 FR 24984, May 6, 1998) and in the third quarter on August 3 (63 FR 42281, August 7, 1998). All trawling was closed in the fourth quarter on October 9 (63 FR 55341, October 15, 1998). The use of hook-and-line gear for groundfish other than sablefish or demersal shelf rockfish was closed in the first seasonal apportionment on April 18 (63 FR 19850, April 22, 1998) and for the remainder of the year on May 26 (63 FR 29670, June 1, 1998, and 63 FR 45765, August 27, 1998).

The amount of groundfish that trawl gear and hook-and-line gear might have harvested if halibut catch limitations had not restricted the season in 1998, is unknown.

(B) Expected Changes in Groundfish Stocks

At its December 1998 meeting, the Council adopted higher ABCs for Pacific

cod, arrowtooth flounder, POP, and other rockfish than those established for 1998. The Council adopted lower ABCs for pollock, deep water flatfish, sablefish, northern rockfish, and thornyhead rockfish than those established for 1998. More information on these changes is included in the Final SAFE report (November 1998) and in the Council and SSC minutes.

(C) Expected Changes in Groundfish Catch

The total of the 1999 TACs for the GOA is 306,535 mt, a decrease of 6 percent from the 1998 TAC total of 327,046 mt. Those fisheries for which the 1999 TACs are lower than in 1998 are pollock (decreased to 100,920 mt from 124,730 mt), deep water flatfish (decreased to 6,050 mt from 7,170 mt), sablefish (decreased to 12,700 mt from 14,120 mt), northern rockfish (decreased to 4,990 mt from 5,000 mt), thornyhead rockfish (decreased to 1,990 mt from 2,000 mt), and other species (decreased to 14,600 mt from 15,570 mt). Those species for which the 1999 TACs are higher than in 1998 are Pacific cod (increased to 67,835 mt from 66,060 mt), shallow water flatfish (increased to 18,770 mt from 18,630 mt), POP (increased to 12,590 mt from 10,776 mt), and other rockfish (increased to 5,270 mt from 2,170 mt).

(D) Current Estimates of Halibut Biomass and Stock Condition

The stock assessment for 1998 conducted by the IPHC indicates total exploitable biomass estimates of Pacific halibut in the BSAI and GOA management areas together to be 227,366 mt using an age-specific estimate and 246,190 mt using a length-specific estimate from the standardized hook-and-line survey for 1999. In the age-specific estimate, the assumption is that the selection of fish by the survey is based primarily on the age of the fish and reflects the availability of fish of different ages on the grounds. In the length-specific estimate, the assumption is that the selection of fish by the survey is based primarily on the size of the fish,

because fish of different sizes are not equally vulnerable to the survey gear.

New information used in the stock assessment in 1998 includes updated assessment methods and results, IPHC hook-and-line surveys, NMFS trawl survey catches of halibut, and updated information on removals of halibut from all sources. For 1998, the assessment model contains only one significant change from last year. The IPHC had used an estimated rate of natural mortality of $M = 0.20$. This value was an average of a wide range of estimates. Some previous IPHC studies have employed estimates other than 0.20. The IPHC staff reviewed available evidence in consideration of these results and due to scientific uncertainty adopted a more conservative value of $M = 0.15$, a 25-percent reduction from the previous value. The major changes in the estimates of exploitable biomass for 1999 derive from the change in the estimate of natural mortality, rather than from stock condition indices.

Pacific halibut biomass remains at a relatively high level but has declined slightly in the central and southern portions of the range. Recruitment of halibut in recent years has declined from the peak seen in 1995, when the 1987 year class began recruiting to the fishery. Exploitable biomass is expected to decline over the next three to five years as this year class passes out of the exploitable stock. Additional information on the Pacific halibut stock

assessment may be found in the SAFE report.

(E) Other Factors

The proposed 1999 specifications (63 FR 71876, December 30, 1998) discussed potential impacts of expected fishing for groundfish on halibut stocks, as well as methods available for, and costs of, reducing halibut bycatch in the groundfish fisheries.

7. Fishery and Seasonal Apportionments of the Halibut PSC Limits

Under § 679.21(d)(5), NMFS seasonally apports the halibut PSC limits based on recommendations from the Council. The FMP requires that the Council, in recommending seasonal apportionments of halibut PSC limits, consider: (a) Seasonal distribution of halibut, (b) seasonal distribution of target groundfish species relative to halibut distribution, (c) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catches of target groundfish species, (d) expected bycatch rates on a seasonal basis, (e) expected changes in directed groundfish fishing seasons, (f) expected actual start of fishing effort, and (g) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

The final 1998 GOA groundfish and PSC specifications (63 FR 12027, March

12, 1998) summarize Council findings with respect to each of the FMP considerations set forth above. For 1999, the Council has reiterated its findings with respect to these FMP considerations and recommended that seasonal apportionments be unchanged from 1998, with one exception. For 1999, the Council recommended that the third seasonal apportionment of halibut PSC limits for trawl gear in the GOA be delayed until July 11 to coincide with the seasonal apportionment of halibut PSC limits for trawl gear in the BSAI and to facilitate inseason management. NMFS notes that the delay in the third seasonal apportionment until July 11 could potentially adversely affect the results of the NMFS 1999 sablefish hook-and-line survey in the GOA. Therefore, NMFS is adjusting the start of the third seasonal apportionment to July 4, which will meet the Council's objective of improving inseason management while minimizing the potential impacts of the trawl fisheries on the NMFS sablefish survey later in July. Pacific halibut PSC limits, and apportionments thereof, are presented in Table 5. Regulations at § 679.21(d)(5)(iii) and (iv) specify that any overages or shortfalls in a seasonal apportionment of a PSC limit will be deducted from or added to the next respective seasonal apportionment within the 1999 season.

TABLE 5.—FINAL 1999 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS

[The Pacific halibut PSC limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery and fisheries other than DSR. (Values are in metric tons) The hook-and-line sablefish fishery is exempt from halibut PSC limits.]

Trawl gear		Hook-and-line gear			
Dates	Amount	Other than DSR		DSR	
		Dates	Amount	Dates	Amount
Jan 1–Mar 31	600 (30%)	Jan 1–May 17	250 (86%)	Jan 1–Dec 31	10 (100%)
Apr 1–Jul 3	400 (20%)	May 18–Aug 31	15 (5%)		
Jul 4–Sep 30	600 (30%)	Sep 1–Dec 31	25 (9%)		
Oct 1–Dec 31	400 (20%)				
Total:	2,000 (100%)		290 (100%)		10 (100%)

Regulations at § 679.21(d)(3)(iii) authorize apportionments of the trawl halibut PSC limit to a deep-water species complex, comprised of sablefish, all rockfish targets, deep-

water flatfish, rex sole and arrowtooth flounder; and a shallow-water species complex, comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other

species". The apportionment for these two fishery complexes is presented in Table 6.

TABLE 6.—FINAL 1999 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX

(Values are in Metric Tons)

Season	Shallow-water	Deep-water	Total
Jan. 20–Mar. 31	500	100	600
Apr. 1–Jul. 3	100	300	400

TABLE 6.—FINAL 1999 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX (VALUES ARE IN METRIC TONS)—Continued

Season	Shallow-water	Deep-water	Total
Jul. 4–Sep. 30	200	400	600
Subtotal			
Jan. 20–Sep. 30	800	800	1,600
Oct. 1–Dec. 31			400
Total			2,000

No apportionment between shallow-water and deep-water fishery complexes during the 4th quarter.

The Council recommended that the revised halibut discard mortality rates recommended by the IPHC be adopted for purposes of monitoring halibut bycatch mortality limits established for the 1999 groundfish fisheries. NMFS concurs with the Council's recommendation. Most of the IPHC's assumed halibut mortality rates were based on an average of mortality rates determined from NMFS observer data collected during 1996 and 1997. For fisheries where a steady trend from 1994 to 1997 towards increasing or decreasing mortality rates was observed, the IPHC recommended using the most

recent year's observed rate. Rates for 1996 and 1997 were lacking for some fisheries, so rates from the most recent years were used. For fisheries where insufficient mortality data are available, the mortality rate of halibut caught in the Pacific cod fishery for that gear type was recommended as a default rate. The majority of the assumed mortality rates recommended for 1999 differ slightly from those used in 1998, except for the hook-and-line Pacific cod fishery discard mortality rate, which increased to 16 percent for 1999 from 12 percent in 1998. The Council recommended that a sector specific discard mortality rate

be used for the catcher vessel and the catcher/processor vessel fleets in the trawl flathead sole fishery. The recommended rates for hook-and-line targeted fisheries range from 9 to 16 percent. The recommended rates for most trawl targeted fisheries are unchanged or lower than those used in 1998 and range from 55 to 76 percent. The recommended rate for all pot targeted fisheries is 6 percent, a decrease from that used in 1998. The 1999 assumed halibut mortality rates are listed in Table 7.

TABLE 7.—1999 ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA [Listed values are percent of halibut bycatch assumed to be dead]

Gear and target	Mortality rate
Hook-and-Line:	
Pacific cod	16
Rockfish	9
Other species	16
Trawl:	
Midwater pollock	76
Rockfish	64
Shallow-water flatfish	71
Pacific cod	66
Deep-water flatfish	66
Flathead sole	
Catcher vessels	58
Catcher/processing vessels	74
Rex sole	55
Bottom pollock	73
Atka mackerel	57
Sablefish	71
Other species	66
Pot:	
Pacific cod	6
Other species	6

Small Entity Compliance Guide

The following information satisfies the Small Business Regulatory Enforcement Fairness Act of 1996, which requires a plain language guide to assist small entities in complying with this rule. This rule announces the final 1999 harvest specifications and associated management measures for the groundfish fishery of the Gulf of Alaska.

