

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator (AA) has determined that this final rule is consistent with the NE Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This action is exempt from the procedures of Executive Order 12866 because this action contains no implementing regulations.

This final rule is not an E.O. 13771 regulatory action because it is not significant under E.O. 12866.

This final rule does not contain policies with Federalism or "takings" implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The AA finds good cause, under authority provided in 5. U.S.C. 553(d)(1), to waive the 30-day delay in effective date because a delay in effectiveness would be contrary to the public interest. This rule does not impose any new requirements or costs on industry for which industry needs time to prepare to comply. Groundfish sectors requested this exemption to provide greater operational flexibility and to increase fishing opportunities. Delaying its effectiveness would unnecessarily restrict their fishing and lead to lost economic opportunity and efficiencies for sector vessels. Additionally, the small-mesh exemption is typically used by sector vessels in the fall. Because this rule changes the exemption area to increase use of the exemption, a delay in effectiveness would prevent sector vessels from the benefit of this change for the fall 2017 season, thus undermining the intent of the rule. The interim final rule, which proposed this action, was originally delayed as a result of the untimely submission of Framework Adjustment 56 by the New England Fishery Management Council, which prevented us from coordinating the publishing of the sector rule and the Framework 56 rulemaking in time for May 1, 2017 start of the 2017 fishing year. For all of these reasons, a 30-day delay in effectiveness of this rule would be contrary to the public interest.

This final rule is exempt from the procedures of the Regulatory Flexibility

Act because the preceding interim final rule was issued without opportunity for prior notice and comment.

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

Dated: August 15, 2017.

Chris Oliver,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 2017-17522 Filed 8-17-17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985-7181-02]

RIN 0648-XF614

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea Subarea

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating projected unused amounts of Bering Sea subarea (BS) pollock from the incidental catch allowance to the directed fisheries. This action is necessary to allow the 2017 total allowable catch (TAC) of pollock to be harvested.

DATES: Effective August 15, 2017, until 2400 hrs, A.l.t., December 31, 2017.

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 2017 pollock incidental catch allowance in the BS was established as

47,210 metric tons (mt) by the 2017 and 2018 final harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017), and as adjusted by reallocations (82 FR 31925, July 11, 2017), in accordance with § 679.20(a)(5)(i)(A)(1) and the American Fisheries Act (AFA) (Pub. L. 105-277, Division C, Title II).

As of August 9, 2017, the Administrator, Alaska Region, NMFS, has determined that approximately 21,000 (mt) of pollock remain in the incidental catch allowance. Based on projected harvest rates of other groundfish species and the expected incidental catch of pollock in those fisheries, the Regional Administrator has determined that 4,000 mt of pollock specified in the incidental catch allowance will not be necessary as incidental catch. Therefore, NMFS is apportioning the projected unused amount, 4,000 mt, of pollock from the incidental catch allowance to the directed fishing allowances established pursuant to § 679.20(a)(5)(i)(A). Pursuant to the pollock allocation requirements set forth in § 679.20(a)(5)(i), this transfer will increase the allocation to catcher vessels harvesting pollock for processing by the inshore component by 2,000 mt, to catcher/processors and catcher vessels harvesting pollock for processing by catcher/processors in the offshore component by 1,600 mt, and to catcher vessels harvesting pollock for processing by motherships in the offshore component by 400 mt. Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the 1,600 mt allocated to catcher/processors in the offshore component, 136 mt, will be available for harvest only by eligible catcher vessels delivering to listed catcher/processors. Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), an additional 8 mt or 0.5 percent of the catcher/processor sector allocation of pollock will be available to unlisted AFA catcher/processors.

Pursuant to § 679.20(a)(5)(i)(A), Tables 4 and 5 of the 2017 and 2018 final harvest specifications for groundfish in the BSAI are revised as follows:

TABLE 4—FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)¹

[Amounts are in metric tons]

Area and sector	2017 Allocations	2017 A season ¹		2017 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea TAC ¹	1,361,600	n/a	n/a	n/a
CDQ DFA	136,400	61,380	38,192	75,020
ICA ¹	43,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,181,991	531,896	330,957	650,095
AFA Inshore	590,995	265,948	165,479	325,047
AFA Catcher/Processors ³	472,796	212,758	132,383	260,038
Catch by C/Ps	432,609	194,674	n/a	237,935
Catch by CVs ³	40,188	18,084	n/a	22,103
Unlisted C/P Limit ⁴	2,364	1,064	n/a	1,300
AFA Motherships	118,199	53,190	33,096	65,009
Excessive Harvesting Limit ⁵	206,848	n/a	n/a	n/a
Excessive Processing Limit ⁶	354,597	n/a	n/a	n/a
Aleutian Islands subarea ABC	36,061	n/a	n/a	n/a
Aleutian Islands subarea TAC ¹	2,400	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	0	0	n/a	0
Area harvest limit: ⁷				
541	10,818	n/a	n/a	n/a
542	5,409	n/a	n/a	n/a
543	1,803	n/a	n/a	n/a
Bogoslof District ICA ⁸	500	n/a	n/a	n/a

¹ Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA, is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i)–(iii), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated less than or equal to 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

² In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

³ Pursuant to § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processers shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processers.

⁴ Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processers are limited to harvesting not more than 0.5 percent of the catcher/processers sector's allocation of pollock.

⁵ Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

⁶ Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

⁷ Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

⁸ The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 5—FINAL 2018 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)¹

[Amounts are in metric tons]

Area and sector	2018 Allocations	2018 A season ¹		2018 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea TAC ¹	1,345,000	n/a	n/a	n/a
CDQ DFA	134,500	60,525	37,660	73,975
ICA ¹	47,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,163,291	523,481	325,721	639,810
AFA Inshore	581,645	261,740	162,861	319,905
AFA Catcher/Processors ³	465,316	209,392	130,289	255,924
Catch by C/Ps	425,764	191,594	n/a	234,170
Catch by CVs ³	39,552	17,798	n/a	21,754
Unlisted C/P Limit ⁴	2,327	1,047	n/a	1,280
AFA Motherships	116,329	52,348	32,572	63,981
Excessive Harvesting Limit ⁵	203,576	n/a	n/a	n/a
Excessive Processing Limit ⁶	348,987	n/a	n/a	n/a
Aleutian Islands subarea ABC	40,788	n/a	n/a	n/a
Aleutian Islands subarea TAC ¹	19,000	n/a	n/a	n/a

TABLE 5—FINAL 2018 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) ¹—Continued

[Amounts are in metric tons]

Area and sector	2018 Allocations	2018 A season ¹		2018 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA
CDQ DFA	1,900	760	n/a	1,140
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	14,700	14,355	n/a	345
Area harvest limit ⁷				
541	12,236	n/a	n/a	n/a
542	6,118	n/a	n/a	n/a
543	2,039	n/a	n/a	n/a
Bogoslof District ICA ⁸	500	n/a	n/a	n/a

¹ Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.9 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i)–(iii), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated less than or equal to 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

² In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector’s annual DFA may be taken from the SCA before April 1.

³ Pursuant to § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

⁴ Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector’s allocation of pollock.

⁵ Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

⁶ Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

⁷ Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

⁸ The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

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 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 reallocation of projected unused amounts of BS pollock from the incidental catch allowance to the directed fisheries. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 9, 2017.

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 taken under 50 CFR 679.20, and is exempt from review under Executive Order 12866.

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

Dated: August 15, 2017.

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

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