50 CFR 17.31 (for wildlife) and 17.71 (for plants), when it is deemed
necessary and advisable to provide for
the conservation of the species. No
special section 4(d) rules are proposed,
or anticipated to be proposed, for Santa
Cruz cypress, because there is currently
no conservation need to do so for this
species. Recovery actions directed at
Santa Cruz cypress will continue to be
implemented, as funding allows, as
outlined in the Recovery Plan for this
species (Service 1998, entire).

* * * * *

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric
Administration

50 CFR Part 679

[FR Doc. No. 141021887–5172–02]

RIN 0648–XE450

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of
Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule.

SUMMARY: NMFS is reallocating the
projected unused amounts of the
Community Development Quota pollock
directed fishing allowance from the
Aleutian Islands subarea to the Bering
Sea subarea. This action is necessary to
provide opportunity for harvest of the
2016 total allowable catch of pollock,
consistent with the goals and objectives
of the Fishery Management Plan for
Groundfish of the Bering Sea and
Aleutian Islands Management Area.
DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 19, 2016, until the effective date of the final 2016 and 2017 harvest specifications for Bering Sea and Aleutian Islands (BSAI) groundfish, unless otherwise modified or superseded through publication of a notification in the Federal Register. FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfishery in the BSAI exclusive economic zone 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 (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 606 and 50 CFR part 679. Therefore, in accordance with §679.20(a)(5)(iii)(B)(4), NMFS reallocates 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the 2015 Bering Sea subarea allocations. The 1,900 mt of pollock CDQ DFA is added to the 2016 Bering Sea CDQ DFA. As a result, the 2016 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) are revised as follows: 0 mt to CDQ DFA. Furthermore, pursuant to §679.20(a)(5), Table 5 of the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015), as adjusted by the inseason adjustment (81 FR 184, January 5, 2016), is revised to make 2016 pollock allocations consistent with this reallocation. This reallocation results in adjustments to the 2016 CDQ pollock allocations established at §679.20(a)(5).

### Table 5—Final 2016 Allocations of Pollock TACs to the Directed Pollock Fisheries and to the CDQ Directed Fishing Allowances (DFA)¹

<table>
<thead>
<tr>
<th>Area and sector</th>
<th>2016 Allocations</th>
<th>2016 A season ¹</th>
<th>2016 B season ¹</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A season DFA</td>
<td>B season DFA</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SCa harvest limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Bering Sea subarea TAC</strong></td>
<td>1,340,000</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>CDQ DFA</strong></td>
<td>135,900</td>
<td>54,360</td>
<td>38,952</td>
</tr>
<tr>
<td>ICA</td>
<td>48,240</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>AFA Inshore</td>
<td>578,880</td>
<td>231,552</td>
<td>162,086</td>
</tr>
<tr>
<td>AFA Catcher/Processors</td>
<td>463,104</td>
<td>185,242</td>
<td>129,669</td>
</tr>
<tr>
<td>Catch by C/Ps</td>
<td>423,740</td>
<td>169,496</td>
<td>n/a</td>
</tr>
<tr>
<td>Catch by C/Vs</td>
<td>39,364</td>
<td>15,746</td>
<td>n/a</td>
</tr>
<tr>
<td>Unlisted C/P Limit</td>
<td>2,316</td>
<td>926</td>
<td>n/a</td>
</tr>
<tr>
<td>AFA Motherships</td>
<td>115,776</td>
<td>46,310</td>
<td>32,417</td>
</tr>
<tr>
<td>Excessive Harvesting Limit</td>
<td>202,608</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Excessive Processing Limit</td>
<td>347,328</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Total Bering Sea DFA</strong></td>
<td>1,157,760</td>
<td>463,104</td>
<td>324,173</td>
</tr>
<tr>
<td><strong>Aleutian Islands subarea ABC</strong></td>
<td>32,227</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>CDQ DFA</strong></td>
<td>17,100</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>IC A</strong></td>
<td>0</td>
<td>0</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Aleut Corporation</strong></td>
<td>2,400</td>
<td>1,200</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Area harvest limit</strong></td>
<td>14,700</td>
<td>11,691</td>
<td>n/a</td>
</tr>
<tr>
<td>541</td>
<td>9,668</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>542</td>
<td>4,834</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>543</td>
<td>1,611</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Bogoslof District ICA</td>
<td>500</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

¹Pursuant to §679.20(a)(5)(ii)(A), the BS subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (4.0 percent), is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the BS subarea, 40 percent of the DFA is allocated to the season (January 20–June 10) and 60 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to §679.20(a)(5)(ii)(B)(4) and (ii), the annual AI pollock DFA, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Al subarea, the season is allocated 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

²In the BS subarea, no more than 28 percent of each sector’s annual DFA may be taken from the SCA before April 1.

³Pursuant to §679.20(a)(5)(ii)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

⁴Pursuant to §679.20(a)(5)(ii)(A)(4)(ii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors’ sector’s allocation of pollock.

⁵Pursuant to §679.20(a)(5)(ii)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

⁶Pursuant to §679.20(a)(5)(ii)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

⁷Pursuant to §679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 no more than 30 percent, in Area 542 no more than 15 percent, and in Area 543 no more than 5 percent of the Aleutian Islands pollock ABC.

¹The Bogoslof District is closed by the final harvest specifications for directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.
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 reallocation of AI pollock. Since the pollock fishery is currently open, it is important to immediately inform the industry as to the final Bering Sea subarea pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 11, 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: February 16, 2016

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

[FR Doc. 2016–03465 Filed 2–18–16; 8:45 am]

BILLING CODE 3510–22–P