South Atlantic Region and Closure for Blueline Tilefish in the Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic. Commercial landings for blueline tilefish are projected to reach the commercial annual catch limit (ACL) by August 30, 2016. Therefore, NMFS is closing the commercial sector for blueline tilefish in the South Atlantic EEZ at 12:01 a.m., local time, August 30, 2016, and it will remain closed until the start of the next fishing year on January 1, 2017. This closure is necessary to protect the blueleine tilefish resource.

DATES: This rule is effective at 12:01 a.m., local time, August 30, 2016, until 12:01 a.m., local time, January 1, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes blueleine tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council and NMFS prepared the FMP, and the FMP is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

In Regulatory Amendment 25 to the FMP, NMFS implemented management measures for blueleine tilefish that included increasing the commercial ACL from 26,766 lb (12,141 kg) to 87,521 lb (39,699 kg), round weight (81 FR 45245, July 13, 2016).

NMFS is required to close the commercial sector for blueleine tilefish when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register, as specified in 50 CFR 622.193(z)(1)(i). NMFS has projected that the commercial ACL for South Atlantic blueleine tilefish will be reached by August 30, 2016. Accordingly, the commercial sector for South Atlantic blueleine tilefish is closed effective at 12:01 a.m., local time, August 30, 2016, until 12:01 a.m., local time, January 1, 2017.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper having blueleine tilefish on board must have landed and bartered, traded, or sold such blueleine tilefish prior to August 30, 2016. During the commercial closure, all sale or purchase of blueleine tilefish is prohibited. The harvest or possession of blueleine tilefish in or from the South Atlantic EEZ is limited to the bag and possession limits specified in 50 CFR 622.187(b)(2) and (c)(1), respectively, while the recreational sector for blueleine tilefish is open. These bag and possession limits apply in the South Atlantic on board a vessel with a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper, and apply to the harvest of blueleine tilefish in both state and Federal waters.

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of blueleine tilefish and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(z)(1)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the commercial sector for blueleine tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations at 50 CFR 622.193(z)(1)(i) have already been subject to notice and comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment are contrary to the public interest because there is a need to immediately implement this action to protect blueleine tilefish, since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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


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

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