single-year adjustment to the commercial ACT will be made, in the following fishing year. The ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the commercial catch and the commercial ACT, and the payback coefficient. The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (i.e., B_{MSY} - B) divided by one-half of B_{MSY}.

(3) If biomass is above B_{MSY}. If the most recent estimate of biomass is above B_{MSY} (i.e., B/B_{MSY} greater than 1.0), then no single-year AM payback is required.

3. In §648.123, paragraph (b) is revised to read as follows:

§648.123 Scup accountability measures.

(b) Non-landing accountability measure. In the event that the commercial ACL has been exceeded and the overage has not been accommodated through the landings-based AM, then the following procedure will be followed:

(1) Overfishing, rebuilding, or unknown stock status. If the most recent estimate of biomass is below the B_{MSY} threshold (i.e., B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the commercial ACL has been exceeded, then the exact amount, in pounds, by which the most recent year’s commercial catch estimate exceeded the most recent year’s commercial ACL will be deducted, in the following fishing year from the commercial ACT, as a single-year adjustment.

(2) If biomass is above the threshold, but below the target, and the stock is not under rebuilding. If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below the biomass target (B/B_{MSY} is less than 1.0), and the stock is not under a rebuilding plan, then the following AMs will apply:

(i) If the Commercial ACL has been exceeded, but not the overall ABC, then no single-year AM payback is required.

(ii) If the Commercial ACL and ABC have been exceeded, then a scaled single-year adjustment to the commercial ACT will be made, in the following fishing year. The ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the commercial catch and the commercial ACT, and the payback coefficient. The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (i.e., B_{MSY} - B) divided by one-half of B_{MSY}.

(3) If biomass is above B_{MSY}. If the most recent estimate of biomass is above B_{MSY} (i.e., B/B_{MSY} greater than 1.0), then no single-year AM payback is required.
It is further necessary to act quickly to bring them into compliance with the legal requirements. It is further necessary to act quickly to modify the tribal U&A fishing area boundaries in Title 50, part 660, to prevent the confusion that arises out of conflicting boundaries, which adds complexity to the management regime and creates problems for state and Federal management and enforcement. Furthermore, NMFS is not exercising any discretion in issuing this rule, but only making the changes necessary to comply with the court order. For the same reasons, NMFS also finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3). This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This final rule is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866. Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., are inapplicable. This final rule does not contain policies with federalism or “takings” implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

List of Subjects in 50 CFR Part 660
Fisheries, Fishing, Indian Fisheries.

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

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:


2. In §660.4, revise paragraphs (a)(2) and (4) to read as follows:

§660.4 Usual and accustomed fishing areas for Pacific Coast treaty Indian tribes.
(a) * * *
(2) Quileute. The area commencing at Cape Alava, located at 48°10’00″ N lat., 124°43’56.9″ W long.; then proceeding west approximately forty nautical miles at that latitude to a northwestern point located at 48°10’00″ N lat., 125°44’00″ W long.; then proceeding in a southeasterly direction mirroring the coastline at a distance no farther than forty nautical miles from the mainland Pacific coast shoreline at any line of latitude, to a southwestern point at 47°31’42″ N lat., 125°20’26″ W long.; then proceeding east along that line of latitude to the Pacific coast shoreline at 47°31’42″ N lat., 124°21’9.0″ W long.
* * * * *
(4) Quinault. The area commencing at the Pacific coast shoreline near Destruction Island, located at 47°40’06″ N lat., 124°23’51.362″ W long.; then proceeding west approximately thirty nautical miles at that latitude to a northwestern point located at 47°40’06″ N lat., 125°08’30″ W long.; then proceeding in a southeasterly direction mirroring the coastline no farther than thirty nautical miles from the mainland Pacific coast shoreline at any line of latitude, to a southwestern point at 46°53’18″ N lat., 124°53’53″ W long.; then proceeding east along that line of latitude to the Pacific coast shoreline at 46°53’18″ N lat., 124°37’36.6″ W long.