

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 150916863–6211–02]

RIN 0648–XE969

**Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is exchanging unused flathead sole and rock sole Community Development Quota (CDQ) for yellowfin sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2016 total allowable catch of yellowfin sole in

the Bering Sea and Aleutian Islands management area to be harvested.

**DATES:** Effective October 21, 2016 through December 31, 2016.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (BSAI) 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 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 2016 flathead sole, rock sole, and yellowfin sole CDQ reserves specified in the BSAI are 1,537 metric tons (mt), 5,215 mt, and 17,013 mt as established by the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016)

and following revision (81 FR 69442, October 6, 2016). The 2016 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 5,552 mt, 12,023 mt, and 5,639 mt as established by the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016) and following revision (81 FR 69442, October 6, 2016).

The Bristol Bay Economic Development Corporation has requested that NMFS exchange 304 mt of flathead sole and 245 mt of rock sole CDQ reserves for 549 mt of yellowfin sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 304 mt of flathead sole, 245 mt of rock sole CDQ reserves for 549 mt of yellowfin sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016), and following revision (81 FR 69442, October 6, 2016), are revised as follows:

**TABLE 11—FINAL 2016 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS**

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC .....	7,900	7,000	9,000	16,086	54,935	151,079
CDQ .....	845	749	963	1,233	4,970	17,562
ICA .....	200	75	10	5,000	6,000	3,500
BSAI trawl limited access .....	685	618	161	0	0	14,979
Amendment 80 .....	6,169	5,558	7,866	9,853	43,965	115,038
Alaska Groundfish Cooperative .....	3,271	2,947	4,171	1,411	11,129	43,748
Alaska Seafood Cooperative .....	2,898	2,611	3,695	8,442	32,836	71,290

**Note:** Sector apportionments may not total precisely due to rounding.

**TABLE 13—FINAL 2016 AND 2017 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE**

[Amounts are in metric tons]

Sector	2016 Flathead sole	2016 Rock sole	2016 Yellowfin sole	2017 Flathead sole	2017 Rock sole	2017 Yellowfin sole
ABC .....	66,250	161,100	211,700	64,580	145,000	203,500
TAC .....	16,086	54,935	151,079	21,000	57,100	144,000
ABC surplus .....	50,164	106,165	60,621	43,580	87,900	59,500
ABC reserve .....	50,164	106,165	60,621	43,580	87,900	59,500
CDQ ABC reserve .....	5,856	12,268	5,090	4,663	9,405	6,367
Amendment 80 ABC reserve .....	44,308	93,897	55,531	38,917	78,495	53,134
Alaska Groundfish Cooperative for 2016 <sup>1</sup> .....	4,145	22,974	24,019	n/a	n/a	n/a
Alaska Seafood Cooperative for 2016 <sup>1</sup> ..	40,163	70,923	31,512	n/a	n/a	n/a

<sup>1</sup> The 2017 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2016.

**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 flatfish exchange by the

Bristol Bay Economic Development Corporation in the BSAI. Since these fisheries are 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 October 12, 2016.

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: October 17, 2016.

**Emily H. Menashes,**

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

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