

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 150623545–5545–01]

RIN 0648–XE015

Revisions to Framework Adjustment 53 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2015

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

ACTION: Temporary final rule; adjustment to specifications.

SUMMARY: Based on the final Northeast multispecies sector rosters submitted as of May 1, 2015, we are adjusting the fishing year 2015 specification of annual catch limits for commercial groundfish vessels, as well as sector annual catch entitlements and common pool allocations for groundfish stocks. This revision to fishing year 2015 catch levels is necessary to account for changes in the number of participants electing to fish in either sectors or the common pool fishery. This action details unused sector quotas that may be carried over from fishing year 2014 to fishing year 2015. This action also reduces the fishing year 2015 common pool allocation of Eastern Georges Bank cod and adjusts common pool incidental catch limits to account for a common pool fishing year 2014 overage.

DATES: Effective August 17, 2015, through April 30, 2016.

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fishery Policy Analyst, (978) 281–9128.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council (Council) developed Amendment 16 to the Northeast (NE) Multispecies Fishery Management Plan (FMP), in part, to establish a process for setting groundfish annual catch limits (also referred to as ACLs or catch limits) and accountability measures. Framework Adjustment (Framework) 53 set annual catch limits for groundfish stocks and three jointly managed U.S./Canada stocks for fishing year 2015. We recently approved Framework 53, which became effective on May 1, 2015 (80 FR 25110).

We also recently approved fishing year 2015 sector operations plans and allocations (80 FR 25143; May 2, 2015; “sector final rule”). A sector receives an allocation of each stock, or annual catch entitlement (referred to as ACE, or allocation), based on its members’ catch histories. State-operated permit banks also receive an allocation that can be transferred to qualifying sector vessels. The sum of all sector and state-operated permit bank allocations is referred to as the sector sub-ACL. Whatever groundfish allocations remain after sectors and state-operated permit banks receive their allocations are then allocated to the common pool (*i.e.*, vessels not enrolled in a sector).

This rule adjusts the fishing year 2015 sector and common pool allocations based on final sector membership as of May 1, 2015. Since the final rules are not effective until the beginning of the fishing year (May 1), permits enrolled in a sector and the vessels associated with

those permits have until April 30, the last day prior to the beginning of a new fishing year, to withdraw from a sector and fish in the common pool. As a result, the actual sector enrollment for the new fishing year is unknown when the specifications (in this case, Framework 53) and sector final rules publish. To address this issue, each year we publish an adjustment rule modifying sector and common pool allocations based on final sector enrollment. If the sector allocation increases as a result of sector membership changes, the common pool allocation decreases—the opposite is true as well. The Framework 53 and the fishing year 2015 sector proposed and final rules both explained that sector enrollments may change and that there would be a need to adjust the sub-ACLs and ACEs accordingly.

Adjustments to sector ACEs and the sub-ACLs for sectors and the common pool are typically minimal as historically there has been little change in sector enrollment. Tables 1, 2, and 3 explain the revised fishing year 2015. Table 4 compares the allocation changes between the sector final rule and this adjustment rule. Vessels currently enrolled in sectors have accounted for approximately 99 percent of the historical groundfish landings. This year’s sector final rule specified sector ACEs based on the 842 permits enrolled in sectors on February 25, 2015. As of May 1, 2015, there are 838 NE multispecies permits enrolled in sectors, which means four permits elected to leave sectors and operate in common pool for fishing year 2015.

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Table 1. Final Sector Enrollment and Percentage (%) of ACE for Each Sector, by Stock for Fishing Year 2015¹

