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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 180625576-8999-02]

RIN 0648-BJ43

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2019-2020 Biennial Specifications and Management Measures; Inseason Adjustments; Correction

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

ACTION: Final rule; correcting amendments.

SUMMARY: NMFS published a final rule on January 3, 2020 that made routine inseason adjustments to management measures in commercial groundfish fisheries. This action corrects publication errors in the trip limit tables for non-individual fishing quota (IFQ) species and limited entry fixed gear (LEFG) vessels that were implemented through the final rule.

DATES: Effective [*insert date of publication in the Federal Register*].

FOR FURTHER INFORMATION CONTACT: Karen Palmigiano, NMFS West Coast Regional Office, telephone: 206-526-4491 or e-mail: karen.palmigiano@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule is accessible via the Internet at the Office of the Federal Register's Web site at [http:// www.gpoaccess.gov/fr/index.html](http://www.gpoaccess.gov/fr/index.html). Background information and documents are available at the Pacific Fishery Management Council's (Council's) Web site at <http://www.pcouncil.org/>.

Background

NMFS published a final rule (85 FR 250; January 3, 2020), effective January 2, 2020, that made routine inseason adjustments to managements measures in commercial groundfish fisheries. The final rule implemented recommendations made by the Pacific Fishery Management Council (Council) at its November 14-20, 2019 meeting. These recommendations included adjustments to the trip limits for vessels in the limited entry fixed gear (LEFG) and open access (OA) fisheries that are targeting sablefish, lingcod, the Minor Slope rockfish complex and darkblotched rockfish, the Minor Nearshore Rockfish complex, deeper nearshore rockfish complex, and bocaccio for 2020, as well as adjustments to the Shorebased individual fishing quota (IFQ) Program fishery trip limits for big skate for 2020. After publication of the final rule, three publication errors were noted.

Need for Correction

Three corrections are needed so that the implementing regulations are accurate and implement the adjustments to management measures as intended by the Council and described in the preamble of the final rule (85 FR 250).

First, the implementing regulations on pages 257 and 258 of the final rule (85 FR 250; January 3, 2020) for Tables 1 (North) and (South) to part 660, subpart D, included formatting errors that inadvertently removed the label for the big skate trip limits leaving

a trip limit in Line 10 of each table without a species label. This correction would update Line 10 of each of the tables to include the label of “Big Skate” for those trip limits.

Second, the implementing regulations on page 260, Table 2 (South) to part 660, subpart E, inadvertently omitted the Council’s recommended decrease to the trip limit for LEFG vessels targeting sablefish between 40°10’ North latitude (N. lat.) and 36° N. lat. from “1,700 pounds (lb) (771 kilograms [kg]) per week, not to exceed 5,100 lb (2,313 kg) per two months” to “1,300 lb (560 kg) per week, not to exceed 3, 900 (1,769 kg) per two months.” This correction would replace the current limit in Line 6 of Table 2 (South) with the new lower trip limit for LEFG vessels targeting sablefish between 40°10’ N. lat. and 36° N. lat consistent with the Council’s intent and as described in the preamble to the final rule.

Lastly, the implementing regulations on 260, Table 2 (South) to part 660, subpart E, included a formatting error in Line 39 that inadvertently removed the label for the Pacific cod trip limit leaving a trip limit in Line 39 without a species label. This action would update Line 39 of Table 2 (South) to include the label of “Pacific Cod” for the trip limits on Line 39.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries (AA) finds there is good cause to waive prior notice and an opportunity for public comment on this correction, as notice and comment would be unnecessary and contrary to public interest. Notice and comment are unnecessary and contrary to the public interest because this action corrects inadvertent errors in regulations made in the final rule published on January 3, 2020 (85 FR 250), and immediate notice of the error and correction is

necessary to prevent confusion among participants in the fishery that could result in issues with reporting, recordkeeping, and enforcement. To effectively correct the errors, the changes in this action must go into effect upon publication. In addition, notice and comment is unnecessary because this action makes only minor changes to correct the final rule. The public, states and the Council are aware of the correct intent of the regulations through the Council's public process used to develop the final rule and had the opportunity to comment on these adjustments during public comment at the Council's November meeting. The preamble to the January 3, 2020, final rule also correctly describes the intent of the regulations. These corrections will not affect the results of analyses conducted to support management decisions in the Pacific Coast Groundfish fishery nor change any operating practices in the fishery.

