

public that safety zone two is being enforced.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated on-scene representative.

(2) These safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or a designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Lake Michigan to act on his or her behalf.

(4) Vessel operators desiring to enter or operate within the safety zones shall contact the Captain of the Port Lake Michigan or an on-scene representative to obtain permission to do so. The Captain of the Port Lake Michigan or an on-scene representative may be contacted via VHF Channel 16 or alternatively they may contact the Captain of the Port Lake Michigan via landline at 414-717-7182. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port Lake Michigan, or an on-scene representative.

Dated: April 11, 2018.

**Thomas J. Stuhlfreyer,**

*Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 150121066-5717-02]

**RIN 0648-XG163**

**Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason Angling category retention limit adjustment.

**SUMMARY:** NMFS has determined that the Atlantic bluefin tuna (BFT) daily retention limit that applies to vessels permitted in the Highly Migratory Species (HMS) Angling category and the HMS Charter/Headboat category (when fishing recreationally for BFT) should be adjusted for the remainder of 2018, based on consideration of the regulatory determination criteria regarding inseason adjustments. NMFS is adjusting the Angling category BFT daily retention limit from the default of one school, large school, or small medium BFT to two school BFT and one large school/small medium BFT per vessel per day/trip for private vessels with HMS Angling category permits; and to three school BFT and one large school/small medium BFT per vessel per day/trip for vessels with HMS Charter/Headboat permits when fishing recreationally. These retention limits are effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeted fishing for BFT.

**DATES:** Effective April 26, 2018, through December 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin or Brad McHale, (978) 281-9260.

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and amendments, and in accordance with implementing

regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

As a method for limiting fishing mortality on juvenile BFT, ICCAT recommends a tolerance limit on the annual harvest of BFT measuring less than 115 centimeters (cm) (45.3 inches) (straight fork length) to no more than 10 percent by weight of a Contracting Party’s total BFT quota. Any overharvest of such tolerance limit from one year must be subtracted from the tolerance limit applicable in the next year or the year after that. The United States implements this provision by limiting the harvest of school BFT (measuring 27 to less than 47 inches curved fork length) as appropriate to not exceed the 10-percent limit.

The currently codified baseline U.S. quota is 1,058.9 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). See § 635.27(a). The currently codified Angling category quota is 195.2 mt (108.4 mt for school BFT, 82.3 mt for large school/small medium BFT, and 4.5 mt for large medium/giant BFT).

The 2018 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2018. The Angling category season opened January 1, 2018, and continues through December 31, 2018. The size classes of BFT are summarized in Table 1. Please note that large school and small medium BFT traditionally have been managed as one size class, as described below, *i.e.*, a limit of one large school/small medium BFT (measuring 47 to less than 73 inches). Currently, the default Angling category daily retention limit of one school, large school, or small medium BFT applies (§ 635.23(b)(2)). This retention limit applies to HMS Angling and to HMS Charter/Headboat category permitted vessels (when fishing recreationally for BFT).

**TABLE 1—BFT SIZE CLASSES**

Size class	Curved fork length
School .....	27 to less than 47 inches (68.5 to less than 119 cm).
Large school .....	47 to less than 59 inches (119 to less than 150 cm).
Small medium .....	59 to less than 73 inches (150 to less than 185 cm).
Large medium .....	73 to less than 81 inches (185 to less than 206 cm).

TABLE 1—BFT SIZE CLASSES—Continued

Size class	Curved fork length
Giant .....	81 inches or greater (206 cm or greater).

Table 2 summarizes the recreational retention limit information for 2016 and quota, subquotas, landings, and 2017, by size class.

TABLE 2—ANGLING CATEGORY QUOTAS (mt), ESTIMATED LANDINGS (mt), AND DAILY RETENTION LIMITS, 2016–2017

Size class	2016			2017		
	Subquotas and total quota (mt)	Landings (mt)	Amount of subquotas and total quota used (percent)	Subquotas and total quota (mt)	Landings (mt)	Amount of subquotas and total quota used (percent)
School .....	108.4	40.3	37	108.4	47.1	43
Large School/Small Medium .....	82.3	96.8	118	82.3	84.5	103
Trophy: Large Medium/Giant .....	4.5	5.9	131	4.5	10.2	227
Total .....	195.2	143	73	195.2	141.8	73
Daily Retention Limits (per Vessel) .....	<i>January 1 through April 22:</i> 1 school, large school, or small medium (default). <i>April 23 through December 31</i> (81 FR 23438, April 21, 2016): <i>Private boats:</i> 1 school and 1 large school/small medium. <i>Charter/Headboats:</i> 2 school and 1 large school/small medium.			<i>January 1 through April 29:</i> 1 school, large school, or small medium (default). <i>April 30 through December 31</i> (82 FR 19615, April 28, 2017): <i>Private boats:</i> 2 school and 1 large school/small medium. <i>Charter/Headboats:</i> 3 school and 1 large school/small medium.		

