in the Federal Register, the Coast Guard will provide the maritime community with advance notification of this enforcement period via a Local Broadcast Notice to Mariners. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

J.C. McGuiness,
Captain, U.S. Coast Guard, Captain of the Port, Sainte Marie.

[FR Doc. 2010–21896 Filed 9–1–10; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635
[Docket No. 0906221072–91425–02]
RIN 0648–XY56

Atlantic Highly Migratory Species; Inseason Action To Close the Commercial Porbeagle Shark Fishery

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

ACTION: Notice; fishery closure.

SUMMARY: NMFS is closing the commercial fishery for porbeagle sharks. This action is necessary because landings for the 2010 fishing season has reached at least 80 percent of the available quota.

DATES: The commercial porbeagle shark fishery is closed effective 11:30 p.m. local time September 4, 2010 until, and if, NMFS announces, via a notice in the Federal Register that additional quota is available and the season is reopened.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz or Guy DuBeck, 301–713–2347; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and its implementing regulations found at 50 CFR part 635 issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

Under § 635.5(b)(1), shark dealers are required to report to NMFS all sharks landed every two weeks. Dealer reports for fish received between the 1st and 15th of any month must be received by NMFS by the 25th of that month. Dealer reports for fish received between the 16th and the end of any month must be received by NMFS by the 10th of the following month. Under § 635.28(b)(2), when NMFS projects that fishing season landings for a species group have reached or are about to reach 80 percent of the available quota, NMFS will file for publication with the Office of the Federal Register a notice of closure for that shark species group that will be effective no fewer than 5 days from the date of filing. From the effective date and time of the closure until NMFS announces, via a notice in the Federal Register, that additional quota is available and the season is reopened, the fishery for that species group is closed, even across fishing years.

On January 5, 2010 (75 FR 250), NMFS announced that the porbeagle shark fishery for the 2010 fishing year was open and the available porbeagle shark quota was 1.5 metric tons (mt) dressed weight (dw) (3,307 lb dw). Dealer reports through the July 31, 2010, reporting period indicate that 1.3 mt dw or 85 percent of the available quota for porbeagle sharks has been landed. Dealer reports received to date indicate that 14 percent of the quota was landed from the opening of the fishery on January 5, 2010, through January 31, 2010; 3 percent of the quota was landed in March; 12 percent was landed in April; 5 percent was landed in May; and 13 percent of the quota was landed in June. Preliminary numbers indicate that 38 percent of the quota was landed in July. The fishery has reached 85 percent of the quota, which exceeds the 80 percent limit specified in the regulations. Accordingly, NMFS is closing the commercial porbeagle shark fishery as of 11:30 p.m. local time September 7, 2010. This closure does not affect any other shark fishery.

During the closure, retention of porbeagle sharks is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit under 50 CFR 635.4, unless the vessel is properly permitted to operate as a charter vessel or headboat for HMS and is engaged in a for-hire trip, in which case the recreational retention limits for sharks and “no sale” provisions apply (50 CFR 635.22(a) and (c)). A shark dealer issued a permit pursuant to § 635.4 may not purchase or receive porbeagle sharks from a vessel issued an Atlantic shark limited access permit (LAP), except that a permitted shark dealer or processor may possess porbeagle sharks that were harvested, off-loaded, and sold, traded, or bartered, prior to the effective date of the closure and were held in storage. Under this closure, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with state regulations, purchase or receive porbeagle sharks if the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and that has not been issued an Atlantic Shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

Classification
Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA), finds that providing for prior notice and public comment for this action is impracticable and contrary to the public interest because the fishery is currently underway, and any delay in this action would cause overharvest of the quota and be inconsistent with management requirements and objectives. If the quota is exceeded, the affected public is likely to experience reductions in the available quota and a lack of fishing opportunities in future seasons. For these reasons, the AA also finds good cause to waive the 30–day delay in effective date pursuant to 5 U.S.C. 553(d)(3). This action is required under § 635.28(b)(2) and is exempt from review under Executive Order 12866.

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

Dated: August 30, 2010.
Carrie Selberg,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–21961 Filed 8–30–10; 4:15 pm]
BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648
[Docket No. 0910051338–0151–02]
RIN 0648–XY20

Fishing of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Common Pool Day-at-Sea Accounting and Possession Prohibition for Witch Flounder

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

ACTION: Temporary rule; request for comments.

SUMMARY: This action implements a differential Days-at-Sea (DAS) counting
factor of 2.0 to Category A DAS for
Northeast (NE) multispecies vessels
fishing under common pool regulations
for the 2010 fishing year (FY) when
fishing in the Inshore Gulf of Maine
(GOM) Differential DAS Area, the
Offshore GOM Differential DAS Area,
the Inshore Georges Bank (GB)
Differential Area, and the Offshore GB
Differential Area. Vessels may transit
the GOM and GB Differential DAS Areas
without being charged the differential
DAS rate, provided their gear is
properly stowed according to the
regulations. This action also implements
a zero possession limit for witch
flounder. The purpose is to decrease the
likelihood that catch (landings and
discards) of white hake and GOM cod
will exceed the subcomponent of the
annual catch limit (ACL) allocated to
the common pool during FY 2010 (May
1, 2010 through April 30, 2011).

