

Dated: December 28, 1999.

**Penelope D. Dalton,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 991220343-9343-01; I.D. 120999D]

RIN 0648-AM52

#### Pacific Halibut Fisheries; Catch Sharing Plan

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

**ACTION:** Proposed changes to catch sharing plan and the sport fishing regulations; availability of draft environmental assessment and regulatory impact review.

**SUMMARY:** NMFS proposes, under authority of the Northern Pacific Halibut Act (Halibut Act), to approve and implement changes to the Area 2A Pacific Halibut Catch Sharing Plan (Plan) to accommodate, in the Plan, a court-ordered change in the allocation of Pacific halibut between treaty Indian and non-treaty fisheries and to adjust management of the halibut sport fisheries off Washington and Oregon. NMFS also proposes changes to the sport fisheries regulations to implement the Plan in 2000. Finally, NMFS announces the availability for public comment of a draft environmental assessment and regulatory impact review (EA/RIR) for this action.

**DATES:** Comments on the proposed changes to the Plan must be received by January 7, 2000; comments on the proposed changes to the sport fishery regulations must be received by February 11, 2000.

**ADDRESSES:** Send comments or requests for a copy of the Plan and/or the EA/RIR to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, Seattle, WA 98115. Electronic copies of the Plan, including proposed changes for 2000, and of the draft EA/RIR are also available at the NMFS Northwest Region website: <http://www.nwr.noaa.gov>, under "Halibut Management." Comments also may be sent via facsimile (fax) to 206-526-6736.

Comments will not be accepted if submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Yvonne deReynier, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The Halibut Act, at 16 U.S.C. 773c, gives the Secretary of Commerce (Secretary) general responsibility for carrying out the Halibut Convention between the United States and Canada and requires the Secretary to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) of the Halibut Act authorizes the regional fishery management councils to develop regulations that are not in conflict with regulations adopted by the International Pacific Halibut Commission (IPHC) to govern the Pacific halibut catch that occurs in each council's region. Each year since 1988 the Pacific Fishery Management Council (Council) has developed a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-treaty harvesters and among non-treaty commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California).

In 1995, upon recommendation of the Council, NMFS implemented the Plan (60 FR 14651, March 20, 1995). In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries. The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A-1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into a directed commercial fishery that is allocated 85 percent of the commercial allocation and an incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon, and California. The Plan also divides the sport fisheries into seven geographic subareas, each with separate allocations, seasons, and bag limits.

#### Council Recommended Changes to the Plan

At its September 1999 public meeting, the Council adopted for public comment

the following changes to the Plan: (1) incorporation into the Plan of a court-ordered change in the Pacific halibut allocation to settle the claims of treaty tribes for an equitable adjustment to current halibut allocation that would compensate for halibut not allocated to the tribes from 1989 through 1993; (2) allowing commercial halibut fishers to also use their vessels for private (not for hire) recreational fishing; (3) a revision of the boundary between the Washington sport fishery in Puget Sound (Inside Waters) and North Coast sub-areas; (4) allowing the opening of the closed "hot spot" in the Washington sport fishery South Coast sub-area through an accelerated inseason process; and (5) combining the sub-quotas for Oregon's inside 30-fathom sport fisheries in the North Central and South Central Coast subareas.

At its November 1999 public meeting, the Council considered the results of State-sponsored workshops on the proposed changes to the Plan and public comments and made final recommendations for four modifications to the Plan as follows:

(1) Revise the Plan to bring it into compliance with an allocation change agreed to by the states, tribes and Federal government that is contained in a July 7, 1999 stipulation, and ordered by the court in *United States v. Washington*, No. 9213 Phase I, Subproceeding No. 92-1 (W.D. Wash.). This stipulation settles the Tribes' claim for an equitable adjustment arising from allocations in the Pacific halibut fishery from 1989 through 1993. In 1993, the court declared that the regulatory scheme for the allocation of halibut between treaty and non-treaty fisheries in 1989 through 1993 had violated treaty rights. The parties to the stipulation (the halibut treaty tribes, the States of Washington and Oregon, and the Federal government) agreed that 25,000 lb (11.3 mt) dressed weight of halibut would be transferred from the non-treaty Area 2A halibut allocation to the treaty Indian allocation in Area 2A-1 each year for 8 years beginning in the year 2000 and ending in the year 2007, for a total transfer of 200,000 lb (90.7 mt). To accelerate the total transfer, more than 25,000 lb (11.3 mt) could be transferred in any year upon prior written agreement of the parties to the stipulation.