Sector Name	MRI Count	GB Cod	GOM Cod	GB Haddock	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	113	27.68	2.60	5.76	1.84	0.01	0.37	3.04	0.98	2.14	0.03	13.47	2.34	2.74	5.70	7.38
MCCS	45	0.21	4.59	0.04	2.56	0.00	0.66	1.05	7.55	5.06	0.01	1.96	0.19	2.50	4.39	3.79
MPB	11	0.13	1.15	0.04	1.12	0.01	0.03	0.32	1.16	0.73	0.00	0.43	0.02	0.82	1.65	1.69
NHPB	4	0.00	1.14	0.00	0.03	0.00	0.00	0.02	0.03	0.01	0.00	0.06	0.00	0.02	0.08	0.11
NCCS	26	0.18	0.87	0.14	0.39	0.84	0.72	0.62	0.31	0.30	0.05	0.93	0.29	0.45	0.86	0.51
NEFS 1	3	0.00	0.03	0.00	0.00	0.00	0.00	0.04	0.01	0.01	0.00	0.05	0.00	0.00	0.00	0.00
NEFS 2	80	5.69	18.28	10.68	16.45	1.91	1.40	18.84	7.78	12.59	3.21	18.17	3.19	14.71	6.04	11.84
NEFS 3	72	1.12	13.67	0.14	8.94	0.05	0.41	8.50	4.05	2.85	0.03	9.18	0.75	1.29	4.51	6.05
NEFS 4	50	4.14	9.59	5.33	8.27	2.16	2.35	5.46	9.29	8.49	0.69	6.24	1.28	6.63	8.05	6.14
NEFS 5	28	0.73	0.11	0.86	0.13	1.26	20.66	0.21	0.38	0.55	0.43	0.02	12.32	0.02	0.10	0.09
NEFS 6	22	2.87	2.95	2.92	3.85	2.70	5.26	3.73	3.89	5.20	1.50	4.55	1.94	5.30	3.91	3.29
NEFS 7	28	4.59	0.82	4.51	0.69	10.45	4.33	4.36	3.69	3.67	10.26	3.01	4.87	0.61	0.88	0.76
NEFS 8	16	5.89	0.18	5.86	0.08	9.75	5.43	4.32	1.54	2.12	15.05	1.04	9.77	0.53	0.46	0.57
NEFS 9	60	14.23	1.75	11.60	4.80	26.78	7.90	10.43	8.27	8.27	39.54	2.45	18.36	5.82	4.15	4.23
NEFS 10	44	0.74	5.40	0.25	2.59	0.00	0.55	13.05	1.71	2.39	0.01	18.10	0.73	0.55	0.91	1.46
NEFS 11	56	0.41	13.62	0.04	3.21	0.00	0.02	2.58	2.10	2.07	0.00	2.25	0.02	1.98	4.83	9.44
NEFS 13	50	7.95	0.84	15.97	0.93	24.74	18.57	4.74	5.15	6.17	7.24	2.06	10.82	3.98	1.74	2.27
SHS 1	25	1.82	4.33	2.24	3.94	0.92	0.44	2.81	5.75	3.95	5.75	5.06	0.82	4.26	4.87	3.94
SHS 3	105	19.46	15.37	32.73	38.89	16.50	10.37	11.30	34.44	31.13	15.23	5.55	20.07	47.20	46.14	35.82
Sector Total	838	97.84	97.29	99.11	98.72	98.09	79.45	95.43	98.09	97.71	99.03	94.58	87.80	99.42	99.27	99.37
Common Pool	522	2.16	2.71	0.89	1.28	1.91	20.55	4.57	1.91	2.29	0.97	5.42	12.20	0.58	0.73	0.63

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB), Northeast Coastal Communities Sector (NCCS), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS)

¹All ACE values for sectors outlined in Table 1 assume that each sector permit is valid for fishing year 2015.

