

all non-zero forecast abundance. Because of this feature, this action is unlikely to result in fishery closure in the analysis area. The selected alternative also provides increased certainty to operators over the status quo, in which the Council has elected lower impact rates than specified by the current control rule. Therefore, this action would be expected to have a positive impact of low magnitude on economic benefits to fishery-dependent communities that would vary year-to-year, but not likely to be significant.

Commercial trollers and charter operators face a variety of constraining stocks. In no year has SWRC been the only constraining stock. Entities are constrained by both ESA-listed and non-listed species; the years that had the most constrained fisheries in the last decade were 2008 and 2009, when fisheries in the analysis area were closed to limit impacts to Sacramento River fall Chinook, not an ESA-listed species, rather than the ESA-listed species SRWC. Thus, while entities will likely continue to face constraints relative to fishing opportunities, because the action is expected to provide low-positive benefits to both commercial and charter operators, NMFS does not expect the rule to impose significant negative economic effects.

This final rule does not establish any new reporting or recordkeeping requirements. This final rule does not include a collection of information. No Federal rules have been identified that duplicate, overlap, or conflict with this action.

This action is the subject of a consultation under section 7 of the ESA. NMFS has prepared a biological opinion on the effects of this action on SRWC. The biological opinion concluded that the action does not jeopardize SRWC. This action is not expected to have adverse effects on any other species listed under the ESA or designated critical habitat. This action implements a new harvest control rule to limit impacts on SRWC from the ocean salmon fishery and will be used in the setting of annual management measures for West Coast salmon fisheries. NMFS has current ESA biological opinions that cover fishing under annual regulations adopted under the FMP on all ESA-listed salmon species. Some of NMFS past biological opinions have found no jeopardy, and others have found jeopardy, but provided reasonable and prudent alternatives to avoid jeopardy. The annual management measures are designed to be consistent with the biological opinions that found no jeopardy, and with the reasonable and

prudent alternatives in the jeopardy biological opinions.

The AA finds that good cause exists under 5 U.S.C. 553(d)(3), to waive the 30-day delay in effectiveness. This rule implements changes in management measures to limit incidental catch of endangered SRWC in fisheries managed under the Council's FMP; these management measures will be used in setting ocean salmon fisheries, beginning in 2018. As previously discussed, the actions in this rule were developed through the Council process. The actions were adopted by the Council over multiple Council meetings and the final recommendation was transmitted to NMFS in December 2017. Subsequently, NMFS completed a draft NEPA analysis to accompany the proposed rule. In order to complete this work and include a meaningful public comment opportunity on the proposed rule, this rulemaking could not be completed sooner. The Council developed 2018 ocean salmon fishery management measures at their April 5–11, 2018 meeting based on the new management framework described in this rule. Delaying the effectiveness of the actions in this rule by 30 days would complicate NMFS' ability to make determinations regarding those ocean salmon fishery management measures that manage fishery impacts on SRWC consistent with the best available science prior to May 1, 2018, when significant salmon fisheries start. Because delaying the effectiveness of this rule would mean delaying the effectiveness of salmon fishery management measures based on the best available science, it would undermine the purposes of this agency action and the requirements of the Magnuson-Stevens Act (MSA). Specifically, the management framework described in this rule relies on new abundance forecasting methodology that is forward-looking and thus takes into account environmental conditions that could affect abundance in the future. This is the best available science on which to base decisions about fishery impacts on SRWC.

This final rule was developed after meaningful collaboration with West Coast tribes, through the Council process. Under the MSA at 16 U.S.C. 1852(b)(5), one of the voting members of the Council must be a representative of an Indian Tribe with Federally recognized fishing rights from the area of the Council's jurisdiction. No tribes with Federally recognized fishing rights are expected to be affected by this rule.

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

Dated: April 23, 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 679

[Docket No. 170816769–8162–02]

RIN 0648–XG192

#### Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the second seasonal apportionment of the Pacific halibut bycatch allowance specified for the deep-water species fishery in the GOA will be reached.

**DATES:** Effective 1200 hours, Alaska local time, April 23, 2018, through 1200 hours, A.l.t., May 15, 2018.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 second seasonal apportionment of the Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA is 256 metric tons as established by the final 2018 and 2019 harvest specifications for groundfish of the GOA (83 FR 8768, March 1, 2018), for the period 1200 hours, A.l.t., April 1, 2018, through 1200 hours, A.l.t., July 1, 2018.

In accordance with § 679.21(d)(6)(i), the Administrator, Alaska Region,

NMFS, has determined that the second seasonal apportionment of the Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA will be reached. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery include sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder. This closure does not apply to fishing by vessels participating in the cooperative fishery in the Rockfish Program for the Central GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### 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 closure of the deep-water species fishery by vessels using trawl gear in the GOA. NMFS was unable to publish a notice providing time for

public comment because the most recent, relevant data only became available as of April 20, 2018.

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 § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: April 23, 2018.

**Jennifer M. Wallace,**

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

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