

Dated: July 21, 2016.

Samuel D. Rauch III,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

For reasons set out in the preamble,
50 CFR part 635 is amended as follows:

**PART 635—ATLANTIC HIGHLY
MIGRATORY SPECIES**

■ 1. The authority citation for part 635
continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C.
1801 *et seq.*

■ 2. In § 635.27, revise paragraph (c)(3)
to read as follows:

§ 635.27 Quotas.

* * * * *

(c) * * *

(3) *Annual adjustments.* NMFS will
file with the Office of the Federal
Register for publication notice of the
following adjustments to or
apportionments of the annual quota:

(i) Adjustments to the quota necessary
to meet the objectives of the
Consolidated Highly Migratory Species
Fishery Management Plan consistent
with the quota provisions of paragraph
(c)(1) of this section.

(ii) If consistent with applicable
ICCAT recommendations, total landings
above or below the specific North
Atlantic or South Atlantic swordfish
annual quota will be subtracted from, or
added to, the following year's quota for
that area. As necessary to meet
management objectives, such
adjustments may be apportioned to
fishing categories and/or to the reserve.
Carryover adjustments for the North
Atlantic shall be limited to 15 percent
of the annual baseline quota allocation.
Carryover adjustments for the South
Atlantic shall be limited to 100 mt ww
(75.2 mt dw). Any adjustments to the
12-month directed fishery quota will be

apportioned equally between the two
semiannual fishing seasons.

(iii) The dressed weight equivalent of
the amount by which dead discards
exceed the allowance specified at
paragraph (c)(1)(i)(C) of this section will
be subtracted from the landings quota in
the following fishing year or from the
reserve category.

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DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
Administration**

50 CFR Part 679

[Docket No. 150916863-6211-02]

RIN 0648-XE745

**Fisheries of the Exclusive Economic
Zone Off Alaska; Exchange of Flatfish
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; reallocation.

SUMMARY: NMFS is exchanging unused
flathead sole Community Development
Quota (CDQ) for rock sole CDQ
acceptable biological catch (ABC)
reserves in the Bering Sea and Aleutian
Islands management area. This action is
necessary to allow the 2016 total
allowable catch of flathead sole and
rock sole in the Bering Sea and Aleutian
Islands management area to be
harvested.

DATES: Effective July 26, 2016 through
December 31, 2016.

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

SUPPLEMENTARY INFORMATION: NMFS
manages the groundfish fishery in the
Bering Sea and Aleutian Islands
management area (BSAI) 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 flathead sole and rock sole
CDQ reserves specified in the BSAI are
2,232 metric tons (mt), and 5,760 mt as
established by the final 2016 and 2017
harvest specifications for groundfish in
the BSAI (81 FR 14773, March 18, 2016)
and following revision (81 FR 41253,
June 24, 2016). The 2016 flathead sole
and rock sole CDQ ABC reserves are
4,857 mt and 11,478 mt as established
by the final 2016 and 2017 harvest
specifications for groundfish in the
BSAI (81 FR 14773, March 18, 2016)
and following revision (81 FR 41253,
June 24, 2016).

The Norton Sound Economic
Development Corporation has requested
that NMFS exchange 400 mt of flathead
sole CDQ reserves for 400 mt of rock
sole CDQ ABC reserves under
§ 679.31(d). Therefore, in accordance
with § 679.31(d), NMFS exchanges 400
mt of flathead sole CDQ reserves for 400
mt of rock sole CDQ ABC reserves in the
BSAI. This action also decreases and
increases the TACs and CDQ ABC
reserves by the corresponding amounts.
Tables 11 and 13 of the final 2016 and
2017 harvest specifications for
groundfish in the BSAI (81 FR 14773,
March 18, 2016), and following revision
(81 FR 41253, June 24, 2016), are
revised as follows:

TABLE 11—FINAL 2016 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

| Sector | Pacific Ocean perch | | | Flathead sole | Rock sole | Yellowfin sole |
|-------------------------------------|---------------------------|---------------------------|---------------------------|---------------|-----------|----------------|
| | Eastern Aleutian District | Central Aleutian District | Western Aleutian District | BSAI | BSAI | BSAI |
| TAC | 7,900 | 7,000 | 9,000 | 20,585 | 57,150 | 144,365 |
| CDQ | 845 | 749 | 963 | 1,832 | 6,160 | 15,773 |
| ICA | 200 | 75 | 10 | 5,000 | 6,000 | 3,500 |
| BSAI trawl limited access | 685 | 618 | 161 | 0 | 0 | 14,979 |
| Amendment 80 | 6,169 | 5,558 | 7,866 | 13,753 | 44,990 | 110,113 |
| Alaska Groundfish Cooperative | 3,271 | 2,947 | 4,171 | 1,411 | 11,129 | 43,748 |
| Alaska Seafood Cooperative | 2,898 | 2,611 | 3,695 | 12,342 | 33,861 | 66,365 |

Note: Sector apportionments may not total precisely due to rounding.

TABLE 13—FINAL 2016 AND 2017 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

| Sector | 2016 Flathead sole | 2016 Rock sole | 2016 Yellowfin sole | 2017 Flathead sole | 2017 Rock sole | 2017 Yellowfin sole |
|---|--------------------|----------------|---------------------|--------------------|----------------|---------------------|
| ABC | 66,250 | 161,100 | 211,700 | 64,580 | 145,000 | 203,500 |
| TAC | 20,585 | 57,150 | 144,365 | 21,000 | 57,100 | 144,000 |
| ABC surplus | 45,665 | 103,950 | 67,335 | 43,580 | 87,900 | 59,500 |
| ABC reserve | 45,665 | 103,950 | 67,335 | 43,580 | 87,900 | 59,500 |
| CDQ ABC reserve | 5,257 | 11,078 | 6,879 | 4,663 | 9,405 | 6,367 |
| Amendment 80 ABC reserve | 40,408 | 92,872 | 60,456 | 38,917 | 78,495 | 53,134 |
| Alaska Groundfish Cooperative for 2016 ¹ | 4,145 | 22,974 | 24,019 | n/a | n/a | n/a |
| Alaska Seafood Cooperative for 2016 ¹ .. | 36,263 | 69,898 | 36,437 | n/a | n/a | n/a |

¹ The 2017 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2016.

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) as such 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 flatfish exchange by the

Norton Sound Economic Development Corporation in the BSAI. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. 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 as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 14, 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.

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: July 20, 2016.

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

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