

Longline category permit holders are reminded that all BFT discarded dead must be reported through VMS, and accounted for in the online IBQ system, consistent with requirements at § 635.15(a).

If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281-9260, or access [hmspermits.noaa.gov](http://hmspermits.noaa.gov) for updates on quota monitoring and inseason adjustments.

#### Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of and an opportunity for public comment on, the transfer from the Reserve category to the Longline category for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP, as amended, provide for inseason adjustments to quotas and other aspects of BFT fishery management, to respond to the diverse range of factors which may affect BFT fisheries, including ecological (e.g., rebuilding, or the migratory nature of HMS) and commercial (e.g., optimizing fishing opportunity, or reducing bycatch).

NMFS has determined that adjustments to the Reserve and Longline category BFT quotas are warranted. This transfer is consistent with the current quotas, which were established and analyzed in the Atlantic BFT quota final rule (80 FR 52198, August 28, 2015), and with objectives of the 2006 Consolidated HMS FMP and amendments. The adjusted Longline category quota of 192.8 mt remains within the ICCAT quota. The revised Longline category quota supports the broader objectives of Amendment 7, which include reducing BFT interactions and dead discards while maintaining an economically viable swordfish and yellowfin tuna directed fishery. Transferring quota relatively early in 2018 helps to address the diversity of the fishery with respect to the timing of fishing activities in different geographic areas. A quota transfer later in the year may disadvantage those fishing early in the year.

Affording prior notice and opportunity for public comment to implement the quota transfer is impracticable. The transfer of 44.5 mt of quota from the Reserve category to the Longline category needs to happen early in the year to facilitate effective leasing and more certainty in operational

decisions. NMFS only recently received updated data from the 2017 fishery, as it recently closed, and from the first couple of months of the 2018 fishery. If NMFS were to offer an opportunity for public comment, it would unnecessarily preclude fishing opportunities for some vessel operators, particularly those that fish early in the fishing season. In addition, the first quarter of 2018 has ended, and some vessels that have gone into debt or have a low balance (below the minimum amount of allocation needed to fish) are not able to fish, as of April 1, until they account for quota debt and obtain the minimum amount of allocation needed to fish with pelagic longline gear. Without this inseason quota transfer, permit holders may be unnecessarily conservative in a way that does not optimize fishing opportunities nor encourage the appropriate functioning of the IBQ leasing program, which is contrary to the public interest. As explained earlier, NMFS conducted notice-and-comment rulemaking on the underlying regulations that set forth the criteria used for this action, and therefore notice-and-comment rulemaking is not necessary for this inseason action.

Delays in adjusting the Reserve and Longline category quotas would adversely affect those permitted Atlantic Tunas Longline vessels that would otherwise have an opportunity to reduce or resolve quota debt, lease quota to other vessels, as well as delay potential beneficial effects on the ability for vessel operators to make business plans for their future. NMFS is trying to balance providing opportunity to the pelagic longline fishery, with the reduction of BFT bycatch, and delaying this action would be contrary to the public interest. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under §§ 635.15(b), 635.15(f), 635.27(a)(4) and (a)(7), 635.27(a)(8) and (9), and is exempt from review under Executive Order 12866.

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

Dated: April 13, 2018.

**Jennifer M. Wallace,**

*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 679

[Docket No. 170817779-8161-02]

RIN 0648-XG158

#### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; 2018 and 2019 Harvest Specifications for Groundfish; Correction

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

**ACTION:** Temporary rule; correction.

**SUMMARY:** NMFS is correcting the final 2018 and 2019 harvest specifications for groundfish in the Bering Sea and Aleutian Islands management area (BSAI). The amounts of Atka mackerel specified for the Amendment 80 sector in the Central Aleutian District (CAI) and the Western Aleutian District (WAI) were incorrect.

**DATES:** Effective April 18, 2018, through 2400 hours, Alaska local time (A.l.t) December 31, 2019.

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

#### SUPPLEMENTARY INFORMATION:

##### Need for Correction

NMFS published the final 2018 and 2019 BSAI groundfish harvest specifications on February 27, 2018 (83 FR 8365). The document contains incorrect amounts of Atka mackerel specified for the Amendment 80 sector in the CAI and the WAI. These corrections are necessary to provide the correct information about the amount of Atka mackerel allocated to the Amendment 80 sector in these districts, and to avoid confusion by the fishery participants.

##### Correction

In the **Federal Register** of February 27, 2018 (83 FR 8365) the Amendment 80 sector allocation in the CAI for 2018 and 2019 did not account for the 75 metric ton incidental catch allowance (ICA), and the Amendment 80 sector allocation in the WAI for 2018 and 2019 did not account for the 20 metric ton ICA. Therefore, Table 6 and Table 7 of the final 2018 and 2019 BSAI groundfish harvest specifications are republished as follows:

