

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 991207319-9319-01; I.D. 113099A]

**Pacific Tuna Fisheries; Closure of Purse Seine Fishery for Bigeye Tuna**

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

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces closure of the 1999 purse seine fishery for bigeye tuna in the eastern Pacific Ocean through a prohibition of purse seine sets on floating objects in the eastern Pacific Ocean after midnight on November 8, 1999.

**DATES:** Effective at 12:01 A.M. on November 9, 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:** Mr. 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 U.S. is a member of the Inter-American Tropical Tuna Commission (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 eastern Pacific Ocean (EPO) between 40° N. lat. and 40° S. lat. out to 150° W. long.

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 1999 bigeye tuna catch by the purse seine fishery in the Convention Area to 40,000 mt. The harvest limit was to be implemented by prohibiting purse seine sets on all types of floating objects in the Convention Area when this harvest level is reached. The limit is intended to protect the spawning stock and maintain bigeye stock productivity. Sets on floating objects result in relatively high catch rates of juvenile bigeye, and available information suggests that the stock cannot sustain purse seine catches in excess of 40,000 mt per year. The closure of the purse seine fishery will limit the mortality of small bigeye.

The IATTC Director reviewed available data on effort and catch of bigeye in the purse seine fisheries throughout the year, and in October projected that the limit of 40,000 mt would be reached on November 8, 1999.

Accordingly, member nations of the IATTC were to prohibit further sets on floating objects after that date.

Under regulations promulgated earlier this year (64 FR 44428, August 16, 1999), the Regional Administrator is authorized to notify the U.S. tuna 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 industry has been advised accordingly. However, a **Federal Register** notification also must be published as soon as practicable.

For the reasons stated here and in accordance with the regulations at 64 FR 44428, August 16, 1999, NMFS herein announces: After midnight on November 8, 1999, no U.S. vessel may make a purse seine set around floating objects in the Convention Area.

**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 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 E.O. 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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