

without providing notice and an opportunity for prior public comment. The Service finds that providing for public comment before issuing this rule is unnecessary as this rulemaking is a nondiscretionary action. The Service is required to publish this rule in order to update the civil penalty amounts by the specified formula described above. The Service has no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Since this update to the February 12, 2018, final rule (83 FR 5950) is merely ministerial, we find that pre-publication notice and public comment with respect to the revisions

set forth in this rule is unnecessary. The statutory deadline imposed by the Inflation Adjustment Act also gives us good cause under 5 U.S.C. 553(d) to make this rule effective upon publication.

List of Subjects in 50 CFR Part 11

Administrative practice and procedure, Exports, Fish, Imports, Penalties, Plants, Transportation, Wildlife.

Regulation Promulgation

For the reasons described above, we amend part 11, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below.

PART 11—CIVIL PROCEDURES

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 16 U.S.C. 470aa–470mm, 470aaa–470aaa-11, 668–668d, 1361–1384, 1401–1407, 1531–1544, 3371–3378, 4201–4245, 4901–4916, 5201–5207, 5301–5306; 18 U.S.C. 42–43; 25 U.S.C. 3001–3013; and Sec. 107, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

■ 2. Revise the table in § 11.33 to read as follows:

§ 11.33 Adjustments to penalties.

* * * * *

Law	Citation	Type of Violation	Maximum civil monetary penalty
(a) African Elephant Conservation Act	16 U.S.C. 4224(b)	Any violation	\$10,519
(b) Bald and Golden Eagle Protection Act.	16 U.S.C. 668(b)	Any violation	13,291
(c) Endangered Species Act of 1973	16 U.S.C. 1540(a)(1)	(1) Knowing violation of section 1538	52,596
		(2) Other knowing violation	25,246
		(3) Any other violation	1,329
(d) Lacey Act Amendments of 1981	16 U.S.C. 3373(a)	(1) Violations referred to in 16 U.S.C. 3373(a)(1).	26,582
		(2) Violations referred to in 16 U.S.C. 3373(a)(2).	664
(e) Marine Mammal Protection Act of 1972.	16 U.S.C. 1375	Any violation	26,582
(f) Recreational Hunting Safety Act of 1994.	16 U.S.C. 5202(b)	(1) Violation involving use of force or violence or threatened use of force or violence.	16,915
		(2) Any other violation	8,457
(g) Rhinoceros and Tiger Conservation Act of 1998.	16 U.S.C. 5305a(b)(2)	Any violation	18,504
(h) Wild Bird Conservation Act	16 U.S.C. 4912(a)(1)	(1) Violation of section 4910(a)(1), section 4910(a)(2), or any permit issued under section 4911.	44,585
		(2) Violation of section 4910(a)(3)	21,400
		(3) Any other violation	892

Dated: March 18, 2019.

Andrea Travnicek,
Principal Deputy Assistant Secretary, Fish and Wildlife and Parks, Exercising the Authority of the Assistant Secretary, Fish and Wildlife and Parks.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151211999–6343–02]

RIN 0648–XG971

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Witch Flounder Trimester Total Allowable Catch Area Closure for the Common Pool Fishery

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

ACTION: Temporary rule; area closure.

SUMMARY: This action closes the Witch Flounder Trimester Total Allowable Catch Area to Northeast multispecies common pool vessels fishing with trawl gear through April 30, 2019. The closure is required because the common pool fishery is projected to have caught over 90 percent of its Trimester 3 quota for witch flounder. This closure is intended to prevent an overage of the common pool’s quota for this stock.

DATES: This action is effective April 12, 2019, through April 30, 2019.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, (978) 281–9232.

SUPPLEMENTARY INFORMATION: Federal regulations at § 648.82(n)(2)(ii) require the Regional Administrator to close a common pool Trimester Total Allowable Catch (TAC) Area for a stock when 90 percent of the Trimester TAC

is projected to be caught. The closure applies to all common pool vessels fishing with gear capable of catching that stock, and remains in effect for the remainder of the trimester. During the closure, affected common pool vessels may not fish for, harvest, possess, or land regulated multispecies or ocean pout in or from the Trimester TAC Area for the stock.

The Trimester 3 TAC for witch flounder is 10,009 lb (4.5 mt). Catch data (including landings and discards) indicate that the common pool fishery caught 7,689 lb (3.5 mt) of witch flounder, or 77 percent of the Trimester 3 TAC, through March 26, 2019. Based on remaining quota and recent catch rates, we have projected that by April 2, 2019, the common pool achieved 90 percent of the Trimester 3 TAC.

Effective April 12, 2019, the Witch Flounder Trimester TAC Area is closed for the remainder of Trimester 3, through April 30, 2019. The Witch Flounder Trimester TAC Area consists of statistical areas 512, 513, 514, 515, 521, 522, and 525. During the closure, common pool vessels fishing with trawl gear may not fish for, harvest, possess, or land regulated multispecies or ocean pout in or from this area. The area reopens at the beginning of fishing year 2019 on May 1, 2019.

If a vessel declared its trip through the Vessel Monitoring System (VMS) or the interactive voice response system, and crossed the VMS demarcation line prior to April 12, 2019, it may complete its trip within the Witch Flounder Trimester TAC Area.

If the common pool fishery exceeds its annual sub-Allowable Catch Limit (sub-ACL) for a stock in the 2018 fishing year, the overage must be deducted from the common pool's sub-ACL for that stock for fishing year 2019. The fishing year 2018 sub-Allowable Catch Limit for witch flounder is 40,433 lb (18.3 mt). We estimate that the common pool has caught 38,112 lb (17.3 mt) so far in fishing year 2018.

Weekly quota monitoring reports for the common pool fishery are on our website at: <http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm>. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, VMS catch reports, and other available information and, if necessary, will make additional adjustments to common pool management measures.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866. The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The regulations require the Regional Administrator to close a trimester TAC area to the common pool fishery when 90 percent of the Trimester TAC for a stock has been caught. Updated catch

information through March 26, 2019, only recently became available indicating that the common pool fishery is projected to have caught 90 percent of its Trimester 3 TAC for witch flounder. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent the immediate closure of the Witch Flounder Trimester TAC Area. This would be contrary to the regulatory requirement and would increase the likelihood that the common pool fishery would exceed its annual quota of witch flounder. Any overage of the Trimester 1 or Trimester 2 TACs are deducted from the Trimester 3 TAC, and any overage of the annual quota would be deducted from common pool's quota for the next fishing year, to the detriment of this stock. This could undermine conservation and management objectives of the Northeast Multispecies Fishery Management Plan. Fishermen expect these closures to occur in a timely way to prevent overages and their payback requirements. Overages of the trimester or annual common pool quota could cause negative economic impacts to the common pool fishery as a result of overage paybacks deducted from a future trimester or fishing year.

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

Dated: April 10, 2019.

Jennifer M. Wallace,

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

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