

Dated: December 9, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No.991207319-9319-01; I.D. 120899A]

Pacific Tuna Fisheries; Closure of U.S. Purse Seine Fishery for Yellowfin Tuna in the Eastern Pacific Ocean

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces that the 1999 yellowfin tuna quota has been reached and the 1999 U.S. purse seine fishery for yellowfin tuna in the Commission Yellowfin Regulatory Area (CYRA) of the Inter-American Tropical Tuna Commission (IATTC) is closed. In accordance with a resolution adopted by the IATTC and approved by the Department of State, several restrictions on fishing for yellowfin tuna in the eastern Pacific Ocean (EPO) are now in effect.

DATES: Effective at 12:01 a.m. on November 24, 1999.

ADDRESSES: Submit comments to Rodney R. McInnis, Acting Regional Administrator, Southwest Region (Regional Administrator), NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Svein Fougner at 562-980-4040.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of the regulations at 50 CFR part 300, subpart C, which implement the Tuna Conventions Act (16 U.S.C. § 955). The United States is a member of the IATTC, which was established under the Convention for the Establishment of an Inter-American Tropical Tuna Commission signed in 1949. The IATTC was established to provide an international arrangement to ensure the effective international conservation and

management of tunas and tuna-like fishes in the convention area. The IATTC has maintained a scientific research and fishery monitoring program for many years, and annually assesses the status of stocks of tuna and the fisheries to determine appropriate harvest limits or other measures to prevent overexploitation of the stocks and promote viable fisheries. The Convention Area is all waters of the EPO between 40° N. lat. and 40° S. lat. out to 150° W. long. The boundary of the CYRA was described in the announcement of the 1999 harvest quotas that was published in the **Federal Register** on December 14, 1999 (64 FR 69672).

At its annual meeting in June 1999, the IATTC adopted a resolution (which was subsequently agreed to by the Department of State) recommending that action be taken by member nations and other fishing nations to limit the catch of yellowfin tuna in 1999 to 225,000 metric tons (mt), with the potential to increase the quota to up to 270,000 mt if the Director of IATTC concluded that, based on catch and effort data, that level of harvest would not adversely affect the yellowfin tuna stock. Subsequently, the IATTC met in October 1999 and agreed to measures that would set the final quota at 265,000 mt.

Under regulations promulgated earlier this year (64 FR 44428, August 16, 1999), the Regional Administrator is authorized to notify the U.S. tuna industry (industry) directly of any quotas and associated regulatory measures that have been recommended by the IATTC and approved by the Department of State. In a separate action, the Regional Administrator announced the 1999 yellowfin tuna quota directly to the industry. The Regional Administrator also announced the 1999 yellowfin tuna quota to the industry and the public in the **Federal Register** on December 14. In another separate action, the Regional Administrator advised the industry directly of the management measures contained in this **Federal Register** document.

The IATTC Director advised the Regional Administrator on November 16, 1999, that the 1999 quota was projected to be reached on November 23, 1999. Accordingly, the measures agreed to in the October 1999 resolution were implemented. Those measures are as follows:

1. Purse seine vessels with an observer aboard from the On-Board

Observer Program established under the Agreement on the International Dolphin Conservation Program must refrain from fishing for yellowfin in the CYRA.

2. The landings of fish caught while fishing for other species of tunas in the CYRA after the date established for the CYRA closure by any individual purse seiner with an observer aboard may include a maximum of 15-percent yellowfin (relative to its total catch of all species of fish during those periods).

3. Vessels with an observer aboard which are at sea on December 31, 1999, will not be subject to the 15-percent maximum after that date during the remainder of that trip.

4. Purse seine vessels and baitboats without an observer aboard which are at sea on the closure date may continue to fish for yellowfin without restriction until they return to port for unloading.

5. Purse seine vessels and baitboats without an observer aboard which are not at sea on the closure date, but which depart from port to fish for tunas after November 23, 1999, must refrain from fishing for yellowfin. The landings by vessels in this category, regardless of the date the trip is completed, may include a maximum of 15 percent yellowfin caught while fishing for other species of tunas.

For the reasons stated here and in accordance with the regulations at 64 FR 44428, August 16, 1999, NMFS herein announces that, after midnight on November 23, 1999, no U.S. vessel may fish unless in compliance with the above measures.

Classification This action is authorized by the regulations implementing the Tuna Conventions Act. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Acting Regional Administrator (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR part 300, subpart C and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 951-961 and 971 *et seq.*

Dated: December 22, 1999.

Bruce C. Morehead,

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

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