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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150916863-6211-02]

RIN 0648-XE925

Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; apportionment of reserves; request for comments.

SUMMARY: NMFS apportions amounts of the non-specified reserve to the initial total allowable catch (ITAC) of Bering Sea (BS) Pacific ocean perch, Bering Sea and Aleutian Islands (BSAI) Kamchatka flounder, BSAI “other flatfish,” BSAI northern rockfish, BSAI skates, BSAI sculpins, and BSAI squids in the BSAI management area. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

DATES: Effective [*insert date of filing for public inspection with the OFFICE OF THE FEDERAL REGISTER*] through 2400 hrs, Alaska local time, December 31, 2016.

Comments must be received at the following address no later than 4:30 p.m., Alaska local time, [*insert date 15 days after date of publication in the FEDERAL REGISTER*].

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2015-0118, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to, <http://www.regulations.gov/docket?D=NOAA-NMFS-2015-0118> , click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the (BSAI) exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2016 ITAC of BS Pacific ocean perch was established as 6,800 metric tons (mt), the 2016 ITAC of BSAI Kamchatka flounder was established as 4,250 mt, the 2016 ITAC of BSAI “other flatfish” was established as 2,125 mt, the 2016 ITAC of BSAI northern rockfish was established as 3,825 mt, the 2016 ITAC of BSAI skates was established as 22,100 mt, the 2016 ITAC of BSAI sculpins was established as 3,825 mt, and the 2016 ITAC of BSAI squids was established as 1,275 mt by the final 2016 and 2017 harvest specifications for groundfish of the BSAI (81 FR 14773, March 18, 2016). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITACs for BS Pacific ocean perch, BSAI Kamchatka flounder, BSAI “other flatfish,” BSAI northern rockfish, BSAI skates BSAI sculpins, and BSAI squids need to be supplemented from the non-specified reserve to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportionments from the non-specified reserve of groundfish 1,400 mt to the BS Pacific ocean perch ITAC, 300 mt to the BSAI Kamchatka flounder ITAC, 737 mt to the BSAI “other flatfish” ITAC, 550 mt to the BSAI northern rockfish ITAC, 5,000 mt to the BSAI skates ITAC, 500 mt to the BSAI sculpins ITAC, and 30 mt to the BSAI squids ITAC. These apportionments are consistent with § 679.20(b)(1)(i) and do not result in overfishing of any target species because the revised ITACs and total allowable catch (TAC) are equal to or less than the specifications of the acceptable biological catch in the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016).

The harvest specification for the 2016 ITACs and TACs included in the harvest specifications for groundfish in the BSAI are revised as follows: The 2016 ITAC is increased to 4,550 mt for BSAI Kamchatka flounder, 2,862 mt for BSAI “other flatfish,” 4,375 mt for BSAI northern rockfish, 27,100 mt for BSAI skates, 4,325 mt for BSAI sculpins, and 1,305 mt for BSAI squids. The ITAC is increased to the full TAC of 8,200 mt for BS Pacific ocean perch.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.20(b)(3)(iii)(A) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the apportionment of the non-specified reserves of groundfish to the BS Pacific ocean perch, BSAI Kamchatka flounder, BSAI “other flatfish,” BSAI northern rockfish, BSAI skates, BSAI sculpins, and BSAI squids in the BSAI. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 26, 2016.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see ADDRESSES) until [*INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER*].

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 29, 2016.

Emily H. Menashes,
Acting Director,
Office of Sustainable Fisheries,
National Marine Fisheries Service.

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