TABLE 6—FINAL 2018 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

| Sector <sup>1</sup>       | Season <sup>2,3,4</sup> | 2018 Allocation by area              |  |                           |
|---------------------------|-------------------------|--------------------------------------|--|---------------------------|
|                           |                         | Eastern Aleutian District/Bering Sea | Central Aleutian District <sup>5</sup> | Western Aleutian District |
| TAC                       | n/a                     | 36,500                               | 21,000                                 | 13,500                    |
| CDQ reserve               | Total                   | 3,906                                | 2,247                                  | 1,445                     |
|                           | A                       | 1,953                                | 1,124                                  | 722                       |
|                           | Critical Habitat        | n/a                                  | 674                                    | 433                       |
|                           | B                       | 1,953                                | 1,124                                  | 722                       |
|                           | Critical Habitat        | n/a                                  | 674                                    | 433                       |
| Non-CDQ TAC               | n/a                     | 32,595                               | 18,753                                 | 12,056                    |
| ICA                       | Total                   | 800                                  | 75                                     | 20                        |
|                           | Jig <sup>6</sup>        | Total                                | 159                                    | 0                         |
| BSAI trawl limited access | Total                   | 3,164                                | 1,868                                  | 0                         |
|                           | A                       | 1,582                                | 934                                    | 0                         |
|                           | Critical Habitat        | n/a                                  | 560                                    | 0                         |
|                           | B                       | 1,582                                | 934                                    | 0                         |
|                           | Critical Habitat        | n/a                                  | 560                                    | 0                         |
| Amendment 80 sector       | Total                   | 28,472                               | 16,810                                 | 12,036                    |
|                           | A                       | 14,236                               | 8,405                                  | 6,018                     |
|                           | Critical Habitat        | n/a                                  | 5,043                                  | 3,611                     |
|                           | B                       | 14,236                               | 8,405                                  | 6,018                     |
|                           | Critical Habitat        | n/a                                  | 5,043                                  | 3,611                     |

<sup>1</sup> Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, jig gear allocation, and ICAs, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

<sup>2</sup> Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

<sup>3</sup> The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

<sup>4</sup> Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

<sup>5</sup> Section 679.20(a)(8)(ii)(C)(1)(i) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of Steller sea lion critical habitat; section 679.20(a)(8)(ii)(C)(1)(ii) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and section 679.20(a)(8)(ii)(C)(2) requires the TAC in Area 543 shall be no more than 65 percent of ABC in Area 543.

<sup>6</sup> Section 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea TAC be allocated to jig gear after subtracting the CDQ reserve and the ICA. NMFS set the amount of this allocation for 2018 at 0.5 percent. The jig gear allocation is not apportioned by season.

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

TABLE 7—FINAL 2019 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATION OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

| Sector <sup>1</sup>               | Season <sup>2,3,4</sup> | 2019 Allocation by area              |  |  |
|-----------------------------------|-------------------------|--------------------------------------|--|--|
|                                   |                         | Eastern Aleutian District/Bering Sea | Central Aleutian District <sup>5</sup> | Western Aleutian District <sup>5</sup> |
| TAC                               | n/a                     | 33,780                               | 24,895                                 | 13,825                                 |
| CDQ reserve                       | Total                   | 3,614                                | 2,664                                  | 1,479                                  |
|                                   | A                       | 1,807                                | 1,332                                  | 740                                    |
|                                   | Critical Habitat        | n/a                                  | 799                                    | 444                                    |
|                                   | B                       | 1,807                                | 1,332                                  | 740                                    |
|                                   | Critical Habitat        | n/a                                  | 799                                    | 444                                    |
| non-CDQ TAC                       | n/a                     | 30,166                               | 22,231                                 | 12,346                                 |
| ICA                               | Total                   | 800                                  | 75                                     | 20                                     |
|                                   | Jig <sup>6</sup>        | Total                                | 147                                    | 0                                      |
| BSAI trawl limited access         | Total                   | 2,922                                | 2,216                                  | 0                                      |
|                                   | A                       | 1,461                                | 1,108                                  | 0                                      |
|                                   | Critical Habitat        | n/a                                  | 665                                    | 0                                      |
|                                   | B                       | 1,461                                | 1,108                                  | 0                                      |
|                                   | Critical Habitat        | n/a                                  | 665                                    | 0                                      |
| Amendment 80 sectors <sup>7</sup> | Total                   | 26,297                               | 19,941                                 | 12,326                                 |
|                                   | A                       | 13,148                               | 9,970                                  | 6,163                                  |
|                                   | Critical Habitat        | n/a                                  | 5,982                                  | 3,698                                  |
|                                   | B                       | 13,148                               | 9,970                                  | 6,163                                  |
|                                   | Critical Habitat        | n/a                                  | 5,982                                  | 3,698                                  |

<sup>1</sup> Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, jig gear allocation, and ICAs, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

<sup>2</sup> Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

<sup>3</sup> The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

<sup>4</sup> Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

<sup>5</sup> Section 679.20(a)(8)(ii)(C)(1)(i) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of Steller sea lion critical habitat; section 679.20(a)(8)(ii)(C)(1)(i) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and section 679.20 (a)(8)(ii)(C)(2) requires the TAC in Area 543 shall be no more than 65 percent of ABC in Area 543.

<sup>6</sup> Section 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea TAC be allocated to jig gear after subtracting the CDQ reserve and the ICA. NMFS set the amount of this allocation for 2019 at 0.5 percent. The jig gear allocation is not apportioned by season.

<sup>7</sup> The 2019 allocations for Atka mackerel 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, 2018. NMFS will post 2019 Amendment 80 allocations when they become available in December 2018.

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

### Classification

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 action corrects errors made in the allocations to the Amendment 80 sector

of Atka mackerel in the CAI and WAI districts of the BSAI. This correction does not change operating practices in the fisheries. Corrections should be made as soon as possible to avoid confusion for participants in the fisheries.

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.

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

Dated: April 13, 2018.

**Jennifer M. Wallace,**

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

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