DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648
[Docket No. 150903814–5999–02]
RIN 0648–XF096

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of Connecticut

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the 2016 summer flounder commercial quota allocated to the State of Connecticut has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Connecticut for the remainder of calendar year 2016. Regulations governing the summer flounder fishery require publication of this notification to advise Connecticut that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no Federal commercial quota is available for landing summer flounder in Connecticut.

DATES: Effective 0001 hours, December 22, 2016, through December 31, 2016.

FOR FURTHER INFORMATION CONTACT: Cynthia Hanson, (978) 281–9180, or Cynthia.Hanson@noaa.gov.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102.

The initial commercial quota for summer flounder for the 2016 calendar year was set equal to 8,124,035 lb (3,684,997 kg) (80 FR 80689, December 28, 2015). The percent allocated to vessels landing summer flounder in Connecticut is 2.25708 percent, resulting in a commercial quota of 183,366 lb (83,173 kg). This allocation was adjusted to 187,166 lb (84,897 kg) to account for quota transfers from other states.

The NMFS Administrator for the Greater Atlantic Region (Regional Administrator), monitors the state commercial landings and determines when a state’s commercial quota has been harvested. NMFS is required to publish notification in the Federal Register advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the state’s commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the 2016 Connecticut commercial summer flounder quota will be harvested by December 22, 2016.

Section 648.4(b) provides that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, December 22, 2016, landings of summer flounder in Connecticut by vessels holding summer flounder commercial Federal fisheries permits are prohibited for the remainder of the 2016 calendar year. Effective 0001 hours, December 22, 2016, federally permitted dealers are also notified that they may not purchase summer flounder from federally permitted vessels that land in Connecticut for the remainder of the calendar year.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action closes the summer flounder fishery for Connecticut until January 1, 2017, under current regulations. The regulations at § 648.103(b) require such action to ensure that summer flounder vessels do not exceed quotas allocated to the states. If implementation of this closure was delayed to solicit prior public comment, the quota for this fishing year will be exceeded, thereby undermining the conservation objectives of the Summer Flounder Fishery Management Plan. The Assistant Administrator further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reason stated above.

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

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648
[Docket No. 160816746–6999–02]
RIN 0648–XE819

Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; 2017–2018 Fishing Quotas

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

ACTION: Final rule.

SUMMARY: This final rule implements status quo commercial quotas for the Atlantic surfclam and ocean quahog fisheries for 2017, suspends the minimum shell size for Atlantic surfclams for 2017, and provides projected status quo quotas for 2018.

This action is necessary to establish allowable harvest levels of Atlantic surfclams and ocean quahogs that will prevent overfishing and allow harvesting of optimum yield.

DATES: This rule is effective January 1, 2017, through December 31, 2017.

ADDRESSES: Copies of the Environmental Assessment (EA), Supplemental Information Report (SIR), and other supporting documents for these specifications are available from the Mid-Atlantic Council, 800 North State Street, Suite 201, Dover, DE 19901.


SUPPLEMENTARY INFORMATION: The Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP) requires that NMFS, in consultation with the Mid-Atlantic Council, specify quotas for surfclam and ocean quahog for up to a 3-year period, with annual reviews if multiple year quotas are established. It is the policy of the Council that the catch limits selected allow sustainable fishing to continue at that level for at least 10 years for surfclams, and 30 years for ocean
The Assistant Administrator for Fisheries finds good cause to waive the 30-day delay in effectiveness period for this action under the Administrative Procedure Act (5 U.S.C. 553(d)(3)).
First, if this action is not effective on January 1, 2017, the current suspension of the surfclam minimum size limit would expire. Timely publication of the 2017 minimum size suspension for the January 1 start of the fishing year relieves this restriction, thus exempting the minimum size suspension under this rule from the requirement for a 30-day delay in effectiveness (5 U.S.C. 553(d)(1)). There is also good cause to waive the 30-day delay because, until the new suspension is effective, fishing vessels would be subject to the size limit and would incur additional expense and lost fishing time to have crew members sort the catch to comply with the default minimum surfclam length of 4.75 inches (12.065 cm). The minimum surfclam size has routinely been suspended each year for over a decade. If the minimum size were again in effect without prior warning, it would cause significant confusion for industry members and disruption to normal fishing operations. Vessels operating unaware of the reinstatement of the minimum size may also violate the applicable regulation.

Second, a delay in the effective date of this final rule may also cause substantial confusion. The regulations at 50 CFR 648.72(c) state that “annual quotas for surfclams and ocean quahogs will remain effective unless revised pursuant to this section,” and requires NMFS to publish “notification in the Federal Register if the previous year’s specifications will not be changed.” Members of the fishing industry may not be aware that quotas remain effective without the timely publication of a notice to inform them that specifications are not being changed. As a result, fishermen could be hesitant to fish or transfer cage tags if they think there are no quotas or that the associated cage tags may not be valid.

Delaying the effectiveness of this rule past January 1, 2017, would provide no benefit to the public or the fishing industry. On the contrary, there could potentially be significant disruption and cost to the fishery if the minimum size suspension is not in place on January 1. Therefore, there is good cause to waive the 30-day delay in effectiveness, as not doing so would be contrary to the public’s interest.

This action does not introduce any new reporting, recordkeeping, or other compliance requirements. This final rule does not duplicate, overlap, or conflict with other Federal rules.

This final rule is exempt from the requirements of E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

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

Dated: December 19, 2016.

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

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DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150916863–6211–02]

RIN 0648–XF109

Fisheries of the Exclusive Economic Zone Off Alaska: Reallocations of Pacific Cod 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 reallocating the projected unused amount of Pacific cod from catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) using pot gear to catcher/processors (C/Ps) using hook-and-line gear in the Bering Sea and Aleutian Islands (BSAI) management area. This action is necessary to allow the 2016 total allowable catch of Pacific cod to be harvested.

DATES: Effective December 21, 2016 through 2400 hours, Alaska local time (A.l.t.), December 31, 2016.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands (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 Pacific cod TAC specified for catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI is 14,598 mt as established by the final 2016 and 2017 harvest specifications for groundfish of the BSAI (81 FR 14773, March 18, 2016) and reallocations (81 FR 69445, October 6, 2016; and 81 FR 80006, November 15, 2016). The Regional Administrator has determined that catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear will not be able to harvest 2,500 mt of the remaining 2016 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(iii)(A)(5).

Therefore, in accordance with § 679.20(a)(7)(iii), taking into account the capabilities of the sectors to harvest reallocated amounts of Pacific cod, and following the hierarchies set forth in § 679.20(a)(7)(iii)(A) and (B), NMFS reallocates 2,500 mt of Pacific cod to C/ Ps using hook-and-line gear in the Bering Sea and Aleutian Islands management area.

The harvest specifications for Pacific cod included in the final 2016 and 2017 harvest specifications for groundfish of the BSAI (81 FR 14773, March 18, 2016; 81 FR 57491, August 23, 2016; 81 FR 61143, September 6, 2016; 81 FR 69445, October 6, 2016; 81 FR 76530, November 3, 2016; 81 FR 80006, November 15, 2016) are revised as follows: 12,098 mt for catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear, and 114,283 mt for C/ Ps using hook-and-line gear.

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 Pacific cod specified from catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear to C/Ps using hook-and-line gear in the Bering Sea and Aleutian Islands management area. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations.