

proceeding due east. Any water and land to the south and west of that boundary is considered, for the purposes of monitoring and setting quotas, to be within the Gulf of Mexico region.

During the closure, retention of blacknose sharks and non-blacknose SCS in the Atlantic region is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit under § 635.4. However, persons aboard a commercially permitted vessel that is also properly permitted to operate as a charter vessel or headboat for HMS and is engaged in a for-hire trip could fish under the recreational retention limits for sharks and “no sale” provisions (§ 635.22(a) and (c)).

During this closure, a shark dealer issued a permit pursuant to § 635.4 may not purchase or receive blacknose sharks or non-blacknose SCS in the Atlantic region from a vessel issued an Atlantic Shark Limited Access Permit (LAP), except that a permitted shark dealer or processor may possess blacknose sharks and/or non-blacknose SCS in the Atlantic region that were harvested, off-loaded, and sold, traded, or bartered prior to the effective date of the closure and were held in storage consistent with § 635.28(b)(5). Similarly, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with relevant state regulations, purchase or receive blacknose sharks and/or non-blacknose SCS in the Atlantic region 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 prior notice and public comment for this action is impracticable and contrary to the public interest because the fisheries are currently underway and any delay in this action would result in overharvest of the quota and be inconsistent with management requirements and objectives. Similarly, affording prior notice and opportunity for public comment on this action is contrary to the public interest because if the quota is exceeded, the stock may be negatively affected and fishermen ultimately could 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: July 22, 2014.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 031125294-4091-02]

RIN 0648-XD238

#### Fisheries Off West Coast States; the Highly Migratory Species Fishery; Closure

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

**ACTION:** Inseason action; closure.

**SUMMARY:** We, NMFS, are immediately closing the Pacific loggerhead conservation area, prohibiting fishing with large mesh drift gillnet (DGN) gear (>14 in mesh) off the coast of southern California east of 120° West meridian through August 31, 2014. This prohibition is based on the Assistant Administrator for Fisheries' (AA) determination that El Niño conditions are occurring off the coast of southern California. This action protects Endangered Species Act (ESA) listed loggerhead sea turtles (*Caretta caretta*), specifically the endangered North Pacific Ocean Distinct Population Segment. Large mesh DGN fishing vessels must cease fishing east of 120° west on publication of this document.

**DATES:** Effective 12:01 a.m. Pacific Daylight Time (PDT) July 23, 2014 through 11:59 p.m., August 31, 2014.

**FOR FURTHER INFORMATION CONTACT:** Craig Heberer, West Coast Region, NMFS, (760) 431-9440, ext. 303; [craig.heberer@noaa.gov](mailto:craig.heberer@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The DGN fishery is managed under the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) (50 CFR part 660, subpart K). The fishery occurs off the coast of California. Our regulations provide that “No person may fish with, set, or haul back drift gillnet gear in U.S. waters of the Pacific Ocean east of the

120° W. meridian from June 1 through August 31 during a forecasted, or occurring, El Niño event off the coast of southern California.” 50 CFR 660.713(c)(2). This area, which falls within the southern California Bight (SCB), is referred to in the regulations as the Pacific loggerhead conservation area.

Under 50 CFR 660.713(c)(2)(ii), the AA is to make the determination that an El Niño event is forecasted or occurring off southern California, relying on information developed by NOAA offices such as the Climate Prediction Center (CPC) and the West Coast Office of the Coast Watch program. The AA is to use monthly sea surface temperature (SST) charts to determine whether there are warmer than normal SSTs off southern California “during the months prior to the closure months for years in which an El Niño event has been declared” by the CPC. The AA is also to specifically use SST data from the third and second months prior to the month of closure.

We published these regulations to protect ESA-listed loggerhead sea turtles in response to a reasonable and prudent alternative (RPA) included in our 2000 biological opinion on issuance of an incidental take permit under the Marine Mammal Protection Act. The consultation concluded that bycatch in the DGN fishery jeopardized the continued existence of the turtles and required the regulations to avoid jeopardy. We have not closed the Pacific loggerhead conservation area since the regulations were first published in 2003 because the AA has not determined El Niño conditions were occurring off the coast of southern California.

The CPC forecasts and declares when El Niño conditions exist based on conditions in equatorial waters, but does not forecast or declare when El Niño conditions exist off southern California. This year, based on monthly updates through July 10, 2014, the CPC has not declared an El Niño. The Coast Watch program publishes maps of SST off the California coast through the Environmental Research Division's Data Access Program.

On May 27, 2014, a working group of staff, including sea turtle biologists and oceanographers, from the NMFS West Coast Region (Region) and Southwest Fisheries Science Center (SWFSC) held a teleconference to discuss whether El Niño conditions were likely off the southern California coast during June, July, or August 2014. On May 8, 2014, the CPC had issued an *El Niño watch*, which means that conditions are favorable for the development of El Niño within the next six months, and

stated that the “chance of El Niño increases during the remainder of the year, exceeding 65% during summer.”

