NMFS is reallocating the projected unused amounts of Pacific cod from catcher vessels using trawl gear and catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line gear to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2011 total allowable catch of Pacific cod in the BSAI to be harvested. The Administrator, Alaska Region, NMFS, has determined that trawl catcher vessels will not be able to harvest 1,290 mt of the 2011 Pacific cod TAC allocated to those vessels under §679.20(a)(7)(ii)(A)(9). Therefore, in accordance with §679.20(a)(7)(iii)(A), NMFS reallocates 1,290 mt of Pacific cod from trawl catcher vessels to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

The 2011 Pacific cod total allowable catch (TAC) specified for vessels using trawl gear in the BSAI is 43,687 metric tons (mt) as established by the final 2011 and 2012 harvest specifications for groundfish in the BSAI (76 FR 11139, March 1, 2011) and reallocation (76 FR 29671, May 23, 2011). The Administrator, Alaska Region, NMFS, has determined that trawl catcher vessels will not be able to harvest 210 mt of the 2011 Pacific cod TAC allocated to those vessels under §679.20(a)(7)(ii)(A). Therefore, in accordance with §679.20(a)(7)(iii)(A), NMFS reallocates 210 mt of Pacific cod from catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear.
to catcher vessels less than 60 feet LOA using hook-and-line or pot gear.

The harvest specifications for Pacific cod included in the final 2011 harvest specifications for groundfish in the BSAI (76 FR 11139, March 1, 2011) are revised as follows: 42,397 mt to catcher vessels using trawl gear, 15 mt to catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear and 9,005 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot 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 to catcher vessels less than 60 feet LOA using hook-and-line or pot gear. Since the fishery is currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 23, 2011.

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: August 26, 2011.

James P. Burgess,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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