Table 2. Final ACE, for Each Sector, by Stock for Fishing Year 2015 (mt)^{1,2}

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	34	460	5	1,023	230	18	0	2	14	14	13	1	53	31	302	247	1,013
MCCS	0	3	10	7	2	24	0	4	5	106	31	0	8	3	276	191	520
MPB	0	2	2	8	2	11	0	0	1	16	4	0	2	0	91	72	232
NHPB	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	4	15
NCCS	0	3	2	24	6	4	2	4	3	4	2	1	4	4	50	37	70
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	7	95	38	1,897	427	158	4	8	86	110	77	61	71	42	1,624	262	1,625
NEFS 3	1	19	28	25	6	86	0	2	39	57	17	0	36	10	142	196	830
NEFS 4	5	69	20	947	213	79	4	13	25	131	52	13	24	17	732	350	842
NEFS 5	1	12	0	152	34	1	2	115	1	5	3	8	0	161	2	4	13
NEFS 6	4	48	6	519	117	37	5	29	17	55	32	28	18	25	585	170	452
NEFS 7	6	76	2	801	180	7	20	24	20	52	22	194	12	64	67	38	104
NEFS 8	7	98	0	1,041	234	1	19	30	20	22	13	285	4	128	58	20	78
NEFS 9	18	237	4	2,060	464	46	52	44	48	116	50	748	10	240	643	180	580
NEFS 10	1	12	11	45	10	25	0	3	60	24	15	0	71	10	60	40	200
NEFS 11	1	7	28	7	2	31	0	0	12	30	13	0	9	0	219	210	1,295
NEFS 13	10	132	2	2,836	639	9	48	103	22	73	38	137	8	141	439	76	311
SHS 1	2	30	9	397	89	38	2	2	13	81	24	109	20	11	470	211	541
SHS 3	24	324	32	5,813	1,309	373	32	58	52	485	190	288	22	262	5,208	2,004	4,914
Sectors Total	121	1,627	201	17,603	3,964	946	191	443	437	1,381	596	1,873	371	1,147	10,970	4,311	13,634
Common Pool	3	36	6	157	35	12	4	114	21	27	14	18	21	159	64	32	86

¹All ACE values for sectors outlined in Table 2 assume that each sector permit is valid for fishing year 2015.

²These values do not include any potential ACE carryover or deductions from fishing year 2014 sector ACE underages or overages or common pool overages. The common pool Eastern GB cod coverage adjustment is explained in Tables 5-6. Adjustments for any sector carryover or deductions will be made in a future action following reconciliation.

Table 3. Final ACE for Each Sector by Stock for Fishing Year 2015 (1,000 lb)^{1,2}

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	76	1,015	12	2,255	508	39	0	5	31	30	29	1	116	67	666	545	2,232
MCCS	1	8	21	15	3	54	0	8	11	234	68	0	17	6	608	421	1,146
MPB	0	5	5	17	4	24	0	0	3	36	10	0	4	1	200	158	510
NHPB	0	0	5	0	0	1	0	0	0	1	0	0	1	0	5	8	34
NCCS	0	7	4	54	12	8	4	9	6	10	4	2	8	8	111	82	155
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	16	208	83	4,182	942	347	8	17	190	242	169	134	157	92	3,579	579	3,581
NEFS 3	3	41	62	56	13	189	0	5	86	126	38	1	79	22	313	432	1,829
NEFS 4	11	152	44	2,089	470	175	9	29	55	288	114	29	54	37	1,614	771	1,857
NEFS 5	2	27	0	336	76	3	5	254	2	12	7	18	0	355	5	10	28
NEFS 6	8	105	13	1,144	258	81	12	65	38	121	70	63	39	56	1,290	374	996
NEFS 7	13	168	4	1,765	397	15	45	53	44	115	49	428	26	140	148	84	229
NEFS 8	16	216	1	2,296	517	2	42	67	44	48	28	628	9	281	129	44	172
NEFS 9	39	522	8	4,542	1,023	101	115	97	105	257	111	1,648	21	529	1,417	397	1,278
NEFS 10	2	27	25	98	22	55	0	7	132	53	32	0	156	21	133	88	441
NEFS 11	1	15	62	15	3	68	0	0	26	65	28	0	19	1	482	463	2,854
NEFS 13	22	291	4	6,252	1,408	20	106	228	48	160	83	302	18	311	968	167	687
SHS 1	5	67	20	875	197	83	4	5	28	179	53	240	44	24	1,037	466	1,192
SHS 3	53	713	70	12,815	2,886	821	71	127	114	1,069	419	635	48	578	11,482	4,417	10,834
Sectors Total	267	3,587	444	38,807	8,738	2,085	422	976	964	3,045	1,314	4,129	817	2,528	24,185	9,505	30,057
Common Pool	6	79	12	347	78	27	8	252	46	59	31	40	47	351	140	69	191

¹All ACE values for sectors outlined in Table 3 assume that each sector permit is valid for fishing year 2015.