The working group also reviewed the SST anomalies in the SCB during March and April of 2014, relying on SST maps available through NOAA’s Coast Watch Program (for details see <http://coastwatch.pfeg.noaa.gov/erddap/index.html>). These maps indicated that SSTs were above normal in southern California. At that time, the working group concluded that a determination of El Niño conditions off southern California was not warranted because the equatorial forecasts appeared to indicate El Niño conditions would not be occurring during June.

On July 3, 2014, the working group met again. The CPC *El Niño watch* remained in effect at that time and remains in effect as of July 10, 2014 (the most recent monthly El Niño forecast published). Although the CPC has not yet declared an El Niño, the workgroup concluded that El Niño conditions are present off the coast of southern California based on SSTs that are warmer than normal during the third and second months prior to the month of the closure, consistent with 50 CFR 660.713(c)(2)(ii).

In addition, the working group noted the presence of loggerhead sea turtles in the SCB, including sightings off Los Angeles County and two stranded loggerhead sea turtles off San Diego County which had been reported by the NMFS stranding network. The working group also noted the sightings of other hard shelled turtles and other rarely seen species (e.g., sei whale and Brydes whale) in the SCB. This information further indicates El Niño conditions are occurring off the coast of southern California and also raises concerns that the DGN fishery would encounter loggerhead sea turtles.

Although the CPC has not declared an El Niño event is occurring, we find such a declaration is not a necessary condition for determining that El Niño conditions are occurring off the southern California coast. The regulations require us to rely on information developed by NOAA offices which monitor El Niño events in making our determination. On July 10, 2014, the CPC reported that “the chance of El Niño is about 70% during the Northern Hemisphere summer.” SST information from the Coast Watch program indicates SSTs off the southern California coast are warmer than normal. In addition, the intent of the regulations was to prevent bycatch of loggerhead sea turtles in the DGN fishery. The presence of loggerheads in the area indicates that closure of the

fishery meets the intent of the regulations and the RPA requiring their promulgation.

#### Classification

This action is required by 50 CFR 660.713 and is exempt from Office of Management and Budget review under Executive Order 12866.

NMFS 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) for the closure of the DGN fishery. For the reasons set forth below, notice and comment procedures are impracticable and contrary to the public interest. For the same reasons, NMFS also finds good cause under 5 U.S.C–553(d)(3) to waive the 30-day delay in effectiveness for this action. This measure responds to the best available information, some of which only became available in July, and is necessary for the conservation of loggerhead sea turtles. The closure period anticipated by the regulation ends, at the latest, on August 31st. A delay in effectiveness until early August may allow the fishery to interact with and injure or kill loggerhead sea turtles that may occur within the SCB during the time period in which the regulation was intended to protect loggerheads.

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

Dated: July 22, 2014.

**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 660

[Docket No. 140417346–4575–02]

RIN 0648–XD252

#### Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications

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

**ACTION:** Final rule; Closure of directed fishing for Pacific sardine notification.

**SUMMARY:** NMFS issues this final rule to implement the annual catch limit (ACL), and associated annual reference points for Pacific sardine in the U.S. exclusive

economic zone (EEZ) off the Pacific coast for the fishing season of July 1, 2014, through June 30, 2015. The 2014–2015 ACL for Pacific sardine is 23,293 metric tons (mt). The initial overall commercial fishing target that is to be allocated across the three allocation periods for sardine management is 19,293 mt. This amount will be divided across the three seasonal allocation periods for the directed fishery the following way: July 1–September 14—7,718 mt; September 15–December 31—4,823 mt; and January 1–June 30—6,752 mt, with an incidental set-aside of 500 mt for each of the three periods. These specifications were determined according to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). This rule is intended to conserve and manage the Pacific sardine stock off the U.S. West Coast. This rule also announces that the directed fishing harvest total for the first allocation period (July 1–September 14) has been reached and therefore directed fishing for Pacific sardine is now closed until September 15, 2014.

**DATES:** Effective July 23, 2014 through June 30, 2015, except for the directed harvest closure that is effective through September 14, 2014.

**ADDRESSES:** West Coast Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

**FOR FURTHER INFORMATION CONTACT:** Joshua Lindsay, West Coast Region, NMFS, (562) 980–4034.

**SUPPLEMENTARY INFORMATION:** During public meetings each year, the estimated biomass for Pacific sardine is presented to the Pacific Fishery Management Council’s (Council) CPS Management Team (Team), the Council’s CPS Advisory Subpanel (Subpanel) and the Council’s Scientific and Statistical Committee (SSC), and the biomass and the status of the fishery are reviewed and discussed. The biomass estimate is then presented to the Council along with the calculated overfishing limit (OFL), available biological catch (ABC), and harvest guideline (HG), along with recommendations and comments from the Team, Subpanel, and SSC. Following review by the Council and after hearing public comment, the Council adopts a biomass estimate and makes its catch level recommendations to NMFS.

The purpose of this final rule is to implement the ACL and other annual catch reference points for 2014–2015, including the OFL and an ABC that takes into consideration uncertainty surrounding the current estimate of biomass for Pacific sardine in the U.S. EEZ off the Pacific coast. The CPS FMP