This action affects all fishermen who participate in the GOA fishery. NMFS will announce closures of directed fishing in the **Federal Register** and in information bulletins released by the Alaska Region when the announced TAC specifications or apportionments thereof have been reached. Affected fishermen should keep themselves informed of such closures.

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under E.O. 12866.

Pursuant to section 7 of the Endangered Species Act, NMFS has completed a consultation on the effects of the pollock and Atka mackerel fisheries on listed species, including the Steller sea lion, and designated critical

habitat. The biological opinion prepared for this consultation, dated December 3, 1998, and revised December 16, 1998, concluded that the pollock fisheries in the BSAI and the GOA jeopardize the continued existence of Steller sea lions and adversely modify their designated critical habitat. The biological opinion contains RPAs to mitigate the adverse impacts of the pollock fisheries on Steller sea lions. Specific measures necessary to implement the RPAs were discussed at the December Council meeting and were implemented by NMFS through emergency rulemaking effective January 20, 1999 (64 FR 3437, January 22, 1999), prior to the start of the 1999 GOA pollock fishery. This final rule establishes harvest specifications in accordance with those mitigation measures as required by the RPAs on December 3, 1998, and revised on December 16, 1998, for the 1999 GOA pollock fishery. The emergency rule expires on July 19, 1999. The Council will make recommendations to NMFS on final mitigation measures for 1999 during its June meeting, and NMFS will promulgate subsequent rulemaking to implement all reasonable and prudent alternatives that NMFS determines are necessary to avoid jeopardy to the Steller sea lion and adverse modifications of its critical habitat for the remainder of the 1999 fishing year. That action may result in changes to the final specifications.

NMFS prepared an initial regulatory flexibility analysis (IRFA) pursuant to the Regulatory Flexibility Act that describes the impact the 1999 harvest specifications may have on small entities. Comments were solicited on the IRFA, however, none were received. NMFS has prepared a final regulatory flexibility analysis which analyzes the new TAC levels, this is needed because the Council has recommended new TAC amounts, based on updated survey and stock assessment information, for the final 1999 specifications. A copy of this analysis is available from NMFS (see ADDRESSES). Based on the number of vessels that caught groundfish in 1997, the number of fixed gear and trawl catcher vessels expected to be operating as small entities in the 1999 GOA groundfish fishery is 1,242.

NMFS analyzed a range of alternative harvest levels for the GOA. The preferred alternative would allow the GOA groundfish fisheries to continue under final specifications set at 1999 levels until the total allowable catch (TAC) is harvested or until the fishery is closed due to attainment of a PSC limit, or for other management reasons. Under the preferred alternative, the 1999 TACs would be based on the most

recent scientific information as reviewed by the Plan Teams, SSC, AP, and Council and which includes public testimony and comment from the October and December Council meetings and those comments sent to NMFS on the proposed specifications. The preferred alternative also achieves OY while preventing overfishing. Small entities would receive the maximum benefits under this alternative, in that they will be able to harvest target species and species groups at the highest available level based on stock status and ecosystem concerns.

The alternative that would have the greatest immediate economic benefit to small entities would set the sum of the TACs at the maximum OY level. However, this alternative would not achieve the maximum long-term benefit in that it could result in overfishing and could lead to overfished stocks. Another alternative that was analyzed, would implement the 1998 TAC amounts for 1999. This would not be based on the most recent scientific information, and was also rejected.

No recordkeeping and reporting requirements are implemented with this final action. NMFS is not aware of any other Federal rules which duplicate, overlap or conflict with the final specifications.

The establishment of differing compliance or reporting requirements or timetables, the use of performance rather than design standards, or exempting affected small entities from any part of this action would not be appropriate because of the nature of this action.

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

Dated: March 5, 1999.

Andrew A. Rosenberg,

Deputy 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. 990304063-9063-01; I.D. 121098D]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 1999 Harvest Specifications for Groundfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Final 1999 harvest specifications for groundfish; associated management measures; apportionment of reserves; request for comments.

SUMMARY: NMFS announces final 1999 harvest specifications and prohibited species bycatch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish for the 1999 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the BSAI.

DATES: The final 1999 harvest specifications, associated management measures, and apportionment of reserves are effective at 1200 hrs, Alaska local time (A.l.t.), March 8, 1999 through 2400 hrs, A.l.t., December 31, 1999. Comments on the apportionment of reserves must be received by March 26, 1999.

ADDRESSES: The final Environmental Assessment and Final Regulatory Flexibility Analysis prepared for the 1999 Total Allowable Catch Specifications may be obtained from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or by calling 907-586-7229. Comments on the apportionment of reserves may be sent to Sue Salvesson, Assistant Regional Administrator for the Sustainable Fisheries Division, at the same address.

The Final 1999 Stock Assessment and Fishery Evaluation (SAFE) report, dated November 1998, is available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510-2252 (907-271-2809).

FOR FURTHER INFORMATION CONTACT: Shane Capron, 907-586-7228 or shane.capron@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background for the 1999 Harvest Specifications

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the FMP. The Council prepared the FMP, and NMFS approved it under the Magnuson-Stevens Fishery Conservation and Management Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.