

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 120404257–3325–02]

RIN 0648–XF382

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2017 Commercial Accountability Measure and Closure for South Atlantic Golden Tilefish Longline Component

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure for the commercial longline component for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial longline landings for golden tilefish are projected to reach the longline component's commercial annual catch limit (ACL) on May 2, 2017. Therefore, to provide sufficient notice to fishermen, NMFS closes the commercial longline component for golden tilefish in the South Atlantic EEZ on May 9, 2017, and it will remain closed until the start of the next fishing year, January 1, 2018. This closure is necessary to protect the golden tilefish resource.

DATES: This rule is effective 12:01 a.m., local time, May 9, 2017, until 12:01 a.m., local time, January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On April 23, 2013, NMFS published a final rule to implement Amendment 18B to the FMP (78 FR 23858). Amendment 18B established a longline endorsement program for the commercial golden tilefish component of the snapper-grouper fishery and allocated the commercial golden tilefish

ACL (equivalent to the commercial quota) between two gear groups: The longline and hook-and-line components as commercial quotas.

The commercial quota for the longline component for golden tilefish in the South Atlantic is 405,971 lb (184,145 kg), gutted weight, for the current fishing year, January 1 through December 31, 2017, as specified in 50 CFR 622.190(a)(2)(iii).

Under 50 CFR 622.193(a)(1)(ii), NMFS is required to close the commercial longline component for golden tilefish when the longline component's commercial quota has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. After the commercial quota for the longline component is reached or projected to be reached, golden tilefish may not be commercially fished or possessed by a vessel with a golden tilefish longline endorsement. NMFS has determined that the commercial quota for the golden tilefish longline component in the South Atlantic will be reached on May 2, 2017. Accordingly, to provide sufficient notice to fishermen, the commercial longline component for South Atlantic golden tilefish is closed effective 12:01 a.m., local time, May 9, 2017, until 12:01 a.m., local time, January 1, 2018.

During the commercial longline closure, golden tilefish may still be harvested commercially using hook-and-line gear. However, a vessel with a golden tilefish longline endorsement is not eligible to fish for or possess golden tilefish using hook-and-line gear under the hook-and-line commercial trip limit, as specified in 50 CFR 622.191(a)(2)(ii). The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish having golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m., local time, May 9, 2017. During the commercial longline closure, the recreational bag limit and possession limits specified in 50 CFR 622.187(b)(2)(iii) and (c)(1), respectively, apply to all harvest or possession of golden tilefish in or from the South Atlantic EEZ by a vessel with a golden tilefish longline endorsement. The sale or purchase of longline-caught golden tilefish taken from the EEZ is prohibited during the commercial longline closure. The prohibition on sale or purchase does not apply to the sale or purchase of longline-caught golden tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, May 9, 2017, and those that were held in cold storage by a

dealer or processor. Additionally, the recreational bag and possession limits and the sale and purchase provisions of the commercial closure apply to a person on board a vessel with a golden tilefish longline endorsement, regardless of whether the golden tilefish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of South Atlantic golden tilefish and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(a)(1)(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.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the commercial longline component for golden tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures for this temporary rule would be unnecessary and contrary to the public interest. Such procedures are unnecessary, because the regulations at 50 CFR 622.193(a)(1)(ii) have already been subject to notice and comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment on this action are contrary to the public interest, because there is a need to immediately implement this action to protect the golden tilefish resource since the capacity of the fishing fleet allows for rapid harvest of the commercial quota for the longline component. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial quota for the longline component.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: May 3, 2017.

Karen H. Abrams,
Acting Deputy 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. 161128999-7428-02]

RIN 0648-BG47

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures for the 2017 Tribal and Non-Tribal Fisheries for Pacific Whiting

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule for the 2017 Pacific whiting fishery under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP), the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and the Pacific Whiting Act of 2006. This final rule announces the 2017 U.S. Total Allowable Catch (TAC) of 441,433 metric tons (mt) of Pacific whiting, establishes a set-aside for research and bycatch of 1,500 mt, and announces Pacific whiting allocations shown in Table 1 (see **SUPPLEMENTARY INFORMATION**) to the tribal and non-tribal fisheries for 2017. This rule will ensure that the 2017 Pacific whiting fishery is managed in accordance with the goals and objectives of the Magnuson-Stevens Act, the FMP, the Pacific Whiting Act of 2006, and other applicable laws.

DATES: Effective May 8, 2017.

FOR FURTHER INFORMATION CONTACT: Miako Ushio (West Coast Region, NMFS), phone: 206-526-4644, and email: Miako.Ushio@noaa.gov.

