

state waters from Georgia through New York despite a closure in Federal waters and that the stock ACL in 2017 is expected to be exceeded, because historical recreational landings of cobia in state waters from Georgia through New York have represented 87 percent of total recreational landings from state and Federal waters. Accordingly, the recreational sector for Atlantic cobia will be closed at 12:01 a.m., local time, on January 24, 2017, and remain closed until the start of the next fishing year on January 1, 2018.

During the recreational closure, the possession limit of two cobia per day remains in effect (50 CFR 622.383(b)) for Atlantic cobia that are sold. The possession limit applies to cobia harvested in or from the EEZ in the Gulf of Mexico, Mid-Atlantic, or South Atlantic, regardless of the number of trips or duration of a trip. In addition, a person who fishes in the EEZ may not combine this harvest limitation with a harvest limitation applicable to state waters. Atlantic cobia taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and may not be transferred in the EEZ.

The commercial quota for Atlantic cobia is 50,000 lb (22,680 kg), round weight, for the current fishing year, January 1 through December 31, 2017, as specified in 50 CFR 622.384(d)(2). The sale or purchase of Atlantic cobia taken under the possession limit is allowed until the commercial quota is reached or is projected to be reached. If commercial landings of Atlantic cobia reach or are projected to reach the commercial quota specified in § 622.384(d)(2), the Assistant Administrator for NOAA Fisheries (AA) will file a notification with the Office of the Federal Register to prohibit the sale and purchase of Atlantic cobia for the remainder of the 2017 fishing year.

#### Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of Atlantic cobia and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.388(f)(2) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The AA finds good cause to waive the requirements 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 prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the AMs for Atlantic cobia have already been subject to notice and comment, and all that remains is to notify the public of the recreational closure for the remainder of the 2017 fishing year. Additionally, there is a need to immediately implement the closure to prevent further recreational harvest and prevent its ACL from being exceeded, which will protect the Atlantic cobia resource. Prior notice and opportunity for public comment on this action would be contrary to the public interest, because those affected by the closure need as much advance notice as NMFS is able to provide.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: January 10, 2017.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 160301164-6694-02]

RIN 0648-XF146

#### Fisheries of the Northeastern United States; Northeast Skate Complex; Adjustment to the Skate Wing and Skate Bait Inseason Possession Limits

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

**ACTION:** Temporary rule; inseason adjustments.

**SUMMARY:** We announce the reduction of the commercial per-trip possession limits for the skate wing and skate bait fisheries for the remainder of the 2016 fishing year, through April 30, 2017. These possession limit reductions are necessary to prevent the seasonal skate wing and skate bait commercial quotas from being exceeded and still allow an opportunity for harvesting the annual total allowable landings. This

announcement informs the public that the skate wing and skate bait possession limits are reduced.

**DATES:** Effective January 30, 2017, through April 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Reid Lichwell, Fishery Management Specialist, 978-281-9112.

#### SUPPLEMENTARY INFORMATION:

##### Background

The skate wing and skate bait fisheries are managed primarily through the Northeast Skate Complex Fishery Management Plan. The regulations describing the process to adjust inseason commercial possession limits of skate wings and skate bait are described at 50 CFR 648.322(b) and (d). The current skate wing possession limit is 9,307 lb (4,222 kg) whole weight, 4,100 lb (1,860 kg) skate wings, and the current skate bait possession limit is 25,000 lb (11,340 kg). When the NMFS Greater Atlantic Regional Administrator projects seasonal skate wing and skate bait landings to reach 85 and 90 percent, respectively, of the annual total allowable landings (TAL), the Regional Administrator may reduce the skate wing possession limit and is required to reduce the skate bait possession limit for the remainder of the season, unless the reductions would be expected to prevent attainment of the annual TAL. The skate wing possession limit may be reduced to the incidental catch limit of 500 lb (227 kg) skate wings; the skate bait possession limit must be reduced to the 1,135-lb (515-kg) whole-weight equivalent of the skate wing possession limit. We anticipate that implementing these inseason adjustments will allow an opportunity for both fisheries to harvest the annual TAL while reducing the possibility of exceeding it.

##### Inseason Action

Based on commercial landings data reported through December 24, 2016, we project the skate wing and skate bait fisheries to reach 85 and 90 percent of their annual TAL, respectively, on January 18, 2017. The annual TAL for both the skate wing and skate bait fisheries is divided into seasonal quota periods in which landings are applied to each quota to evaluate the need for possession limit reductions. We are currently in skate wing season 2 (September 1, 2016, through April 30, 2017) and skate bait season 3 (November 1, 2016, through April 30, 2017). These are the final skate seasons of the 2016 fishing year, providing us with cumulative annual landings data which allow us to calculate when the annual TAL would be harvested. We have

evaluated catch data to project when the possession limit reduction triggers are projected to be reached. Catch projections indicate that retaining the current possession limits would result in the harvest of 110 percent of the skate wing annual TAL and 107 percent of the skate bait annual TAL. We anticipate that implementing these inseason adjustments will allow an opportunity for both fisheries to harvest the annual TAL while significantly reducing the possibility of exceeding it.

Therefore, consistent with § 648.322(b) and (d), we are reducing the skate wing possession limit from 4,100 lb (1,860 kg) of skate wings [9,307

lb (4,222 kg) whole weight] to 500 lb (227 kg) of skate wings [1,135 lb (515 kg) whole weight] per trip, and the skate bait possession limit is reduced from 25,000 lb (11,340 kg) to 1,135 lb (515 kg) of whole weight skate per trip.

Beginning January 30, 2017, no person may possess on board or land more than 500 lb (227 kg) of skate wings [1,135 lb (515 kg) whole weight] per trip for the remainder of the 2016 fishing year. On May 1, 2017, the commercial skate wing possession limit will increase to the skate wing season 1 (May 1, 2017, to August 31, 2017) possession limit of 2,600 lb (1,179 kg) of skate wings [5,902 lb (2,677 kg) whole weight] per trip, and

the commercial skate bait possession limit will increase to 25,000 lb (11,340 kg) per trip.

#### **Classification**

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

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

Dated: January 10, 2017.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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