²These values do not include any potential ACE carryover or deductions from fishing year 2014 sector ACE underages or overages or common pool overages. The common pool Eastern GB cod overage is explained in Tables 5-6. Adjustments for any sector carryover or deductions will be made in a future action following reconciliation.

Table 4. ACE Comparison Between Final Sector and Adjustment Rules (mt)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder SNE/MA	Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Total ACE	124	1,663	207	17,760	3,999	958	195	557	458	1,408	610	1,891	392	1,306	11,034	4,343	13,720
Common Pool ACE from Final Rule	2	32	5	127	29	9	3	102	16	27	12	15	17	157	60	32	92
Adjusted Common Pool Allocation	3	36	6	157	35	12	4	114	21	27	14	18	21	159	64	32	86
Sector ACE from Final Rule	122	1,631	202	17,633	3,970	949	192	455	442	1,381	598	1,876	375	1,149	10,974	4,311	13,628
Adjusted Sector Allocation	121	1,627	201	17,603	3,964	946	191	443	437	1,381	596	1,873	371	1,147	10,970	4,311	13,634
% ACE Moved from Sectors to Common Pool	-0.5%	-0.2%	-0.3%	-0.2%	-0.2%	-0.3%	-0.4%	-2.2%	-1.1%	0.0%	-0.3%	-0.2%	-1.1%	-0.2%	0.0%	0.0%	0.0%

We have completed fishing year 2014 data reconciliation with sectors and determined final fishing year 2014 sector catch and the amount of quota that sectors may carry from fishing year 2014 into fishing year 2015. A recent emergency rule (79 FR 36433; June 27, 2014) described changes to carryover and catch accounting in response to

litigation by Conservation Law Foundation (*Conservation Law Foundation v. Pritzker, et al.* (Case No. 1:13-CV-0821-JEB)). This rule ensures that catch does not exceed the allowable biological catch for any stock. Because of this, the maximum carryover for certain stocks may be lower than what a sector expects. Table 5 includes the

maximum amount of quota that sectors may carry over from fishing year 2014 into fishing year 2015. Table 6 includes the *de minimis* amount of quota that sectors may carry over from fishing year 2014 into fishing year 2015. Tables 7 and 8 list the final ACE available to sectors for fishing year 2015, including carryover.

Table 5. Maximum Carryover ACE from Fishing Year 2014 to Fishing Year 2015 (lb)

	GB Cod West	GOM Cod	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	48,857	908	148,776	1,768	0	278	1,641	1,959	1,668	36	6,168	2,880	35,537	29,439	120,414
MCCS	479	2,357	1,018	2,451	0	246	594	7,839	5,773	8	940	334	32,432	22,697	61,818
NCCS	395	437	3,139	346	0	692	353	318	21	89	444	516	5,601	4,201	8,281
NEFS 1	0	3	0	2	0	0	10	9	6	0	7	0	0	0	0
NEFS 2	13,140	9,376	276,008	15,724	0	159	10,913	7,660	5,494	4,184	8,831	5,634	191,150	30,683	183,721
NEFS 3	2,867	7,410	3,770	8,924	0	205	5,010	4,495	508	34	4,549	1,333	17,414	24,528	111,131
NEFS 4	8,815	4,929	137,234	8,029	0	2,093	1,836	11,660	5,243	903	2,989	2,231	86,109	41,613	100,191
NEFS 5	1,774	6	27,216	279	0	21,371	273	875	759	670	31	20,719	996	623	1,715
NEFS 6	6,514	1,517	75,474	3,698	0	5,034	2,115	4,472	4,153	1,963	2,180	3,350	68,843	20,202	53,743
NEFS 7	10,603	200	119,167	451	0	3,896	1,326	7,063	3,695	16,872	359	8,892	7,593	4,243	11,582
NEFS 8	13,962	236	154,842	193	0	5,736	3,616	3,436	2,932	20,221	1,515	17,474	7,126	2,650	9,904
NEFS 9	31,863	891	299,569	4,609	0	7,598	5,887	15,896	5,321	51,384	1,167	32,204	75,607	21,451	68,976
NEFS 10	1,656	2,677	6,488	2,435	0	411	7,164	3,410	2,213	17	8,547	1,265	7,075	4,618	22,654
NEFS 11	924	2,432	984	2,904	0	18	1,462	4,205	2,137	4	1,077	37	25,738	24,967	153,992
NEFS 13	17,995	487	411,921	950	0	17,809	2,843	10,289	4,279	9,442	1,121	18,952	51,613	8,980	37,036
SHS 1	46,950	10,104	886,366	41,056	0	7,972	7,471	79,099	26,182	22,516	4,972	33,731	665,116	262,229	645,586
SHS 3	542	76	10,359	63	0	2,149	636	694	383	599	630	1,933	2,351	802	1,207
Total	207,336	44,046	2,562,331	93,882	0	75,667	53,150	163,379	70,767	128,942	45,527	151,485	1,280,301	503,926	1,591,951

