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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

**[Docket No. 170828822-70999-02]**

**RIN 0648-XG692**

**Fisheries of the Northeastern United States; Summer Flounder Fishery; 2018**

**Commercial Quota Harvested for the State of Rhode Island**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces that the 2018 summer flounder commercial quota allocated to the state of Rhode Island has been harvested. Vessels issued a commercial Federal permit for the summer flounder fishery may not land summer flounder in Rhode Island for the remainder of calendar year 2018, unless additional quota becomes available through a transfer from another state. Regulations governing the summer flounder fishery require publication of this notice to advise Rhode Island that the quota has been harvested, and to advise vessel and dealer permit holders that no Federal commercial quota is available to land summer flounder in Rhode Island.

**DATES:** Effective 0001 hours, December 29, 2018, through December 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Ferrio, (978) 281-9180, or [Cynthia.Ferrio@noaa.gov](mailto:Cynthia.Ferrio@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Regulations governing the summer flounder fishery are found at 50 CFR part 648, subpart G. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102.

The overall 2018 summer flounder commercial quota is 6,436,120 lb (2,919,375 kg) (83 FR 4165, January 30, 2018). The percent allocated to vessels landing summer flounder in Rhode Island is 15.68 percent, resulting in an initial state commercial quota of 1,009,375 lb (457,845 kg). Rhode Island's initial 2018 commercial quota was reduced to 996,373 lb (451,947 kg) due to a 2017 quota overage of 13,002 lb (5,898 kg). Rhode Island has received one quota transfer of 5,008 lb (2,272 kg) from North Carolina on February 6, 2018 (83 FR 5735), bringing its 2018 commercial quota to 1,001,381 lb (454,219 kg).

The NMFS Administrator for the Greater Atlantic Region (Regional Administrator), monitors the state commercial landings and determines when a state's commercial quota has been harvested. NMFS is required to publish notification in the **Federal Register** advising and notifying Federally permitted commercial vessels and dealers that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the 2018 Rhode Island commercial summer flounder quota will be harvested by December 29, 2018.

Section 648.4(b) provides that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, December 29, 2018, landings of summer flounder are prohibited in Rhode Island by vessels holding Federal summer flounder commercial fisheries permits for the remainder of the 2018 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, December 29, 2018, federally permitted dealers are also notified that they may not purchase summer flounder from federally permitted vessels that land in Rhode Island for the remainder of the calendar year.

#### **Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action closes the commercial summer flounder fishery for Rhode Island until January 1, 2019. The regulations at § 648.103(b) require such action to ensure that summer flounder vessels do not exceed quotas allocated to the states. If implementation of this closure was delayed to solicit prior public comment, the quota for this fishing year would be exceeded, thereby undermining the conservation objectives of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The Assistant Administrator further finds, pursuant to 5 U.S.C.

553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reason stated above.

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

Dated: December 21, 2018.

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Karen H. Abrams,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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