(2) Modify the boundary between the Puget Sound and Washington North Coast sport fishery subareas by moving it eastward from the Bonilla-Tatoosh line to the mouth of the Sekiu River. Additionally, modify the quota allocations to the two sport fishery

subareas to increase the portion of the Washington sport quota allocated to the North Coast subarea from 57.7 percent of the first 130,845 lb (59.4 mt), to 62.2 percent of the first 130,845 lb (59.4 mt). Correspondingly, reduce the quota allocated to the Puget Sound subarea from 28 percent of the first 130,845 lb (59.4 mt), to 23.5 percent of the first 130,845 lb (59.4 mt). This modification would simplify management while keeping the amount of halibut available to different ports roughly the same as in past years.

(3) Revise the management structure for the Washington South Coast subarea sport fishery to allow the opening of the South Coast subarea closed "hot spot" inseason, effective via announcement on the NMFS halibut hotline. NMFS, the Washington Department of Fish and Wildlife (WDFW), and IPHC would consult via conference call shortly after the opening of the South Coast subarea season to on the need for either maintaining the "hot spot" as a closed area or for opening the "hot spot" to fishing, as indicated by the effect of ocean and fishery conditions on meeting the season structuring objectives for this subarea.

(4) Revise the sport fishery structure for the Oregon North Central and South Central subareas to combine the subquotas for the inside 30-fathom fisheries from these two sub-areas. There would be a single sub-quota and season for the fisheries inside 30-fathoms from Cape Falcon to Humbug Mountain.

#### Proposed Changes to the Catch Sharing Plan

NMFS is proposing to approve the Council recommendations and to make the following changes to the Plan:

Restructure section (b) of the Plan, Allocations, as two sub-paragraphs (b)(1) and (b)(2), with the current main paragraph (b) re-designated as (b)(1) and the first sentence of that paragraph revised to read as follows "Except as provided in section (b)(2), this Plan allocates 35 percent of the Area 2A TAC to U.S. treaty Indian tribes in the State of Washington in subarea 2A-1, and 65 percent to non-Indian fisheries in Area 2A." and a new subparagraph (b)(2) added to read as follows:

"To meet the requirements of U.S. District Court Stipulation and Order (*United States v. Washington*, No. 9213, Phase I, Subproceeding No. 92-1 (W.D. Wash.) (Stipulation and Order, July 7, 1999)) 25,000 lb (11.3 mt) dressed weight of halibut will be transferred from the non-treaty Area 2A halibut allocation to the treaty allocation in Area 2A-1 each year for 8 years,

commencing in the year 2000 and ending in the year 2007, for a total transfer of 200,000 lb (90.7 mt). To accelerate the total transfer, more than 25,000 lb (11.3 mt) may be transferred in any year upon prior written agreement of the parties to the stipulation."

In section (f), Sport Fisheries, revise the first two sentences of paragraph (1)(i) to read as follows:

"This sport fishery subarea is allocated 23.5 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan.) This sub-area is defined as all waters east of the mouth of the Sekiu River, as defined by a line extending from 48°17'30" N. lat., 124°23'70" W. long. north to 48°24'10" N. lat., 124°23'70" W. long., including Puget Sound."

In section (f), Sport Fisheries, revise the first two sentences of paragraph (1)(ii) to read as follows:

"This sport fishery subarea is allocated 62.2 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan.) This sub-area is defined as all waters west of the mouth of the Sekiu River, as defined above in paragraph (f)(1)(i), and north of the Queets River (47°31'42" N. lat.)."

In section (f), Sport Fisheries, add a sentence to the end of paragraph (1)(iii) to read as follows:

"If a decision is made inseason to open this closed area to sport fishing for halibut, that decision will become effective upon announcement on the NMFS halibut hotline, at (206) 526-6667 or (800) 662-9825."

In section (f), Sport Fisheries, change the heading of paragraph (1)(v) to *Oregon north central coast subarea*, and revise the first sentence of paragraph (1)(v)(A) to read as follows:

"The first season opens on May 1, only in waters inside the 30-fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30-fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are taken, or until September 30, whichever is earlier."

In section (f), Sport Fisheries, change the heading of paragraph (1)(vi) to *Oregon south central coast subarea*, and

revise the first sentence of paragraph (1)(vi)(A) to read as follows:

"The first season opens on May 1, only in waters inside the 30-fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30-fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are taken, or until September 30, whichever is earlier."