For the same reasons stated above, the AA has determined that good cause exists to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d). This notice makes only minor corrections to the final rule which was effective January 2, 2020. Delaying effectiveness of these corrections would result in conflicts in the regulations and confusion among fishery participants. Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this rule and none has been prepared.

This action is taken under the authority of 50 CFR 660.60(c) and is exempt from review under Executive Order 12866.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian Fisheries.

Dated: January 29, 2020.

Jennifer M. Wallace,
Acting Director,
Office of Sustainable Fisheries,
National Marine Fisheries Service.

For reasons explained in the preamble, 50 CFR part 660 is corrected by making the following correcting amendments:

PART 660--FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

2. Tables 1 (North) and (South) to part 660, subpart D are corrected to read as follows:

Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.

<p>This table describes Rockfish Conservation Areas for vessels using limited entry bottom trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species. This table will describe Block Area Closures for vessels using limited entry bottom trawl gear that are in effect for more than one year.</p>						
<p>Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table</p>						01/28/2020
	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
<p>Rockfish Conservation Area (RCA)^{1/}:</p>						
1	North of 46°16' N. lat.		100 fm line ^{1/} - 150 fm line ^{1/}			
<p>South of 46°16' N. lat., Block Area Closures (BACs) may be implemented, and will be announced in the <i>Federal Register</i></p>						
<p>See provisions at § 660.130(c) and (e) for gear restrictions and requirements by area. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.</p>						
<p>See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §660.11, §§660.70-660.74, §§ 660.76-660.79 and §660.111 for Conservation Area Definitions and Coordinates.</p>						
<p>State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.</p>						
<p>Minor Nearshore Rockfish, Washington</p>						
2	Black rockfish & Oregon Black/blue/deacon rockfish		300 lb/ month			
3	Whiting^{2/}					
4	midwater trawl		Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.			
5	large & small footrope gear		Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.			
6	Oregon Cabezon/Kelp Greenling complex		50 lb/ month			
7	Cabezon in California		50 lb/ month			
8	Shortbelly rockfish		Unlimited			
9	Spiny dogfish		60,000 lb/ month			
10	Big Skate		70,000 lb/ 2 months			
11	Longnose skate		Unlimited			
12	Other Fish^{3/}		Unlimited			
<p>1/ The Rockfish Conservation Area is a type of Groundfish Conservation Area, defined at §660.11, and defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting. See §§660.112 and 660.130 for more information.</p>						
<p>2/ As specified at §660.131(d), when fishing in the Eureka Area, no more than 10,000 lb of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during the fishing trip, fished in the fishery management area shoreward of 100 fm contour.</p>						
<p>3/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.</p>						
<p>To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.</p>						

TABLE 1 (North)

Table 1 (South) to Part 660, Subpart D -- Limited Entry Trawl Landing Allowances for non-IFQ Species and Pacific Whiting South of 40°10' N. Lat.

<p>This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species. This table will describe Block Area Closures for vessels using limited entry bottom trawl gear that are in effect for more than one year.</p>							
<p>Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table</p>						01/28/2020	
		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
<p>Block Area Closures (BACs) may be implemented, and will be announced in the <i>Federal Register</i></p>							
<p>See provisions at §660.130(c) and (e) for gear restrictions and requirements by area. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at §660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at §660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E</p>							
<p>See §660.60, §660.130, and §660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §660.11, §§660.70-660.74, §§660.76-660.79 and §660.111 for Conservation Area Definitions and Coordinates.</p>							
<p>State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.</p>							
1	Longspine thornyhead						
2	South of 34°27' N. lat.		24,000 lb/ 2 months				
3	Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish		300 lb/ month				
4	Whiting						
5	midwater trawl		During the Primary whiting season allowed with the depth restrictions described at §660.130(c).				
6	large & small footrope gear		Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.				
7	Cabezon		50 lb/ month				
8	Shortbelly rockfish		Unlimited				
9	Spiny dogfish		60,000 lb/ month				
10	Big Skate		70,000 lb/ 2 months				
11	Longnose skate		Unlimited				
12	California scorpionfish		Unlimited				
13	Other Fish ^{1/}		Unlimited				
<p>^{1/} "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.</p>							
<p>To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.</p>							

