

Dated: July 21, 2016.

**Samuel D. Rauch III,**  
Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.

For reasons set out in the preamble,  
50 CFR part 635 is amended as follows:

**PART 635—ATLANTIC HIGHLY  
MIGRATORY SPECIES**

■ 1. The authority citation for part 635  
continues to read as follows:

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

■ 2. In § 635.27, revise paragraph (c)(3)  
to read as follows:

**§ 635.27 Quotas.**

\* \* \* \* \*

(c) \* \* \*

(3) *Annual adjustments.* NMFS will  
file with the Office of the Federal  
Register for publication notice of the  
following adjustments to or  
apportionments of the annual quota:

(i) Adjustments to the quota necessary  
to meet the objectives of the  
Consolidated Highly Migratory Species  
Fishery Management Plan consistent  
with the quota provisions of paragraph  
(c)(1) of this section.

(ii) If consistent with applicable  
ICCAT recommendations, total landings  
above or below the specific North  
Atlantic or South Atlantic swordfish  
annual quota will be subtracted from, or  
added to, the following year's quota for  
that area. As necessary to meet  
management objectives, such  
adjustments may be apportioned to  
fishing categories and/or to the reserve.  
Carryover adjustments for the North  
Atlantic shall be limited to 15 percent  
of the annual baseline quota allocation.  
Carryover adjustments for the South  
Atlantic shall be limited to 100 mt ww  
(75.2 mt dw). Any adjustments to the  
12-month directed fishery quota will be

apportioned equally between the two  
semiannual fishing seasons.

(iii) The dressed weight equivalent of  
the amount by which dead discards  
exceed the allowance specified at  
paragraph (c)(1)(i)(C) of this section will  
be subtracted from the landings quota in  
the following fishing year or from the  
reserve category.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric  
Administration**

**50 CFR Part 679**

[Docket No. 150916863-6211-02]

RIN 0648-XE745

**Fisheries of the Exclusive Economic  
Zone Off Alaska; Exchange of Flatfish  
in the Bering Sea and Aleutian Islands  
Management Area**

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is exchanging unused  
flathead sole Community Development  
Quota (CDQ) for rock sole CDQ  
acceptable biological catch (ABC)  
reserves in the Bering Sea and Aleutian  
Islands management area. This action is  
necessary to allow the 2016 total  
allowable catch of flathead sole and  
rock sole in the Bering Sea and Aleutian  
Islands management area to be  
harvested.

**DATES:** Effective July 26, 2016 through  
December 31, 2016.

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

**SUPPLEMENTARY INFORMATION:** NMFS  
manages the groundfish fishery in the  
Bering Sea and Aleutian Islands  
management area (BSAI) according to  
the Fishery Management Plan for  
Groundfish of the Bering Sea and  
Aleutian Islands Management Area  
(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 2016 flathead sole and rock sole  
CDQ reserves specified in the BSAI are  
2,232 metric tons (mt), and 5,760 mt as  
established by the final 2016 and 2017  
harvest specifications for groundfish in  
the BSAI (81 FR 14773, March 18, 2016)  
and following revision (81 FR 41253,  
June 24, 2016). The 2016 flathead sole  
and rock sole CDQ ABC reserves are  
4,857 mt and 11,478 mt as established  
by the final 2016 and 2017 harvest  
specifications for groundfish in the  
BSAI (81 FR 14773, March 18, 2016)  
and following revision (81 FR 41253,  
June 24, 2016).

The Norton Sound Economic  
Development Corporation has requested  
that NMFS exchange 400 mt of flathead  
sole CDQ reserves for 400 mt of rock  
sole CDQ ABC reserves under  
§ 679.31(d). Therefore, in accordance  
with § 679.31(d), NMFS exchanges 400  
mt of flathead sole CDQ reserves for 400  
mt of rock sole CDQ ABC reserves in the  
BSAI. This action also decreases and  
increases the TACs and CDQ ABC  
reserves by the corresponding amounts.  
Tables 11 and 13 of the final 2016 and  
2017 harvest specifications for  
groundfish in the BSAI (81 FR 14773,  
March 18, 2016), and following revision  
(81 FR 41253, June 24, 2016), are  
revised as follows:

**TABLE 11—FINAL 2016 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND  
AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK  
SOLE, AND YELLOWFIN SOLE TACS**

[Amounts are in metric tons]

Sector	Pacific Ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC .....	7,900	7,000	9,000	20,585	57,150	144,365
CDQ .....	845	749	963	1,832	6,160	15,773
ICA .....	200	75	10	5,000	6,000	3,500
BSAI trawl limited access .....	685	618	161	0	0	14,979
Amendment 80 .....	6,169	5,558	7,866	13,753	44,990	110,113
Alaska Groundfish Cooperative .....	3,271	2,947	4,171	1,411	11,129	43,748
Alaska Seafood Cooperative .....	2,898	2,611	3,695	12,342	33,861	66,365

**Note:** Sector apportionments may not total precisely due to rounding.

TABLE 13—FINAL 2016 AND 2017 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2016 Flathead sole	2016 Rock sole	2016 Yellowfin sole	2017 Flathead sole	2017 Rock sole	2017 Yellowfin sole
ABC .....	66,250	161,100	211,700	64,580	145,000	203,500
TAC .....	20,585	57,150	144,365	21,000	57,100	144,000
ABC surplus .....	45,665	103,950	67,335	43,580	87,900	59,500
ABC reserve .....	45,665	103,950	67,335	43,580	87,900	59,500
CDQ ABC reserve .....	5,257	11,078	6,879	4,663	9,405	6,367
Amendment 80 ABC reserve .....	40,408	92,872	60,456	38,917	78,495	53,134
Alaska Groundfish Cooperative for 2016 <sup>1</sup> .....	4,145	22,974	24,019	n/a	n/a	n/a
Alaska Seafood Cooperative for 2016 <sup>1</sup> ..	36,263	69,898	36,437	n/a	n/a	n/a

<sup>1</sup> The 2017 allocations for Amendment 80 species 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, 2016.

### 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 flatfish exchange by the

Norton Sound Economic Development Corporation in the BSAI. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 14, 2016.

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: July 20, 2016.

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

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