

Atmospheric Administration, NOAA, Commerce.

**ACTION:** Renewal of Exempted Fishing Permits (EFPs) for monitoring salmon bycatch in the Washington-Oregon-California (WOC) shore-based Pacific whiting fishery.

**SUMMARY:** NMFS announces the receipt of an application, and NMFS' intent to renew EFPs to vessels participating in an observation program to monitor the incidental take of salmon and groundfish in the shore-based component of the Pacific whiting fishery. These EFPs are necessary to allow trawl vessels fishing for Pacific whiting to delay sorting of prohibited species and groundfish catch in excess of cumulative trip limits until the point of offloading. These activities are otherwise prohibited by Federal regulations.

**DATES:** The EFPs will be effective no earlier than April 1, 1999, and would expire no later than May 31, 2000, but could be terminated earlier under terms and conditions of the EFPs and other applicable laws.

**ADDRESSES:** Copies of the EFPs are available from Katherine King, Northwest Region, NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070.

**FOR FURTHER INFORMATION CONTACT:** Katherine King 206-526-6145.

**SUPPLEMENTARY INFORMATION:** This action is authorized by the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.745, which state that EFPs may be used to authorize fishing activities that would otherwise be prohibited.

NMFS received an application requesting renewal of these EFPs from the States of Washington, Oregon, and California at the March 8-12, 1999, Pacific Fishery Management Council (Council) meeting in Portland, OR. An opportunity for public testimony was provided during the Council meeting. The Council recommended that NMFS issue the EFPs, as requested by the States.

Renewal of these EFPs, to about 40 vessels, would continue an ongoing program to collect information on the bycatch of salmon and groundfish in whiting harvests delivered to shoreside processing facilities by domestic trawl vessels operating off WOC. Sorting the catch at sea can hurt the whiting quality because whiting deteriorates rapidly if it is not immediately chilled. Issuing EFPs will allow vessels to delay sorting of groundfish catch in excess of cumulative trip limits and prohibited

species until offloading. Delaying sorting until offloading will allow state biologists to collect bycatch data for total catch estimates and will enable whiting quality to be maintained. Without an EFP, groundfish regulations at 50 CFR 660.306(b) require vessels to sort their prohibited species bycatch and return them to sea as soon as practicable with minimum injury. To allow state biologists to sample unsorted whiting, it is also necessary to include provisions for potential overages of groundfish trip limits which is prohibited by regulations at 50 CFR 660.306(h).

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

Dated: March 25, 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

[I.D. 032599B]

RIN 0648-AL89

#### Fisheries of the Exclusive Economic Zone Off Alaska; Overfished Fisheries

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

**ACTION:** Notice of overfished fishery.

**SUMMARY:** NMFS has identified the eastern Bering sea stock of *C. bairdi* as overfished. The identification of overfished stocks is required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act (SFA). The purpose of this notice is to notify the public that the North Pacific Fishery Management Council (Council) has been informed that the stock is overfished and has been directed to initiate action to end overfishing and rebuild the stock.

**FOR FURTHER INFORMATION CONTACT:** George H. Darcy, NMFS, 301/713-2341.

**SUPPLEMENTARY INFORMATION:**

#### Background

This action is required by the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) as amended by the SFA, which was signed into law on October 11, 1996. Section 304(e) of the Magnuson-Stevens Act requires that upon

determination that a fishery is overfished, the Secretary of Commerce (Secretary) shall immediately notify the appropriate fishery management council and request that action be taken to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks. The fishery management council has one year from the date of notification to prepare a plan to end overfishing in the fishery and to rebuild affected stocks.

On March 3, 1999, the Secretary approved Amendment 7 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands (BSAI) (64 FR 11390, March 9, 1999). Pursuant to section 303(a)(10) of the Magnuson-Stevens Act, and the national standard guidelines (50 CFR part 600), the amendment revises the definitions of overfishing, maximum sustainable yield, and optimum yield for the king and Tanner crab fisheries in the BSAI. Under the new definitions, the eastern Bering Sea *C. bairdi* Tanner crab spawning biomass is below the minimum sustainable stock size threshold, and is deemed overfished. Pursuant to section 304 of the Magnuson-Stevens Act, NMFS notified the Council by letter on March 3, 1999, that the stock is overfished, as follows:

Mr. Richard B. Lauber, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, Alaska 99501-2252  
Dear Mr. Lauber:

I have approved Amendment 7 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands and Amendment 6 to the FMP for the Scallop Fishery Off Alaska. These amendments revise the definitions of overfishing for the crab and scallop species or species groups in the FMPs. This action is necessary for compliance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and will advance the Council's ability to achieve, on a continuing basis, the optimum yield from fisheries under its jurisdiction.

A notice of availability for the proposed Amendments 7 and 6, which describes the proposed amendments and invited comments from the public, was published in the **Federal Register** at 63 FR 66112 on December 1, 1998. No regulatory changes are associated with these amendments. A Notice of Approval for the amendments will be published shortly in the **Federal Register**, informing the public of the approval decisions.

Based on the overfishing definitions contained in Amendment 7 to the crab FMP, we determine *C. bairdi* to be overfished. By March 3, 2000, the Council is required by section 304(e) of the Magnuson-Stevens Act to prepare and submit conservation and

management measures to end overfishing and rebuild the *C. bairdi* stock. The rebuilding program must be as short as possible, but not exceed 10 years, except if the biology of the stock or other environmental conditions dictate otherwise.

Sincerely,  
Steven Pennoyer, Regional Administrator

Dated: March 25, 1999.

**Gary C. Matlock,**

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

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