SUPPLEMENTARY INFORMATION:

TABLE 1—2017 PACIFIC WHITING ALLOCATIONS

Sector	2017 Pacific whiting allocation (mt)
Tribal	77,251

TABLE 1—2017 PACIFIC WHITING ALLOCATIONS—Continued

Sector	2017 Pacific whiting allocation (mt)
Catcher/Processor (C/P) Coop Program	123,312
Mothership Coop Program ...	87,044
Shorebased IFQ Program	152,327

Electronic Access

This final rule is accessible via the Internet at the Office of the Federal Register Web site at <https://www.federalregister.gov>. Background information and documents are available at the NMFS West Coast Region Web site at http://www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific_whiting.html and at the Pacific Fishery Management Council's Web site at <http://www.pcouncil.org/>.

The final environmental impact statement (FEIS) regarding Harvest Specifications and Management Measures for 2015–2016 and Biennial Periods Thereafter, and the Final Environmental Assessment for Pacific Coast Groundfish Harvest Specifications and Management Measures for 2017–2018 and Amendment 27 to the Pacific Coast Groundfish Fishery Management Plan, are available on the NMFS West Coast Region Web site at: www.westcoast.fisheries.noaa.gov/publications/nepa/groundfish/groundfish_nepa_documents.html and copies are available from Chuck Tracy, Executive Director, Pacific Fishery Management Council (Council), 7700 NE Ambassador Place, Portland, OR 97220, phone: 503-820-2280.

Background

This final rule announces the TAC for Pacific whiting, which was determined under the terms of the Agreement with Canada on Pacific Hake/Whiting (the Agreement) and the Pacific Whiting Act of 2006 (the Whiting Act), 16 U.S.C. 7001–7010. The Agreement and the Whiting Act establish bilateral bodies to implement the terms of the Agreement, each with various responsibilities, including: The Joint Management Committee (JMC), which is the decision-making body; the Joint Technical Committee (JTC), which conducts the stock assessment; the Scientific Review Group (SRG), which reviews the stock assessment; and the Advisory Panel (AP), which provides stakeholder input to the JMC (The Agreement, Art. II; 16 U.S.C. 7001–7005). The Agreement establishes a default harvest policy (F–

40 percent with a 40/10 adjustment, where F–40 percent means the average fishing mortality rate at which biomass is at 40 percent of its estimated unfished level) and allocates 73.88 percent of the TAC to the United States and 26.12 percent of the TAC to Canada (The Agreement, Art. III). The JMC is primarily responsible for developing a TAC recommendation to the Parties (United States and Canada). The Secretary of Commerce, in consultation with the Secretary of State, has the authority to accept or reject this recommendation.

Historic Catch

Coastwide Pacific whiting fishery landings averaged 226,439 mt from 1966 to 2016, with a low of 89,930 mt in 1980 and a peak of 363,135 mt in 2005. The coastwide catch in 2016 was 329,427 mt of a 497,500 mt coastwide TAC, the highest since 2005, and 68 percent higher than the catch in 2015. The 2010 cohort (age-6 fish) was the numerically dominant cohort in Canadian fishery catches in 2016, while the 2014 cohort (age-2 fish) was the numerically dominant cohort in U.S. fishery catches. The 2016 U.S. harvest represented 71 percent of its allocation and Canada harvested 54 percent of its allocation.

In the U.S., the Makah Tribe was initially allocated 64,322 mt Pacific whiting for 2016, of which 34,000 mt was reallocated inseason to non-Tribal sectors on September 15, 2016 (82 FR 12922). The Makah tribe caught approximately 2,500 mt of Pacific whiting in 2016. The U.S. non-tribal sectors catch compared to their final allocations were: Catcher-Processor: 108,786 of 114,149 mt; Mothership: 65,035 of 80,575 mt; and Shorebased: 85,293 of 141,007 mt.

2017 Pacific Whiting Stock Assessment

The JTC prepared the stock assessment document “Status of Pacific hake (whiting) stock in U.S. and Canadian waters in 2017,” dated February 22, 2017. This assessment presents a model that depends primarily upon an acoustic survey biomass index and on catches of the transboundary Pacific whiting stock to estimate the biomass of the current stock. The most recent survey was conducted in 2015. As with past surveys, it was conducted collaboratively between the Department of Fisheries and Oceans Canada and NMFS.

The stock is currently estimated to be at its highest level since the 1980s as a result of large 2010 and 2014 cohorts. The female spawning biomass estimate is above 2 million mt, an estimated 89 percent of the unfished levels. As with