Although the 2017 ICCAT recommendation regarding western BFT management would result in an increase to the baseline U.S. BFT quota (*i.e.*, from 1,058.79 mt to 1,247.86 mt) and subquotas for 2018 (including an expected increase in Angling category quota from 195.2 mt to 232.4 mt, consistent with the annual BFT quota calculation process established in § 635.27(a)), domestic implementation of that recommendation will take place in a separate rulemaking, likely to be finalized in mid-2018.

**Adjustment of Angling Category Daily Retention Limit**

Under § 635.23(b)(3), NMFS may increase or decrease the Angling category retention limit for any size class of BFT after considering regulatory determination criteria provided under § 635.27(a)(8). Recreational retention limits may be adjusted separately for specific vessel type, such as private vessels, headboats, or charter vessels.

NMFS has considered all of the relevant determination criteria and their applicability to the change in the Angling category retention limit. The criteria and their application are discussed below.

NMFS considered the usefulness of information obtained from catches in the particular category for biological

sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)). Biological samples collected from BFT landed by recreational fishermen continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT would support the collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS considered the catches of the Angling category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii)). NMFS anticipates that the full 2018 Angling category quota would not be harvested under the default retention limit. As shown in Table 2, Angling category landings were approximately 73 percent of the 184.3-mt annual Angling category quota in both 2016 and 2017, respectively including landings of 37 and 43 percent, respectively, of the available school BFT quota.

NMFS also considered the effects of the adjustment on bluefin tuna rebuilding and overfishing and the effects of the adjustment on accomplishing the objectives of the FMP (§ 635.27(a)(8)(v) and (vi)). These retention limits would be consistent with the quotas established and

analyzed in the bluefin tuna quota final rule (80 FR 52198, August 28, 2015), and with objectives of the 2006 Consolidated HMS FMP and amendments, and is not expected to negatively impact stock health or to affect the stock in ways not already analyzed in those documents. It is also important that NMFS limit landings to the subquotas both to adhere to the FMP quota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.*, fish caught at each age) that was assumed in the latest stock assessment.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the full Angling category quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and amendments, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)).

The 2017 school bluefin tuna landings represent 4 percent of the total U.S. quota for 2017, well under the ICCAT recommended 10-percent limit. Landings of school bluefin tuna in 2015 represented 3.7 percent of the total U.S. quota for 2016. Given that the Angling category landings fell short of the

available quota, that additional quota is anticipated to be available this year as a result of the 2017 ICCAT recommendation, and considering the regulatory criteria above, NMFS has determined that the Angling category retention limit applicable to participants on HMS Angling and HMS Charter/Headboat category permitted vessels should be adjusted upwards from the default level. NMFS has also concluded that implementation of separate limits for private and charter/headboat vessels remains appropriate, recognizing the different nature, socio-economic needs, and recent landings results of the two components of the recreational BFT fishery. For example, charter operators historically have indicated that a multi-fish retention limit is vital to their ability to attract customers. In addition, Large Pelagics Survey estimates indicate that charter/headboat BFT landings averaged 32 percent of recent recreational landings for 2016 through 2017, with the remaining 68 percent landed by private vessels.

Therefore, for private vessels with HMS Angling category permits, this action adjusts the limit upwards to two school BFT and one large school/small medium BFT per vessel per day/trip (*i.e.*, two BFT measuring 27 to less than 47 inches, and one BFT measuring 47 to less than 73 inches). For vessels with HMS Charter/Headboat permits, this action adjusts the limit upwards to three school BFT and one large school/small medium BFT per vessel per day/trip when fishing recreationally for BFT (*i.e.*, three BFT measuring 27 to less than 47 inches, and one BFT measuring 47 to less than 73 inches). These retention limits are effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeted fishing for BFT. Regardless of the duration of a fishing trip, the daily retention limit applies upon landing. For example, whether a private vessel (fishing under the Angling category retention limit) takes a two-day trip or makes two trips in one day, the day/trip limit of two school BFT and one large school/small medium BFT applies and may not be exceeded upon landing.

NMFS anticipates that the BFT daily retention limits in this action will result in landings during 2018 that would not exceed the available subquotas. Lower retention limits could result in substantial underharvest of the codified Angling category subquota, and increasing the daily limits further may risk exceeding the available quota, contrary to the objectives of the 2006 Consolidated HMS FMP and amendments. NMFS considered input on 2018 recreational limits from the

HMS Advisory Panel at its March 2018 meeting. NMFS is not setting higher school BFT limit for private and charter vessels than the adjustments listed in Table 1 due to the potential risk of exceeding the ICCAT tolerance limit on school BFT and other considerations, such as potential effort shifts to BFT fishing as a result of current recreational retention limits for New England groundfish and striped bass.

#### Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely through the mandatory landings and catch reports. HMS Charter/Headboat and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing [hmspermits.noaa.gov](https://hmspermits.noaa.gov), using the HMS Catch Reporting App, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.). Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281-9260, or access [hmspermits.noaa.gov](https://hmspermits.noaa.gov), for updates on quota monitoring and inseason adjustments.

HMS Angling and HMS Charter/Headboat category permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. Anglers are also reminded that all BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure>.

#### Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and

amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to implement the daily retention limit for the remainder of 2018 at this time is impracticable. Based on available BFT quotas, fishery performance in recent years, and the availability of BFT on the fishing grounds, immediate adjustment to the Angling category BFT daily retention limit from the default levels is warranted to allow fishermen to take advantage of the availability of fish and of quota. NMFS could not have proposed these actions earlier, as it needed to consider and respond to updated data and information from the 2017 Angling category fishery as well as input from the HMS Advisory Panel. If NMFS was to offer a public comment period now, after having appropriately considered that data, it would preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria, and/or could result in selection of a retention limit inappropriately high or low for the amount of quota available for the period.

Fisheries under the Angling category daily retention limit are currently underway and thus prior notice would be contrary to the public interest. Delays in increasing daily recreational BFT retention limit would adversely affect those HMS Angling and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one school, large school, or small medium BFT per day/trip and may exacerbate the problem of low catch rates and quota rollovers. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would result in minimal risks of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on [hmspermits.noaa.gov](https://hmspermits.noaa.gov). Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For these reasons, there also is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.23(b)(3), and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: April 23, 2018.

**Jennifer M. Wallace,**  
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 660**

[Docket No. 171031999-8355-02]

RIN 0648-BH40

**Fisheries Off West Coast States; West Coast Salmon Fisheries; Management Measures To Limit Fishery Impacts on Sacramento River Winter-Run Chinook Salmon**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule to approve new fishery management measures to limit incidental catch of endangered Sacramento River winter-run Chinook salmon (SRWC) in fisheries managed under the Pacific Fishery Management Council’s (Council) Pacific Salmon Fishery Management Plan (FMP), as recommended by the Council

for use in developing annual management measures beginning in 2018. These new management measures replace existing measures, which have been in place since 2012, with updated salmon abundance modeling methods that utilize the best available science and address concerns that the existing measures were overly conservative.

**DATES:** This final rule is effective April 25, 2018.

**FOR FURTHER INFORMATION CONTACT:** Peggy Mundy at (206) 526-4323.

**SUPPLEMENTARY INFORMATION:**

**Background**

Ocean salmon fisheries off the coasts of Washington, Oregon, and California are managed by the Council and NMFS according to the FMP. The FMP includes harvest controls that are used to manage salmon stocks sustainably. The FMP also requires that the Council manage fisheries consistent with “consultation standards” for stocks listed as endangered or threatened under the Endangered Species Act (ESA) for which NMFS has issued biological opinions. At its November 2017 meeting, the Council adopted a preferred alternative for new management measures to limit fishery impacts to endangered SRWC, including a harvest control rule, to replace measures that have been in place since 2012. The Council developed these new management measures over a two-year period that included discussion at several public meetings, which provided opportunity for public comment. These new management measures include updated salmon abundance modeling methods that

utilize the best available science and address concerns that the existing measures were overly conservative. The Council transmitted their recommendation to NMFS on December 6, 2017. NMFS published a proposed rule on February 22, 2018 (83 FR 7650) and accepted comments through March 9, 2018. The rationale for and effects of the rule are described in more detail in the proposed rule.

The management measures approved in this final rule are unchanged from the proposed rule and consist of two parts. Part one is the continued use of season and size restrictions that were included in the 2012 management measures (see Table 1, below). Part two is a harvest control rule, recommended by the Council, which uses juvenile survival (*i.e.*, fry to the end of age-two in the ocean) to model a forecast of age-three escapement absent fishing (escapement). The model used is a modification of the approach described in Winship *et al.* (2014) and is detailed in O’Farrell *et al.* (2016). The harvest control rule uses a forward-looking forecast rather than the previously used hind-cast methodology. The new harvest control rule sets the maximum allowable age-three impact rate based on the forecast escapement. At escapement above 3,000, the allowable impact rate is fixed at 20 percent. At escapement between 3,000 and 500, the allowable impact rate declines linearly from 20 percent to 10 percent. At escapement between 500 and 0, the allowable impact rate declines linearly from 10 percent to 0 percent, thus providing fishing opportunity at all levels of SRWC abundance. See Figure 1.

**TABLE 1—FISHING SEASON AND SIZE RESTRICTIONS FOR OCEAN CHINOOK SALMON FISHERIES, SOUTH OF POINT ARENA, CALIFORNIA**

Fishery	Location	Shall open no earlier than	Shall close no later than	Minimum size limit (total length <sup>1</sup> ) shall be
Recreational .....	Between Point Arena and Pigeon Point .....	1st Saturday in April .....	2nd Sunday in November .....	20 inches.
	Between Pigeon Point and the U.S./Mexico border .....	1st Saturday in April .....	1st Sunday in October.	
Commercial .....	Between Point Arena and the U.S./Mexico border † .....	May 1 .....	September 30 † .....	26 inches.

† Exception: Between Point Reyes and Point San Pedro, there may be an October commercial fishery conducted Monday through Friday, but shall end no later than October 15.

<sup>1</sup> Total length of salmon means the shortest distance between the tip of the snout or jaw (whichever extends furthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail (50 CFR 660.402).