In section (f), Sport Fisheries, revise paragraph (2) to read as follows:

"Port of landing management. All sport fishing in Area 2A will be managed on a "port of landing" basis, whereby any halibut landed into a port will count toward the quota for the subarea in which that port is located, and the regulations governing the subarea of landing apply, regardless of the specific area of catch."

In section (f), Sport Fisheries, revise paragraph (5)(iv)(A) to read as follows:

"Inseason actions will be effective on the date specified in notification in the **Federal Register** or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later, except that any partial or complete inseason opening of the Washington South Coast sport fishery closed area (designated above at (f)(1)(iii)) may be made effective upon announcement on the NMFS halibut hotline."

#### Proposed 2000 Sport Fishery Management Measures

NMFS is proposing changes to the sport fishery regulations that are necessary to implement the Plan in 2000. The 2000 TAC is unknown at this time, but information available from the IPHC indicates that the TAC may be similar to or somewhat lower than the TAC in 1999. The final TAC will be determined by the IPHC at its annual meeting January 10-13, 2000. The proposed 2000 sport fishery regulations based on the 1999 Area 2A TAC of 760,000 lb (344.7 mt) are as follows:

##### *Washington Inside Waters Subarea Puget Sound and Straits*

This subarea would be allocated 43,808 lb (19.9 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. WDFW, NMFS and IPHC are currently discussing how to estimate season durations for the Puget Sound and North Coast subareas under the proposed changes to subarea sizes and quota allocations. According to the Plan, the structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length, with the fishery opening in May

and continuing at least through July 4. In 1999, the fishery in this subarea was 35 days long, from May 27 through July 12, held for 5 days per week (Thursday through Monday.) For the 2000 fishing season, the dates of the fishery in this subarea would be set to meet the structuring objectives described in the Plan, hopefully providing fishing opportunity at least from the Memorial Day weekend through the July 4th weekend. The final determination of the season dates would be based on the allowable harvest level, projected 2000 catch rates, and recommendations developed in a public workshop sponsored by WDFW after the 2000 TAC is set by the IPHC. The daily bag limit would be one halibut of any size per day per person.

*Washington North Coast Subarea (North of the Queets River)*

This subarea would be allocated 94,445 lb (42.8 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. WDFW, NMFS and IPHC are currently discussing how to estimate season durations for the Puget Sound and North Coast subareas under the proposed changes to subarea sizes and quota allocations. According to the Plan, the structuring objective for this subarea is to maximize the season length for viable fishing opportunity and, if possible, stagger the seasons to spread out this opportunity to anglers who use these remote grounds. The fishery opens on May 2, and continues for 5 days per week (Tuesday through Saturday). The highest priority is for the season to last through the end of May. If sufficient quota remains, the second priority is to establish a fishery that will be open July 1, through at least July 4. In 1999, the fishery in this subarea was 50 days long, from May 1 through July 9, held for 5 days per week (Tuesday through Saturday.) For the 2000 fishing season, the dates of the fishery in this subarea would be set to meet the structuring objectives described in the Plan. The final determination of the season dates would be based on the allowable harvest level, projected 2000 catch rates, and recommendations developed in a public workshop sponsored by WDFW after the 2000 TAC is set by the IPHC. The daily bag limit would be one halibut of any size per day per person. A portion of this subarea located about 19 nm (35 km) southwest of Cape Flattery would be closed to sport fishing for halibut. The size of this closed area is described in the Plan, but may be modified pre-season by NMFS to maximize the season length.

*Washington South Coast Subarea*

This subarea would be allocated 29,153 lb (13.2 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The fishery would open on May 2 (Sunday) and continue for 5 days per week (Sunday through Thursday) until 1,000 lb (0.45 mt) are projected to remain in the quota. The fishery would be open Sunday through Thursday in all areas, except where prohibited, and Friday and Saturday only in the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. When 1,000 lb (0.45 mt) are projected to remain in the quota, fishing would be allowed 7 days per week in the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. The daily bag limit would be one halibut of any size per day per person. A portion of this area would be closed to sport fishing for halibut. The closed area is a rectangle with the following dimensions: 47°19'00" N. lat., 124°53'00" W. long.; 47°19'00" N. lat., 124°48'00" W. long.; 47°16'00" N. lat., 124°53'00" W. long.; and 47°16'00" N. lat., 124°48'00" W. long. This closed area could be opened by NMFS in season after consultation with WDFW, NMFS, and IPHC.

