

enhancing social and economic benefits to the fishery.

**DATES:** The extension is effective 12:01 a.m., local time, September 16, 2014, until 12:01 a.m., local time, October 4, 2014. The season will then be closed until it reopens on January 1, 2015, the beginning of the 2015 recreational fishing season, unless further notification is published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Rich Malinowski, Southeast Regional Office, telephone 727-824-5305, email [rich.malinowski@noaa.gov](mailto:rich.malinowski@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf, which includes red grouper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All weights specified in this rule are gutted weight.

The Gulf red grouper recreational ACL is 1,900,000 lb (861,826 kg), and the recreational ACT is 1,730,000 lb (784,715 kg), as specified in 50 CFR 622.41(e)(2)(iv). The recreational ACL and ACT for red grouper were implemented through Amendment 32 to the FMP (77 FR 6988, February 10, 2012). Red grouper are not overfished, based on the most recent Status of U.S. Fisheries Report to Congress.

NMFS determined that the 2013 recreational landings exceeded the 2013 recreational ACL of 1,900,000 lb (861,826 kg) by 492,113 lb (223,219 kg) and implemented post-season AMs through a temporary rule published on April 30, 2014 (79 FR 24353). In accordance with regulations at 50 CFR 622.41(e)(2)(ii), that temporary rule reduced the bag limit for Gulf red grouper from four to three fish (within the four-fish grouper aggregate bag limit) and reduced the recreational fishing season for Gulf red grouper for the 2014 fishing year to ensure landings do not exceed the recreational ACT.

NMFS now has updated landings data for recreational red grouper for the 2014 fishing year and has determined that landings were less than projected. Therefore, NMFS is extending the recreational fishing season for red grouper through this temporary rule. The extension is effective 12:01 a.m., local time, September 16, 2014, until 12:01 a.m., local time, October 4, 2014. The season will then be closed until it reopens on January 1, 2015, the

beginning of the 2015 recreational fishing season, unless further notification is published in the **Federal Register**.

During the recreational sector closure, the bag and possession limit for red grouper in or from the Gulf EEZ is zero. This bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.* in state or Federal waters.

The recreational sector for red grouper will reopen on January 1, 2015, the beginning of the 2015 recreational fishing season. The 2015 bag limit for red grouper will return to four fish, as specified at 50 CFR 622.38(b)(2), unless AMs are implemented due to a recreational ACL overage in 2014, or the Council takes subsequent regulatory action to adjust the bag limit.

#### Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf red grouper and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.41(e)(2)(ii) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule. Such procedures are unnecessary because the final rule for Amendment 32 to the FMP (77 FR 6988, February 10, 2012) that established the recreational ACL, ACT, and AMs has already been subject to notice and comment, and all that remains is to notify the public that additional harvest remains on the established recreational ACT and, therefore, the recreational fishing season for Gulf red grouper will be extended for 18 additional days.

This rule relieves a restriction by extending the recreational fishing season for red grouper. Because it relieves a restriction, this rule is not subject to the 30-day delayed effectiveness provision of 5 U.S.C. 553(d)(1).

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

Dated: September 8, 2014.

**Emily H. Menashes,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 131021878-4158-02]

RIN 0648-XD496

#### Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

**ACTION:** Temporary rule.

**SUMMARY:** NMFS is reallocating the projected unused amounts of the Aleut Corporation's pollock directed fishing allowance from the Aleutian Islands subarea to the Bering Sea subarea directed fisheries. These actions are necessary to provide opportunity for harvest of the 2014 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 12, 2014, until 2400 hrs, A.l.t., December 31, 2014.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7269.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone 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 (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.

In the Aleutian Islands subarea, the portion of the 2014 pollock total allowable catch (TAC) allocated to the Aleut Corporation's directed fishing allowance (DFA) is 7,350 metric tons (mt) as established by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014), and through

reallocation (79 FR 12959, March 7, 2014).

As of September 4, 2014, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 4,000 mt of Aleut Corporation's DFA will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 4,000 mt of Aleut Corporation's DFA from the Aleutian Islands subarea to the 2014 Bering Sea subarea allocations. The 4,000 mt of

pollock is apportioned to the AFA Inshore sector (50 percent), AFA catcher/processor sector (40 percent), and the AFA mothership sector (10 percent). The 2014 Bering Sea pollock incidental catch allowance remains at 38,770 mt. As a result, the harvest specifications for pollock in the Aleutian Islands subarea included in the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014), and revised (79 FR 12959, March 7,

2014), are further revised as follows: 3,350 mt to Aleut Corporation's DFA. Furthermore, pursuant to § 679.20(a)(5), Table 3 of the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014), and revised (79 FR 12959, March 7, 2014), is further revised to make 2014 pollock allocations consistent with this reallocation. This reallocation results in an adjustment to the 2014 Aleut Corporation allocation established at § 679.20(a)(5).

TABLE 3—FINAL 2014 AND 2015 ALLOCATIONS OF POLLOCK TAGS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>

[Amounts are in metric tons]

Area and sector	2014 Allocations	2014 A season <sup>1</sup>		2014 B season <sup>1</sup>	2015 Allocations	2015 A season <sup>1</sup>		2015 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bering Sea subarea	1,280,650	n/a	n/a	n/a	1,258,000	n/a	n/a	n/a
CDQ DFA	128,600	51,440	36,008	77,160	125,800	50,320	35,224	75,480
ICA <sup>1</sup>	38,770	n/a	n/a	n/a	38,495	n/a	n/a	n/a
AFA Inshore	556,640	222,656	155,859	333,984	546,853	218,741	153,119	328,112
AFA Catcher/Processors <sup>3</sup>	445,312	178,125	124,687	267,187	437,482	174,993	122,495	262,489
Catch by C/Ps	407,460	162,984	n/a	244,476	400,296	160,118	n/a	240,178
Catch by CVs <sup>3</sup>	37,852	15,141	n/a	22,711	37,186	14,874	n/a	22,312
Unlisted C/P Limit <sup>4</sup>	2,227	891	n/a	1,336	2,187	875	n/a	1,312
AFA Motherships	111,328	44,531	31,172	66,797	109,371	43,748	30,624	65,622
Excessive Harvesting Limit <sup>5</sup>	194,824	n/a	n/a	n/a	191,398	n/a	n/a	n/a
Excessive Processing Limit <sup>6</sup>	333,984	n/a	n/a	n/a	328,112	n/a	n/a	n/a
Total Bering Sea DFA	1,113,280	445,312	311,718	667,968	1,093,705	437,482	306,237	656,223
Aleutian Islands subarea <sup>1</sup>	5,350	n/a	n/a	n/a	19,000	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0	1,900	760	n/a	1,140
ICA	2,000	1,000	n/a	1,000	2,000	1,000	n/a	1,000
Aleut Corporation	3,350	3,350	n/a	0	15,100	14,005	n/a	1,095
Bogoslof District ICA <sup>7</sup>	75	n/a	n/a	n/a	75	n/a	n/a	n/a

<sup>1</sup> Pursuant to § 679.20(a)(5)(i)(A), the BS subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.4 percent), is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the BS subarea, 40 percent of the DFA is allocated to the A season (January 20–June 10) and 60 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,000 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

<sup>2</sup> In the BS subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

<sup>3</sup> Pursuant to § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

<sup>4</sup> Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

<sup>5</sup> Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

<sup>6</sup> Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

<sup>7</sup> The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

**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 AI pollock. Since the pollock fishery is currently open, it is important to immediately inform the industry as to the final Bering Sea subarea pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing

season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 4, 2014.

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: September 8, 2014.

**Emily H. Menashes,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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