Because witch flounder has already
exceeded its sub-ACL, this action
attempts to minimize additional
overharvest by reducing the possession
limit to zero. This action is taken under
the authority of the regulations
implementing Amendment 16 and
Framework Adjustment 44 (FW 44) to
the NE Multispecies Fishery
Management Plan (FMP) and authority
of the Magnuson-Stevens Fishery
Conservation and Management Act
(MSA).

DATES: Effective September 2, 2010,
through April 30, 2011. Comments must
be received no later than October 4,
2010.

FOR FURTHER INFORMATION CONTACT: Tom
Warren, Fishery Policy Analyst, (978)

SUPPLEMENTARY INFORMATION: The NE
Multispecies FMP regulations governing
the fishing effort control program for NE
multispecies limited access vessels and
the possession limits for all NE
multispecies vessels include measures
designed to prevent the ACLs specified
for the common pool fishery from being
exceeded (or under-harvested). Such
measures authorize the Administrator of
the Northeast Region NMFS (Regional
Administrator) to make inseason
adjustments to trip limits and/or
inseason adjustments to differential
DAS counting (§§ 648.86(o) and
648.82(o), respectively). Specifically,
the Regional Administrator must project
the catch of regulated species and ocean
pout and determine whether the catch
will exceed any of the sub-ACLs
specified for common pool vessels.

Based on such projections, if the catch
will exceed or under-harvest the
common pool sub-ACLs, the Regional
Administrator may, at any time during
the FY, implement a differential DAS
counting factor to all Category A DAS
within the pertinent stock area(s), and/
or adjust trip limits.

For FY 2010, the common pool sub-
ACLs for all stocks, including witch
flounder, and GOM cod, were specified by the final rule implementing
Framework Adjustment (FW) 44 (75 FR
18356, April 9, 2010) to the FMP, and
modified by a subsequent rule (75 FR
29459, May 26, 2010).

Since the start of FY 2010 (May 1,
2010), NMFS has monitored the
common pool catch closely, and the
Regional Administrator has been utilized several times to make
inseason adjustments as necessary to
reduce catch rates in order to prevent
catch from exceeding sub-ACLs.
Specifically, NMFS reduced the trip
limits applicable to the common pool
for GOM winter flounder, GOM
haddock, GB haddock, GB winter
flounder, and GB yellowtail flounder on
May 27, 2010 (75 FR 29678; May 27,
2010). On July 30, 2010, a reduction in
trip limits for GOM cod and a gear
restriction for vessels fishing in the
U.S./Canada Management Area were
implemented in order to prevent the
catch of GOM cod and GB yellowtail
flounder by common pool vessels from
exceeding their sub-ACLs (75 FR 44924;
July 30, 2010). On August 6, 2010 (75
FR 48613; August 11, 2010), NMFS
implemented a trip limit for witch
flounder, removed the trip limit for
pollock, and corrected the GOM cod
trip limit applicable to vessels with a
Handgear A permit in order to optimize
catch for those stocks.

On August 19, 2010, NMFS
determined that the catch of witch
flounder, GOM cod, and white hake
were 101 percent, 87 percent, and 47
percent of their respective sub-ACLs.
Prior to this most recent catch report,
NMFS conducted catch projections
completed on August 11, 2010. These
projections indicated that, by the end of
FY 2010 (April 30, 2011), the catch of
witch flounder, GOM cod, and white
hake will be approximately 177 percent,
196 percent, and 205 percent of their
respective sub-ACLs, if no action is
taken to slow catch rates.

Because the catches of multiple stocks
are projected to exceed their sub-ACLs,
and inseason trip limits for GOM cod,
GOM winter flounder, and witch
flounder have already been
implemented, this action implements
DAS adjustments to further reduce catch
rates so that sub-ACLs will not be
exceeded. Furthermore, overharvest of a
stock or adjust trip limits.

This action implements a differential
DAS counting rate of 2.0 to the Inshore
GOM Differential DAS Area, Offshore
GOM Differential DAS Area, Inshore GB
Differential DAS Area, and Offshore GB
Differential DAS Area. These areas were
selected from among the five possible
Differential DAS Areas defined in
Amendment 16, to reflect both the
location of the catch of the stocks
targeted by this action, as defined in the
regulations, as well as the location of
the recent catches. The regulations
implementing Amendment 16 state that
the Offshore GOM, Inshore GB, and
Offshore GB Differential DAS Areas are
the pertinent areas with respect to DAS
adjustments designed to affect witch
flounder. The Inshore GOM Differential
DAS Area is the pertinent area for GOM
cod, the Inshore and Offshore GOM
Differential Areas, and the Inshore GB
Differential DAS Area, are pertinent for
white hake.