TABLE 1 (South)

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2. Table 2 (South) to part 660, subpart E is corrected to read as follows:

Table 2 (South) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table		01/28/2020					
		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area (RCA)^{1/}:							
1	40°10' N. lat. - 34°27' N. lat.	40 fm line ^{1/} - 125 fm line ^{1/}					
2	South of 34°27' N. lat.	75 fm line ^{1/} - 150 fm line ^{1/} (also applies around islands)					
See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).							
State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.							
3	Minor Slope rockfish^{2/} & Darkblotched rockfish	40,000 lb/ 2 months, of which no more than 1,375 lb may be blackgill rockfish		40,000 lb/ 2 months, of which no more than 4,000 lb may be blackgill rockfish			
4	Splitnose rockfish	40,000 lb/ 2 months					
5	Sablefish	40,000 lb/ 2 months					
6	40°10' N. lat. - 36°00' N. lat.	1,300 lb week, not to exceed 3,900 lbs/2months					
7	South of 36°00' N. lat.	2,000 lb/ week					
8	Longspine thornyhead	10,000 lb/ 2 months					
9	Shortspine thornyhead	10,000 lb/ 2 months					
10	40°10' N. lat. - 34°27' N. lat.	2,000 lb/ 2 months			2,500 lb/ 2 months		
11	South of 34°27' N. lat.	3,000 lb/ 2 months					
12		5,000 lb/ month					
13	Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish^{3/}	South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs.					
14		10,000 lb/ trip					
15	Whiting	10,000 lb/ trip					
16	Minor Shelf Rockfish^{2/}, Shortbelly rockfish, Widow rockfish (including Chilipepper between 40°10' - 34°27' N. lat.)	Minor shelf rockfish, shortbelly, widow rockfish, & chilipepper: 2,500 lb/ 2 months, of which no more than 500 lb may be any species other than chilipepper.					
17	40°10' N. lat. - 34°27' N. lat.	4,000 lb/ 2 months	CLOSED	4,000 lb/ 2 months			
18	South of 34°27' N. lat.	4,000 lb/ 2 months					
19	Chilipepper	Chilipepper included under minor shelf rockfish, shortbelly and widow rockfish limits - - See above					
20	40°10' N. lat. - 34°27' N. lat.	Chilipepper included under minor shelf rockfish, shortbelly and widow rockfish limits - - See above					
21	South of 34°27' N. lat.	2,000 lb/ 2 months, this opportunity only available seaward of the non-trawl RCA					
22	Canary rockfish	300 lb/ 2 months					
23	40°10' N. lat. - 34°27' N. lat.	300 lb/ 2 months					
24	South of 34°27' N. lat.	300 lb/ 2 months	CLOSED	300 lb/ 2 months			
25	Yelloweye rockfish	CLOSED					
26	Cowcod	CLOSED					
27	Bronzespotted rockfish	CLOSED					
28	Bocaccio	1,500 lb/ 2 months					
29	40°10' N. lat. - 34°27' N. lat.	1,500 lb/ 2 months					
30	South of 34°27' N. lat.	1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
31	Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish	1,200 lb/ 2 months					
32	Shallow nearshore ^{4/}	1,200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
33	Deeper nearshore ^{5/}	1,200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
34	California Scorpionfish	1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
35	Lingcod^{6/}	1,200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
36	Pacific Cod	1,000 lb/ 2 months					
37	Spiny dogfish	200,000 lb/ 2 months	150,000 lb/ 2 months	100,000 lb/ 2 months			
38	Longnose skate	Unlimited					
39	Other Fish^{7/} & Cabezon in California	Unlimited					
40	Big Skate	Unlimited					

TABLE 2 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ POP is included in the trip limits for Minor Slope Rockfish. Blackgill rockfish have a species specific trip sub-limit within the Minor Slope Rockfish cumulative limit. Yellowtail rockfish are included in the trip limits for Minor Shelf Rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other Flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ "Shallow Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(1).

5/ "Deeper Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(2).

6/ The commercial minimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

7/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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