*Columbia River Subarea*

This subarea would be allocated 4,249 lb (1.9 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The fishery would open on May 1 and continue for 7 days per week until the quota is reached or September 30, whichever occurs first. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

*Oregon North Central Coast Subarea*

This subarea would be allocated 130,877 lb (59.4 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The May all-depth season would be allocated 88,996 lb (40.4 mt). Based on an observed catch per day trend in this fishery, an estimated 20,000 lb (9.1 mt) would be caught per day in 2000, resulting in a 4-day fixed season. In accordance with the Plan, the season dates would be May 12, 13, 19, and 20. If the quota is not taken, an appropriate number of fishing days would be scheduled for late May or early June. The restricted depth fishery inside 30 fathoms, which would be combined in 2000 and beyond with the restricted depth fishery in the Oregon south central coast subarea, would be allocated 11,234 lb (5.1 mt) and would be open starting May 1 through September 30 or until the TAC is

attained, whichever occurs first. The August coastwide all-depth fishery (Cape Falcon to Humbug Mountain) would be allocated 32,719 lb (14.8 mt), which may be sufficient for a 1 day opening on August 4, based on the expected catch per day. If sufficient quota remains after this season for additional days of fishing, the dates for an all-depth fishery would be in mid-August. The final determination of the season dates will be based on the allowable harvest level, projected catch rates, and recommendations developed in a public workshop sponsored by ODFW after the 2000 TAC is set by the IPHC. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

*Oregon South Central Coast Subarea*

This subarea would be allocated 10,363 lb (4.7 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The May all-depth season would be allocated 8,290 lb (3.8 mt) and, based on observed catch per day trend in this fishery, an estimated 2,200 lb (1.0 mt) would be caught per day in 2000, resulting in a 3- to 4-day fixed season. In accordance with the Plan, the season dates would be May 11, 12, 13, 19, and 20. If the quota is not taken, an appropriate number of fishing days would be scheduled for late May or early June. The restricted depth fishery inside 30 fathoms, which would be combined in 2000 and beyond with the restricted depth fishery in the Oregon south central coast subarea, would be allocated 11,234 lb (5.1 mt) and would be open starting May 1 through September 30 or until the TAC is attained, whichever occurs first. The August coastwide all-depth fishery (Cape Falcon to Humbug Mountain) may open for 1-day on August 4, if sufficient quota is available. If sufficient quota remains for additional fishing days after this season, the dates for an all-depth fishery would be in mid-August. The final determination of the season dates would be based on the allowable harvest level, projected catch rates, and recommendations developed in an ODFW-sponsored public workshop after the IPHC sets the 2000 TAC. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

*Humbug Mountain, OR, through California Subarea*

This subarea would be allocated 4,460 lb (2.0 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The proposed 2000 sport season for this subarea would be the same as last year, with a May 1 opening

and continuing for 7 days per week until September 30. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

NMFS requests public comments on the Council's recommended modifications to the Plan and the proposed changes to the sport fishing regulations. The Area 2A TAC will be set by the IPHC at its annual meeting on January 10–13, 2000, in Lynnwood, WA. NMFS requests comments on the proposed changes to the Plan by January 7, 2000. NMFS requests comments on the proposed changes to the sport fishing regulations by February 11, 2000, after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments on the proposed sport fishing regulations. The States of Washington and Oregon will conduct public workshops shortly after the IPHC meeting to obtain input on the sport season dates. After the Area 2A TAC is known, and after NMFS reviews public comments and comments from the States, NMFS will issue final rules for the Area 2A Pacific halibut sport fishery concurrent with the IPHC regulations for the 2000 Pacific halibut fisheries.

#### Classification

NMFS has prepared a draft EA/RIR on the proposed changes to the Plan. Copies of the "Draft Environmental Assessment and Regulatory Impact Review of Changes to the Catch Sharing Plan for Pacific Halibut in Area 2A" are available from NMFS (see ADDRESSES). Comments on the EA/RIR are requested by January 19, 2000.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the changes to the Plan would not have a significant economic impact on a substantial number of small entities as follows:

The proposed action to move the borderline between the Washington sport fishery Puget Sound and North Coast subareas is expected to result in either no change or in a positive change in halibut fishing opportunity for individual halibut anglers. This proposed change will reclassify halibut landings made in the area from the Sekiu River west to Neah Bay as North Coast subarea landings, rather than as Puget Sound subarea landings. Sport fishing for halibut in this western Strait of Juan de Fuca area is more similar in character (fast-paced, high landings) to the North Coast fishery than to the rest of the Puget Sound fishery. For halibut anglers who remain in the Puget Sound subarea fishery, the overall season length may increase as a result of reduced

competition with their more aggressive western straits counterparts. For halibut anglers in the new, larger North Coast subarea, the quota has been increased to account for the addition of new waters and anglers, so season length is not expected to be affected by the proposed changes.