Table 6. De Minimis Carryover ACE from Fishing Year 2014 to Fishing Year 2015 (lb)

	GB Cod West	GOM Cod	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	10,907	119	27,634	389	0	45	307	304	288	12	1,164	673	6,661	5,454	22,323
MCCS	83	210	186	540	0	81	106	2,344	680	3	170	55	6,078	4,205	11,458
NCCS	71	40	661	83	0	88	63	95	21	22	80	82	1,107	821	1,549
NEFS 1	0	1	0	1	0	0	4	3	2	0	4	0	0	0	0
NEFS 2	2,240	834	51,242	3,474	0	159	1,902	2,417	1,693	1,338	1,570	919	35,793	5,786	35,814
NEFS 3	443	624	684	1,888	0	50	858	1,258	383	11	794	217	3,132	4,315	18,295
NEFS 4	1,632	437	25,588	1,746	0	288	552	2,882	1,142	288	540	369	16,136	7,709	18,571
NEFS 5	286	5	4,119	28	0	2,537	21	119	74	181	2	3,548	51	97	281
NEFS 6	1,129	135	14,019	814	0	646	377	1,208	700	627	394	559	12,901	3,743	9,962
NEFS 7	1,809	37	21,626	146	0	532	440	1,145	494	4,276	260	1,403	1,478	840	2,285
NEFS 8	2,320	8	28,128	16	0	667	436	479	285	6,276	90	2,814	1,289	440	1,723
NEFS 9	5,606	80	55,641	1,014	0	970	1,053	2,566	1,113	16,484	212	5,287	14,168	3,974	12,785
NEFS 10	290	247	1,206	546	0	67	1,318	530	322	4	1,564	210	1,333	876	4,406
NEFS 11	160	622	183	679	0	2	261	651	279	1	194	6	4,823	4,625	28,543
NEFS 13	3,132	38	76,592	197	0	2,281	479	1,599	830	3,017	178	3,114	9,675	1,671	6,866
SHS 1	718	198	10,725	832	0	53	284	1,785	531	2,396	437	237	10,368	4,662	11,924
SHS 3	542	76	10,359	63	0	1,273	636	694	383	599	480	1,933	2,351	802	1,207
Total	31,368	3,711	328,593	12,456	0	9,739	9,097	20,079	9,220	35,535	8,133	21,426	127,344	50,020	187,992