With respect to the differential DAS
counting factor necessary to reduce
catch, the regulations state that it will be
based on the projected portion of the
sub-ACL caught, rounded to the nearest
ten. Further, if it is projected that
catch will simultaneously exceed the
sub-ACLs for several regulated species
stocks within a particular area, the
Regional Administrator may implement
the most restrictive DAS counting
factor derived for the sub-ACLs exceeded within that area.
The projections conducted for witch flounder, GOM cod, and white hake indicate 177 percent, 196 percent, and 205 percent of their respective sub-ACLs will be caught by the end of the fishing year without action being taken to slow catch rates. Based upon the regulations that prescribe the accounting methodology, the defined differential DAS areas, and the recent location of catch, a differential DAS counting factor of 2.0 applies to all Category A DAS used by common pool vessels within the Inshore and Offshore GOM Differential DAS Areas and the Inshore and Offshore GB Differential DAS Areas. This 2:1 DAS counting ratio is calculated to be sufficient to ensure that sub-ACLs for white hake and GOM cod will not be exceeded. Because vessels are currently charged a full 24 hr for any day that is less than 24 hr, time fished will be first rounded up to account for a 24 hr day, to ensure the differential rate is effective in reducing effort sufficiently. For example, if a vessel fished for 13 hr in the GOM, the vessel would be charged 48 hr (i.e., 13 hr is rounded up to 24 hr, and multiplied by 2.0). If a vessel fished for 25 hr in the GOM, the vessel would be charged 96 hr (i.e., 25 hr is rounded up to 48 hr, and multiplied by 2.0). This differential DAS counting will be applied when fishing in the Inshore and Offshore GOM Differential DAS Areas and the Inshore and Offshore GB Differential Areas, based upon the first VMS position into the area, and the first VMS position outside of the area. For trips that fish both inside and outside of the areas covered by the differential DAS rate (i.e., within one of the differential DAS areas covered by the increased rate as described above, and also in the Southern New England (SNE) Differential DAS Area), the time spent fishing outside the differential areas will be counted as real time fished (time will not be rounded up to 24 hr nor will differential DAS accrue). For example, a vessel that fished for 20 hr in the GOM and 5 hr in SNE would be charged 53 hr (i.e., 20 hr (GOM) rounded up to 24 hr X 2.0 = 48; plus 5 hr (SNE) = 53 hr).

This action also allows for an exemption to the 2.0 differential DAS rate for vessels that merely transit the differential DAS areas. Thus, vessels may transit the GOM and GB Differential DAS Areas without being charged the 2.0 differential DAS rate, provided their gear is properly stowed according to the regulations at § 648.23(b). For example, if a vessel transits through the Inshore GB Differential DAS Area without fishing, and only fishes in the Offshore GB Differential DAS Area, the differential rate of 2:1 will only apply to time spent in the Offshore GB Differential DAS Area. Transiting time to and from Offshore GB Differential DAS Area would only be charged 1:1, provided all gear is stowed properly. However, should the vessel decide to fish in the Inshore GB Differential DAS Area, all time spent in the area would then be charged the 2:1 rate. This transiting provision avoids unnecessary restrictions on vessels that cannot reach fishing grounds to fish for stocks not affected by this action. Vessels must still declare all broad stocks areas (BSA) it intends to fish in prior to leaving port.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866. Pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(3), there is good cause to waive prior notice and opportunity for public comment, as well as the delayed effectiveness for this action, because notice, comment, and a delayed effectiveness would be impracticable and contrary to the public interest. The regulations at §§ 648.82(o) and 648.86(o) grant the Regional Administrator the authority to implement adjustments to NE multispecies differential DAS counting and modifications to trip limits respectively, to prevent over-harvesting or under-harvesting the common pool sub-ACLs. This action will implement a more restrictive DAS counting rate in the GOM and GB in order to ensure that the common pool sub-ACLs for GOM cod and white hake are not overharvested, and the biological and economic objectives of the FMP are met. Differential DAS, as well as a zero possession limit for witch flounder, help to prevent the sub-ACL for this stock from being further exceeded.

It is important to take this action immediately because, based on current data and projections, continuation of the status quo will result in exceeding at least some of the common pool sub-ACLs prior to the end of the fishing year. Attainment of any of the common pool sub-ACLs in FY 2010 would trigger accountability measures for the common pool in FY 2011. These future restrictions could result in the loss of yield of other valuable species caught by vessels in the common pool.

The updated catch information that is the basis for this action only recently became available. The time necessary to provide for prior notice and comment, and delayed effectiveness for this action, would prevent NMFS from implementing necessary restrictions in a timely manner. A resulting delay in the curtailment of catch rate of these stocks could result in less revenue for the fishing industry and be counter to the objective of achieving optimum yield.


Carrie Selberg,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2010–21986 Filed 8–30–10; 4:15 pm]
BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0910131362–0087–02]

RIN 0648–XY70

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch for vessels participating in the rockfish entry level fishery in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2010 total allowable catch (TAC) of Pacific ocean perch allocated to vessels participating in the rockfish entry level fishery in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 1, 2010, through 2400 hrs, A.l.t., December 31, 2010.


SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 2010 TAC of Pacific ocean perch allocated to vessels participating in the entry level rockfish fishery in the