

activity, “trawling” (50 CFR 922.61(h)). The Sanctuary regulations further prohibit all “dredging” and “[a]nchoring in any manner, stopping, remaining, or drifting without power” (Id. § 922.61(a)). While these regulations limit some fishing activity, it is incorrect to state that all fishing is prohibited in the Sanctuary by national marine sanctuary regulations, as the current NMFS regulation provides.

On December 16, 2019, NMFS issued a proposed rule (84 FR 68389) to clarify the regulatory text at 50 CFR 600.705(f) by removing the incorrect text and retaining a cross-reference to the Office of National Marine Sanctuaries’ regulations at 15 CFR part 922, which regulate activities in the national marine sanctuaries. The regulation we are amending is in the General Provisions for Domestic Fisheries (50 CFR part 600, subpart H). Regulations in part 600 implement and carry out all domestic fishery management plans (FMPs) adopted under the MSA. This action is authorized under MSA § 305(d), which gives the Agency general authority to carry out FMPs adopted under the MSA.

Comments and Responses

NMFS received four comments during the comment period. All written comments can be found at <http://www.regulations.gov/> by searching for RIN 0648–BI82. The comments received during the comment period are summarized below.

Comment 1: The South Atlantic Fishery Management Council supports the proposed rule because it alleviates confusion regarding fishing regulations in the Sanctuary by removing the text that prohibits “all fishing activity.” The Council stated the remaining specific regulations that prohibit anchoring, trawling, drifting, diving, and lowering devices below the surface strike a reasonable balance between protecting the historic site and allowing limited fishing activity that will not impact the site.

NMFS agrees with this comment because it reiterates the Agency’s rationale for this action.

Comment 2: The North Carolina Division of Marine Fisheries supports the proposed rule because it removes the prohibition on all fishing activity in the regulatory text and references the appropriate regulations. They agree with NMFS that this action will remove unnecessary regulations, the net economic impact will be positive, and the modifications will potentially alleviate confusion among stake holders.

NMFS agrees with this comment because it reiterates the Agency’s rationale for this action.

Comment 3: Two commenters, from the general public, did not support the proposed rule and asked NMFS to prohibit all fishing in the Sanctuary.

NMFS disagrees with these comments. Nothing in the National Marine Sanctuaries Act requires NOAA to prohibit all fishing in national marine sanctuaries. NOAA’s Office of National Marine Sanctuaries believes that national marine sanctuaries should take into account various stakeholders and activities as long as they do not conflict with the primary goal of resource protection. The current Sanctuary regulations strike a balance of protecting the U.S.S. Monitor while allowing for some fishing to occur.

Classification

This final rule is promulgated pursuant to MSA § 305(d). The NMFS Assistant Administrator has determined that this rule is consistent with the MSA and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule is considered an Executive Order 13771 deregulatory action. NMFS expects this final rule to alleviate the potential for confusion regarding the fishing allowed in the Sanctuary, by making clear that NMFS does not interpret Sanctuary regulations to prohibit all fishing in the Sanctuary. This final rule also makes clear that regulations governing fishing in national marine sanctuaries are set forth at 15 CFR part 222 and that these regulations may apply in addition to regulations adopted under the MSA.

No duplicative, overlapping, or conflicting Federal rules have been identified beyond those discussed herein. In addition, no new reporting, recordkeeping, or other compliance requirements are introduced by this final rule. Accordingly, the Paperwork Reduction Act does not apply to this final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. None of the public comments that were received specifically addressed the certification and NMFS has not received any new information that would affect its determination that this rule would not have a significant economic impact on a substantial number of small entities. As a result, a final regulatory

flexibility analysis was not required and none was prepared.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date. NMFS’ regulation at 50 CFR 600.705(f) currently interprets national marine sanctuary regulations incorrectly. This has the potential to create confusion regarding the fishing restrictions applicable to the Sanctuary and should be corrected as expeditiously as possible. The impact if this action is not implemented immediately is the continued potential for confusion from the public and the recreational and commercial fishing sectors in regard to the Sanctuary’s fishing regulations.

List of Subjects in 50 CFR Part 600

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 13, 2020.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 600 will be amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

- 1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

- 2. In § 600.705, revise paragraph (f) to read as follows:

§ 600.705 Relation to other laws.

* * * * *

(f) *Marine sanctuaries.* Regulations governing fishing activities inside the boundaries of national marine sanctuaries are set forth in 15 CFR part 922.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 2020–04016]

RTID 0648–XY072

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2020 total allowable catch of pollock in the West Yakutat District of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 13, 2020, through 2400 hours, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 2020 total allowable catch (TAC) of pollock in the West Yakutat District of the GOA is 5,554 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2020 TAC of pollock in the West Yakutat District of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 5,354 mt, and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

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 closure of directed fishing for pollock in the West Yakutat District of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 12, 2020.

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: March 13, 2020.

Karyl K. Brewster-Geisz,

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. 200221-0062]

RTID 0648-XY083

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the 2020 total allowable catch of pollock for Statistical Area 610 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 14, 2020, through 1200 hrs, A.l.t., May 31, 2020.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone

according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 B season allowance of the 2020 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 517 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the B season allowance of the 2020 TAC of pollock in Statistical Area 610 of the GOA is necessary to account for the incidental catch in other anticipated fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt and is setting aside the remaining 517 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

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 closure of directed fishing for pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 12, 2020.

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