Table 7. Total ACE Available to Sectors in Fishing Year 2014 with Maximum Carryover (mt)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	34	483	6	1,023	298	18	0	2	15	15	14	1	56	32	318	261	1,067
MCCS	0	4	11	7	2	26	0	4	5	110	33	0	8	3	290	201	548
MPB	0	2	2	8	2	11	0	0	1	16	4	0	2	0	91	72	232
NCCS	0	3	2	24	7	4	2	4	3	4	2	1	4	4	53	39	74
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	7	101	42	1,897	552	165	4	8	91	113	79	63	75	44	1,710	276	1,708
NEFS 3	1	20	32	25	7	90	0	2	41	59	18	1	38	10	150	207	880
NEFS 4	5	73	22	947	276	83	4	14	26	136	54	13	26	18	771	369	888
NEFS 5	1	13	0	152	47	1	2	125	1	6	4	9	0	170	3	5	14
NEFS 6	4	51	7	519	151	39	5	32	18	57	34	29	19	27	616	179	476
NEFS 7	6	81	2	801	234	7	20	26	21	55	24	202	12	68	70	40	109
NEFS 8	7	104	0	1,041	305	1	19	33	21	23	14	294	5	136	62	21	83
NEFS 9	18	251	4	2,060	600	48	52	47	50	124	53	771	10	254	677	190	611
NEFS 10	1	13	12	45	13	26	0	3	63	26	16	0	75	10	64	42	210
NEFS 11	1	7	29	7	2	32	0	0	12	31	14	0	9	0	230	221	1,365
NEFS 13	10	140	2	2,836	825	9	48	112	23	77	40	141	9	150	462	80	328
NHPB	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	4	15
SHS 1	2	52	14	397	491	56	2	6	16	117	36	119	22	26	772	330	834
SHS 3	24	324	32	5,813	1,314	373	32	59	52	485	190	288	22	263	5,209	2,004	4,915
Total	121	1,721	221	17,603	5,126	988	191	477	461	1,455	628	1,931	391	1,215	11,551	4,540	14,356

Table 8. Total ACE Available to Sectors in Fishing Year 2014 with Maximum Carryover (1,000 lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	76	1,064	13	2,255	657	41	0	5	32	32	30	1	123	70	702	575	2,353
MCCS	1	8	23	15	4	56	0	8	11	242	74	0	18	6	640	443	1,208
MPB	0	5	5	17	4	24	0	0	3	36	10	0	4	1	200	158	510
NCCS	0	7	4	54	15	9	4	10	7	10	4	2	8	9	116	86	163
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	16	222	93	4,182	1,218	363	8	17	201	249	175	138	166	98	3,770	609	3,765
NEFS 3	3	44	70	56	16	198	0	5	91	130	39	1	84	23	331	456	1,941
NEFS 4	11	161	49	2,089	608	183	9	31	57	300	119	30	57	39	1,700	813	1,957
NEFS 5	2	28	0	336	103	3	5	275	2	13	8	19	0	376	6	10	30
NEFS 6	8	112	15	1,144	333	85	12	70	40	125	74	65	42	59	1,359	394	1,050
NEFS 7	13	179	4	1,765	517	15	45	57	45	122	53	445	26	149	155	88	240
NEFS 8	16	230	1	2,296	672	2	42	72	47	51	31	648	11	299	136	47	182
NEFS 9	39	554	9	4,542	1,322	106	115	105	111	273	117	1,700	22	561	1,492	419	1,347
NEFS 10	2	29	27	98	29	57	0	7	139	56	34	0	165	22	140	92	463
NEFS 11	1	16	65	15	4	71	0	0	28	69	30	0	21	1	508	487	3,008
NEFS 13	22	309	4	6,252	1,820	21	106	246	51	170	87	311	19	330	1,019	176	724
NHPB	0	0	5	0	0	1	0	0	0	1	0	0	1	0	5	8	34
SHS 1	5	114	30	875	1,083	124	4	13	36	258	79	262	49	57	1,702	728	1,838
SHS 3	53	714	70	12,815	2,896	821	71	129	115	1,070	419	636	49	580	11,484	4,418	10,836
Total	267	3,794	488	38,807	11,301	2,179	422	1,051	1,017	3,208	1,385	4,258	863	2,679	25,466	10,009	31,649

This rule also reduces the Eastern GB cod common pool sub-ACL for fishing year 2015 due to a fishing year 2014 year 2015 due to a fishing year 2014 common pool sub-ACL for any stock is exceeded in one fishing year, the

accountability measures in the FMP require us to reduce the common pool sub-ACL by the amount of the overage in the next fishing year. The 2.8 mt fishing year 2014 common pool sub-ACL for Eastern GB cod was exceeded by 1.3 mt (48 percent). Therefore, this action reduces the initially allocated 2.7 mt fishing year 2015 Eastern GB cod common pool sub-ACL by 1.3 mt, leaving an adjusted allocation of 1.4 mt for the remainder of the fishing year.