The proposed action to bring the Plan into compliance with the court-ordered allocation of halibut between treaty and non-treaty fisheries would result in the reallocation of approximately 3.3% of the Area 2A TAC. For allocations between non-treaty fisheries, the Council has recommended retaining the current allocation scheme. Thus, the effect of the reduction in the non-treaty allocation will be proportionately shared by all non-treaty fisheries, with the deepest cuts in halibut poundage occurring in the largest fisheries. For most fisheries, the change in available halibut poundage will not be noticeable. However, for the directed commercial fishery, for the Washington North Coast subarea sport fishery, and for the Oregon North Central Coast subarea sport fishery, the change in halibut poundage may have some effect on fishery durations.

Although the directed commercial fishery for halibut is one of the larger non-treaty halibut fisheries by weight, the duration and average halibut harvest per licensed vessel is primarily affected by the number of participants in the fishery. Over the 1997 through 1999 period, the average amount of halibut taken per licensed vessel has increased, because the number of licensed vessels has decreased while the overall commercial quota has remained fairly constant. Although the overall amount of halibut available to the directed commercial fishery would decrease under the allocation shift from non-treaty to treaty fisheries, the change is not enough to have a greater effect on the average amount of halibut taken per licensed participant than the effect of the number of participants in the fishery on the average amount of halibut taken per licensed vessel.

In the non-treaty sport fisheries, the Washington North Coast subarea and Oregon North Central Coast subarea take the largest halibut allocations, and will likely be most affected by the allocation shift from non-treaty to treaty fisheries. In the Washington North Coast subarea, assuming a catch rate similar to 1999 of 1,766 lb (0.8 mt) per day, the season could be reduced from 50 to 47 fishing days as a result of the approximately 4,700 lb (2.1 mt) shift in allocation from non-treaty to treaty fisheries. For this particular subarea, the effects of the allocation shift may be mitigated by the proposed changes to Washington sport fishery subarea management that shift the borderline and quota between the Puget Sound and North Coast subareas.

In the Oregon North Central Coast subarea, assuming a catch rate for the all-depth fishery similar to 1999 of 19,270 lb (8.7 mt) per day, the season could be reduced from 7 to 6 fishing days as a result of the approximately 7,000 lb (3.2 mt) shift in allocation from non-treaty to treaty fisheries. The reduction in the quota available to the Oregon all-depth fishery could alternatively result in an inseason quota shift from the nearshore sport fisheries to the all-depth sport fisheries.

The proposed actions to bring the Plan into compliance with the court-ordered allocation of halibut between treaty and non-treaty fisheries, and the restructuring of the Washington sport fisheries in the Puget Sound and North Coast subareas will not affect sport fishing opportunity for bottomfish, salmon, and other species that account for a much greater proportion of the sport fishing opportunity in Washington and Oregon. In addition to these two changes to the Plan, the Council has recommended changes to: (1) the inseason management structure for the Washington South Coast subarea "hot spot," and (2) the subarea quota structuring for the Oregon North Central and South Central fisheries inside 30 fathoms. These additional proposed changes to the Plan have far less effect on small entities than either of the proposed changes discussed above, and are expected to result in either no impact at all, or a modest increase in fishery and regulatory convenience. Consequently, changes to the Plan are not expected to have a significant economic effect on a substantial number of small entities. The proposed sport management measures for 2000 merely implement the Plan at the appropriate level of TAC; their impacts are within the scope of the impacts analyzed for the Plan.

Therefore, a regulatory flexibility analysis was not prepared.

This action has been determined to be not significant for purposes of E.O. 12866.

Dated: December 28, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 991228355–9355–01; I.D. 110999C]

RIN 0648–AM50

### Fisheries of the Northeastern United States; Proposed 2000 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Quahogs

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

ACTION: Proposed 2000 fishing quotas for Atlantic surf clams, ocean quahogs, and Maine mahogany quahogs; request for comments.

SUMMARY: NMFS issues proposed quotas for the Atlantic surf clam, ocean quahog, and Maine mahogany quahog fisheries