

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 160920861–8031–03]

RIN 0648–XE900

**Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; 2018 Atlantic Deep-Sea Red Crab Specifications**

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

**ACTION:** Final rule.

**SUMMARY:** We are implementing specifications for the 2018 Atlantic deep-sea red crab fishery, including an annual catch limit and total allowable landings limit. This action is necessary to implement allowable red crab harvest levels that will prevent overfishing and allow harvesting of optimum yield. This action is intended to establish the allowable 2018 harvest levels, consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan.

**DATES:** The final specifications for the 2018 Atlantic deep-sea red crab fishery are effective March 5, 2018, through February 28, 2019.

**FOR FURTHER INFORMATION CONTACT:** Allison Murphy, Fishery Policy Analyst, (978) 281–9122.

**SUPPLEMENTARY INFORMATION:** The Atlantic deep-sea red crab fishery is managed by the New England Fishery Management Council. The Atlantic Deep-Sea Red Crab Fishery Management Plan includes a specification process that requires the New England Fishery Management Council to recommend, on a triennial basis, an acceptable biological catch, an annual catch limit, and total allowable landings. Collectively, these are the red crab specifications. Prior to the start of fishing year 2017, the Council recommended status quo specifications for the 2017–2019 fishing years (Table 1).

TABLE 1—COUNCIL-APPROVED 2017–2019 RED CRAB SPECIFICATIONS

	Metric ton	Million lb
Maximum Sustainable Yield .....	undetermined	
Overfishing Limit .....	undetermined	
Optimum Yield .....	undetermined	
Acceptable Biological Catch .....	1,775	3.91
Annual Catch Limit .....	1,775	3.91
Total Allowable Landings .....	1,775	3.91

On February 22, 2017, we approved status quo specifications for the 2017 fishing year, effective through February 28, 2018, and we projected status quo quotas for 2018–2019 (82 FR 11322). At the end of each fishing year, we evaluate catch information and determine if the quota has been exceeded. If a quota is exceeded, the regulations at 50 CFR 648.262(b) require a pound-for-pound reduction in a subsequent fishing year. We have reviewed available 2017 fishery information against the projected 2018 specifications. There have been no annual catch limit or total allowable landings overages, nor is there any new biological information that would require altering the projected 2018 specifications. Because no overages occurred in 2017, we are announcing the final specifications for fishing year 2018, as projected in the 2017 specifications rule (82 FR 11322), and outlined above in Table 1. These specifications are not expected to result in overfishing and adequately account for scientific uncertainty.

The 2018 fishing year starts on March 1, 2018. The fishery management plan allows for the previous year’s specifications to remain in place until replaced by a subsequent specifications action (rollover provision). As a result, the 2017 specifications, also 1,775 mt, remain in effect until replaced by the

2018 specifications included in this rule.

We will publish notice in the **Federal Register** of any revisions to these specifications if an overage occurs in 2018 that would require adjusting the 2019 projected specifications. We will provide notice of the final 2019 specifications prior to the March 1, 2019, start of the fishing year.

**Classification**

The NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

This rule is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), we find good cause to waive prior public notice and opportunity for public comment on the catch limit and allocation adjustments because allowing time for notice and comment is unnecessary. The proposed rule provided the public with the opportunity to comment on the 2017–2019 specifications, including the projected 2018 and 2019 specifications (81 FR 86687, December 1, 2016). No comments were received on the proposed rule, and this final rule contains no changes from the projected

2018 specifications that were included in both the December 1, 2016, proposed rule and the February 22, 2017, final rule. The public and industry participants expect this action, because previously, in both the proposed rule and the final rule, we alerted the public that we would conduct a review of the latest available catch information in each of the interim years of the multi-year specifications, and announce the final quota prior to the March 1 start of the fishing year. Thus, the proposed and final rules that contained the projected 2017–2019 specifications provided a full opportunity for the public to comment on the substance and process of this action.

The Chief Counsel for Regulation, Department of Commerce, previously certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that the 2017–2019 red crab specifications would not have a significant economic impact on a substantial number of small entities. Implementing status quo specifications for 2018 will not change the conclusions drawn in that previous certification to the SBA. Because advance notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C.

601, *et seq.*, do not apply to this rule. Therefore, no new regulatory flexibility analysis is required and none has been prepared.

This action does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act.

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

Dated: January 30, 2018.

**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. 160808696-7010-02]

RIN 0648-BH47

#### Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2017-18 Biennial Specifications and Management Measures; Inseason Adjustments

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

**ACTION:** Final rule; inseason adjustments to biennial groundfish management measures.

**SUMMARY:** This final rule announces inseason changes to management measures in the Pacific Coast groundfish fisheries. This action, which is authorized by the Pacific Coast Groundfish Fishery Management Plan (PCGFMP), is intended to allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks.