Framework 53 specified incidental catch limits (or incidental total allowable catches, "TACs") applicable to the common pool and groundfish Special Management Programs for fishing year 2015, including the B day-at-sea (DAS) Program. Because these incidental catch limits are based on the

common-pool allocation, they also must be revised to match current common pool enrollment allocation and, in this instance, to account for the Eastern GB cod accountability measure for fishing year 2015. Final common pool trimester quotas (including adjustments for the Eastern GB cod overage) and incidental catch limits are included in Tables 11–15 below.

This is only a temporary final rule. After we finish reconciling differences in fishing year 2014 catch accounting between our data and each sector manager's data, each sector will have 2 weeks to trade its fishing year 2014 ACE to account for any overages. After that 2-week trading window, a sector that still has exceeded its fishing year 2014 allocation will have its fishing year 2015

allocation reduced, pursuant to regulatory requirements. Because data reconciliation and the 2-week trading window take place after the new fishing year begins, we reserve 20 percent of each sector's fishing year 2015 allocation until fishing year 2014 catch data are reconciled. Sectors can carryover up to 10 percent of their fishing year 2014 ACE, or an amount of ACE that does not result in exceeding the allowable biological catch, into fishing year 2015. We will publish a final follow-up rule detailing any carryover of fishing year 2014 sector allocation or reduction in fishing year 2014 allocation resulting from sectors under or overharvesting their allocations.

Table 9. Fishing year 2015 Sector ACEs and Common Pool TACs for Eastern and Western GB Cod Based on Final Sector Rosters (mt)¹

Catch Limits	Eastern GB Cod	Western GB Cod	Total GB Cod
Sectors Total	121	1627	1748
Common Pool	3	36	39
Total	124	1663	1787

¹ Values are rounded to the nearest mt

Table 10. Adjustment of Fishing Year 2015 Common Pool GB Cod TAC to Account for Fishing Year 2014 Overage (mt)

Eastern GB Cod TAC	2014 Eastern GB Cod Deduction	Adjusted Eastern GB Cod TAC	Western GB Cod TAC	Total GB TAC	Trimester 1	Trimester 2	Trimester 3
2.7	-1.3	1.4	36.0	37.3	9.3	13.8	14.2

Table 11. Final Fishing Year 2015 Common Pool Trimester TACs

Stock	Percentage of sub-ACL			2015 Trimester TAC (mt)		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	25	37	38	9.3	13.8	14.2
GOM Cod	27	36	37	1.5	2.0	2.1
GB Haddock	27	33	40	52.0	63.6	77.1
GOM Haddock	27	26	47	3.32	3.19	5.77
GB Yellowtail Flounder	19	30	52	0.7	1.1	1.9
SNE/MA Yellowtail Flounder	21	37	42	24.1	42.4	48.1
CC/GOM Yellowtail Flounder	35	35	30	7.3	7.3	6.3
American Plaice	24	36	40	6.5	9.7	10.8
Witch Flounder	27	31	42	3.8	4.3	5.9
GB Winter Flounder	8	24	69	1.5	4.4	12.6
GOM Winter Flounder	37	38	25	7.9	8.1	5.3
Redfish	25	31	44	15.9	19.7	28.0
White Hake	38	31	31	12.0	9.8	9.8
Pollock	28	35	37	24.2	30.3	32.0

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TABLE 12—FISHING YEAR 2015 COMMON POOL INCIDENTAL CATCH TACS

Stock	Percentage of common pool sub-ACL	Incidental catch TAC (mt)
GB cod	2	0.75
GOM cod	1	0.06
GB yellowtail flounder	2	0.08
CC/GOM yellowtail flounder	1	0.21
American Plaice	5	1.35
Witch Flounder	5	0.7
SNE/MA winter flounder	1	1.59

TABLE 13—DISTRIBUTION OF COMMON POOL INCIDENTAL CATCH TACS TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program (%)	Closed Area I hook gear haddock SAP (%)	Eastern U.S./CA haddock SAP (%)	Southern closed Area II haddock SAP
GB cod	50	16	34	NA
GOM cod	100	NA	NA	NA
GB yellowtail flounder	50	NA	50	NA
CC/GOM yellowtail flounder	100	NA	NA	NA
American Plaice	100	NA	NA	NA
Witch Flounder	100	NA	NA	NA
SNE/MA winter flounder	100	NA	NA	NA

