

## PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336, and 339.

### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Sagaponack, Channel 233A.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 140417346–4575–02]

RIN 0648–XD916

#### Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** Through this action NMFS is prohibiting directed fishing for Pacific sardine off the coasts of Washington, Oregon and California. This action is necessary because the adjusted non-tribal directed harvest allocation of approximately 5084 metric tons (mt) for the third harvest allocation period from January 1, 2015, through June 30, 2015, is projected to be reached by the date of closure. From the effective date of this rule through June 30, 2015, Pacific sardine may be harvested only as part of either the live bait or tribal fishery or incidental to other fisheries; the incidental harvest of Pacific sardine is limited to 45-percent by weight of all fish per trip. Fishing vessels must cease fishing (be at shore and in the process of offloading) at or before the effective date of this closure.

**DATES:** Effective 12:01 a.m. Pacific Daylight Time (PDT) April 28, 2015, through 11:59 p.m., June 30, 2015.

**FOR FURTHER INFORMATION CONTACT:** Joshua Lindsay, West Coast Region, NMFS, (562) 980–4034.

**SUPPLEMENTARY INFORMATION:** This document announces that—based on the best available information recently obtained on the status of the fishery and information on past fishing effort—the adjusted non-tribal directed fishing harvest allocation for the third harvest allocation period from January 1, through June 30, 2015, of 5,084 mt will be reached and therefore directed fishing for Pacific sardine is being closed per the final rule establishing the 2014–2015 Pacific sardine fishing season (July 25, 2014, 79 FR 43269). In accordance with that rule, the initial directed harvest allocation for the third period of 6,252 mt was adjusted to 5,084 mt to account for excess harvest in the second harvest allocation period. Fishing vessels must cease fishing (be at shore and in the process of offloading) at or before the effective date of this closure. From the effectiveness of this closure, through June 30, 2015, Pacific sardine may be harvested only as part of either the live bait or tribal fishery or incidental to other fisheries, with the incidental harvest of Pacific sardine limited to 45-percent by weight of all fish caught during a trip.

NMFS manages the Pacific sardine fishery in the U.S. exclusive economic zone (EEZ) off the Pacific coast (California, Oregon, and Washington) in accordance with the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). Annual specifications published in the **Federal Register** establish the allowable harvest levels (*i.e.* annual catch limit (ACL)/harvest guideline (HG)) for each Pacific sardine fishing season. If during any of the seasonal allocation periods the applicable directed harvest allocation is projected to be taken, and the fishery is closed, only incidental harvest is allowed. For the remainder of the period, any incidental Pacific sardine landings will be counted against that period's incidental set aside. In the event that an incidental set-aside is projected to be attained, all fisheries will be closed to the retention of Pacific sardine for the remainder of the period via appropriate rulemaking.

Under 50 CFR 660.509, if the total allocation or any specific apportionment levels for Pacific sardine are reached at any time, NMFS is required to close the Pacific sardine fishery via appropriate rulemaking and the fishery remains closed until it re-opens either per the allocation scheme or the beginning of the next fishing season. In accordance

with § 660.509, the Regional Administrator shall publish a notice in the **Federal Register** announcing the date of the closure of the directed fishery for Pacific sardine.

The above in-season harvest restrictions are not intended to affect the prosecution of the live bait or tribal portions of the Pacific sardine fishery.

#### Classification

This action is required by 50 CFR 660.509 and is exempt from Office of Management and Budget review under Executive Order 12866.

NMFS 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) for the closure of the directed harvest of Pacific sardine. For the reasons set forth below, notice and comment procedures are impracticable and contrary to the public interest. For the same reasons, NMFS also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for this action. This measure responds to the best available information and is necessary for the conservation and management of the Pacific sardine resource. A delay in effectiveness would cause the fishery to exceed the allocation for the directed fishery during the 2014–2015 fishing season, which is an important mechanism to prevent fishing in excess of the 2014–2015 annual catch limit. These seasonal harvest levels are important mechanisms in preventing overfishing and managing the fishery at optimum yield. The established directed and incidental harvest allocations are designed to allow fair and equitable opportunity to the resource by all sectors of the Pacific sardine fishery and to allow access to other profitable CPS fisheries, such as squid and Pacific mackerel. Many of the same fishermen who harvest Pacific sardine rely on these other fisheries for a significant portion of their income.

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

Dated: April 21, 2015.

**Emily H. Menashes,**

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

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