**DATES:** This final rule is effective February 2, 2018.

**FOR FURTHER INFORMATION CONTACT:** Karen Palmigiano, phone: 206-526-4491, fax: 206-526-6736, or email: [karen.palmigiano@noaa.gov](mailto:karen.palmigiano@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This rule is accessible via the internet at the Office of the Federal Register website at <https://www.federalregister.gov>. Background information and documents are available at the Pacific Fishery

Management Council's website at <http://www.pcouncil.org/>.

#### Background

The PCGFMP and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subparts C through G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. Groundfish specifications and management measures are developed by the Pacific Fishery Management Council (Council), and are implemented by NMFS.

The final rule to implement the 2017-18 harvest specifications and management measures for most species of the Pacific coast groundfish fishery was published on February 7, 2017 (82 FR 9634).

The Council, in coordination with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, recommended the following changes to current groundfish management measures at its November 13-20, 2017, meeting: (1) Increasing the big skate trip limits for the shorebased individual fishing quota (IFQ) program, (2) decreasing the sablefish trip limits for limited entry fixed gear (LEFG) and open access (OA) daily trip limit (DTL) fisheries north of 36° North Latitude (N lat.), and (3) increasing the lingcod trip limits for the LEFG and OA fisheries north of 40°10' N lat.

#### *Big Skate Trip Limits for the Shorebased IFQ Program*

At the November 2017 Council meeting, the Council's Groundfish Advisory Subpanel (GAP) recommended higher trip limits for big skate for the shorebased IFQ program in 2018. For 2017-18, the annual catch limit (ACL) was set at 494 metric tons (mt), the fishery harvest guideline (HG) was 437 mt, and the trawl allocation was 414.8 mt, which includes big skate caught by the at-sea fleet. Bi-monthly trip limits for 2017-18 were set at 5,000 pounds (lbs) (January-February), 25,000 lbs (March-April), 30,000 lbs (May-June), 35,000 lbs (July-August), 10,000 lbs (September-October), and 5,000 lbs (November-December).

In November 2017, based on the partial catch data for 2017, the Groundfish Management Team (GMT) estimated that attainment of big skate in the IFQ fishery would be 88 percent for 2018, approximately 365 mt. Given that the projected attainment of big skate was approaching full attainment with status quo trip limits, the GMT modeled modest increases in trip limits for 2018 using the 2016 Groundfish Mortality Report data and 2017 catch data. The

GMT's use of the additional 2017 catch data changed the projected 2018 annual targets relative to the original annual targets that were used to set the 2017-18 big skate trip limits. The two trip limit alternatives modeled by the GMT would result in higher estimated attainments (94 and 98 percent) of big skate than the estimated 88 percent attainment under the status quo trip limits. In order to maximize opportunity for vessels and increase attainment, the Council recommended and NMFS is implementing, by modifying Tables 1 (North and South) to part 660, subpart D, the following trip limits for big skate in the IFQ program: Period 1, 5,000 lbs, Period 2, 30,000 lbs, Period 3, 35,000 lbs, Period 4, 40,000 lbs, Period 5, 15,000 lbs, and Period 6, 5,000 lbs. These increased trip limits are expected to increase projected attainment of the big skate IFQ allocation to 98 percent in 2018.

#### *LEFG and OA Sablefish DTL Fisheries North of 36° N Lat.*

Sablefish are distributed coastwide with harvest specifications split north and south of 36° N lat. Trip limits in the LEFG and OA DTL fisheries, for species such as sablefish, are intended to keep attainment of the non-trawl HG within the ACL. The trip limits for sablefish for 2017-18 were established through the final rule for the 2017-18 harvest specifications (82 FR 9634) based on catch data through 2015.

Inseason catch data from 2017 suggested possible under-attainment of the sablefish non-trawl HG. During the September 2017 Council meeting, the GMT made model-based landings projections for the LEFG and OA sablefish DTL fisheries north of 36° N lat. for the remainder of 2017 to assist the Council in evaluating potential increases to sablefish trip limits. These projections used the most recent information available, including inseason catch data from 2017, and showed under-attainment of the 2017 sablefish non-trawl HG. Based on these projections, the LEFG and OA sablefish trip limits were raised through an inseason action on October 19, 2017 (82 FR 48656). The 2017 trip limits established through the September inseason action for LEFG and OA sablefish remain in place for 2018 until changed.

At the November 2017 Council meeting, the GMT updated the projections for the attainment of the sablefish HG for 2018 with data through October 31, 2017. These projections showed possible attainment of the sablefish allocation between 95.2 and 125.2 percent for the LEFG fishery, and