TABLE 14—FISHING YEAR 2015 COMMON POOL INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM [(mt)]

Stock	Regular B DAS program	Closed Area I hook gear haddock SAP	Eastern U.S./Canada haddock SAP
GB cod	0.38	0.12	0.26
GOM cod	0.06	NA	NA
GB yellowtail flounder	0.04	NA	0.04
CC/GOM yellowtail flounder	0.21	NA	NA
American Plaice	1.35	NA	NA
Witch Flounder	0.70	NA	NA
SNE/MA winter flounder	1.59	NA	NA

TABLE 15—FISHING YEAR 2015 COMMON POOL REGULAR B DAS PROGRAM QUARTERLY INCIDENTAL CATCH TACS [(mt)]

Stock	1st Quarter (13%)	2nd Quarter (29%)	3rd Quarter (29%)	4th Quarter (29%)
GB cod	0.05	0.11	0.11	0.11
GOM cod	0.01	0.02	0.02	0.02
GB yellowtail flounder	0.01	0.01	0.01	0.01
CC/GOM yellowtail flounder	0.03	0.06	0.06	0.06
American Plaice	0.18	0.39	0.39	0.39
Witch Flounder	0.09	0.20	0.20	0.20
SNE/MA winter flounder	0.21	0.46	0.46	0.46

Classification

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

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

Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause to waive prior public notice and opportunity for public comment on the catch limit and allocation adjustments because allowing time for notice and comment is impracticable, unnecessary, and contrary to the public interest. We also find good cause to waive the 30-day delay in effectiveness pursuant to 5

U.S.C. 553(d)(3), so that this final rule may become effective upon filing.

There are several reasons that notice and comment are impracticable, unnecessary, and contrary to the public interest. First, the proposed and final rules for fishing year 2015 sector operations plans and contracts explained the need and likelihood for adjustments of sector and common pool allocations based on final sector rosters.

No comments were received on the potential for these adjustments, which provide an accurate accounting of a sector's or common pool's allocation at this time. Furthermore, we have followed a similar process since Amendment 16 was implemented in 2010; this annual adjustment action is anticipated by industry. The accountability measure and adjustment process to account for the fishing year 2014 Eastern Georges Bank cod overage was also already subject to notice and comment during Amendment 16 development and implementation. Second, these adjustments are based on either objective sector enrollment data or a pre-determined accountability measure and are not subject to NMFS' discretion, so there would be no benefit to allowing time for prior notice and comment. Third, a delay would potentially impair achievement of the management plan's objectives for the common pool of preventing overfishing and achieving optimum yield by staying within ACLs or allocations. Finally, if this rule is not effective immediately, the sector and common pool vessels will

be operating under incorrect information on the catch limits for each stock for sectors and the common pool. This could cause negative economic impacts to the both sectors and the common pool, depending on the size of the allocation, the degree of change in the allocation, and the catch rate of a particular stock.

The catch limit and allocation adjustments are not controversial and the need for them was clearly explained in the proposed and final rules for fishing year 2015 sector operations plans and contracts. Adjustments for overages are also explained in detail in the Amendment 16 proposed and final rules. As a result, NE multispecies permit holders are expecting these adjustments and awaiting their implementation. Fishermen may make both short- and long-term business decisions based on the catch limits in a given sector or the common pool. Any delays in adjusting these limits may cause the affected fishing entities to slow down, or speed up, their fishing activities during the interim period before this rule becomes effective. Both

of these reactions could negatively affect the fishery and the businesses and communities that depend on them. Therefore, it is important to implement adjusted catch limits and allocations as soon as possible. For these reasons, we are waiving the public comment period and delay in effectiveness for this rule, pursuant to 5 U.S.C. 553(b)(3)(B) and (d), respectively.

Because advanced notice and the opportunity for public comment are not required under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply to this rule. Therefore, no final regulatory flexibility analysis is required and none has been prepared.

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

Dated: August 11, 2015.

Eileen Sobeck,

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

[FR Doc. 2015-20303 Filed 8-17-15; 8:45 am]

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