

The commercial ACL (commercial quota) for vermilion snapper in the South Atlantic is divided into two 6-month time periods, January through June, and July through December. For the July 1 through December 31, 2018, fishing season, the commercial quota is 388,703 lb (176,313 kg), gutted weight, 431,460 lb (195,707 kg), round weight (50 CFR 622.190(a)(4)(ii)(D)). As specified in 50 CFR 622.190(a)(4)(iii), any unused portion of the commercial quota from the January through June 2018, fishing season would be added to the commercial quota for the July through December 2018, fishing season. The unused portion of the quota that was not harvested during the January through June fishing season, totaled 32,534 lb (14,757 kg) gutted weight, 36,113 lb (16,381 kg), round weight, and was added to the July through December 2018 quota. This resulted in a 2018 adjusted commercial quota, for the July through December fishing season of 421,237 lb (191,070 kg), gutted weight, 467,573 lb (212,088 kg), round weight.

Under 50 CFR 622.191(a)(6)(ii), NMFS is required to reduce the commercial trip limit for vermilion snapper from 1,000 lb (454 kg), gutted weight, 1,110 lb (503 kg), round weight, when 75 percent of the fishing season commercial quota is reached or projected to be reached, by filing a notification to that effect with the Office of the Federal Register. The reduced commercial trip limit is 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight. Based on current information, NMFS has determined that 75 percent of the available commercial quota for the July through December 2018 fishing season for vermilion snapper will be reached by October 26, 2018. Accordingly, NMFS is reducing the commercial trip limit for vermilion snapper to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight, in or from the South Atlantic EEZ at 12:01 a.m., local time, on October 26, 2018. This reduced commercial trip limit will remain in effect until the start of the next commercial fishing season on January 1, 2019, or until the commercial quota is reached and the commercial sector closes, whichever occurs first.

Classification

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

This action is taken under 50 CFR 622.191(a)(6)(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 commercial trip limit reduction 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), because prior notice and opportunity for public comment on this temporary rule is unnecessary and contrary to the public interest. Such procedures are unnecessary, because the rule establishing the trip limit has already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction. Prior notice and opportunity for public comment is contrary to the public interest, because any delay in reducing the commercial trip limit could result in the commercial quota being exceeded. There is a need to immediately implement this action to protect the vermilion snapper resource, since the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment on this action would require time and increase the probability that the commercial sector could exceed its quota.

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: October 19, 2018.

Karen H. Abrams,

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 648

[Docket No: 151215999-6960-02]

RIN 0648-XG512

Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2018 Management Area 1B Directed Fishery Closure

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

ACTION: Temporary rule; directed fishery closure.

SUMMARY: Effective October 24, 2018, NMFS is closing the directed herring fishery in management Area 1B, based on a projection that a prescribed trigger for that area has been reached. Federally permitted vessels may not fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip or calendar day in or from Area 1B through December 31, 2018. Federally permitted dealers may not purchase more than 2,000 lb (907.2 kg) of herring from federally permitted vessels for the duration of this action. This action is necessary to comply with the regulations implementing the Atlantic Herring Fishery Management Plan and is intended to prevent overharvest of herring in Area 1B.

DATES: Effective 0001 hr local time, October 24, 2018, through December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Daniel Luers, Fishery Management Specialist, (978) 282-8457.

SUPPLEMENTARY INFORMATION: The reader can find regulations governing the herring fishery at 50 CFR part 648.

NMFS originally set the 2018 Area 1B sub-annual catch limit (ACL) at 3,552 mt, based on an initial 2018 sub-ACL allocation of 4,500 mt, minus a deduction for research set-aside catch and a reduction due to an overage of the Area 1B sub-ACL in 2016. In August, 2018, NMFS further reduced the Area 1B sub-ACL from 3,552 mt to 2,639 mt (83 FR 42450, August 22, 2018). This reduction (along with reductions in herring Management Areas 1A, 2, and 3) was based on the findings of the 2018 Atlantic Herring Stock Assessment Report, which concluded that herring stocks have suffered historic lows in recruitment of juveniles into the population since 2013. The Stock Assessment Review Committee Panel

predicted that sharp cuts in future ACLs would be necessary to reduce the risk of overfishing, and recommended cuts be made in the 2018 catch. These cuts are intended to provide some conservation benefits for herring in 2018 and mitigate some of the impacts of estimated 2019 reductions on the herring industry.

The Regional Administrator of NMFS for the Greater Atlantic Region monitors the herring fishery catch in each of the management areas based on vessel and dealer reports, state data, and other available information. The regulations at § 648.201 require that when the Regional Administrator projects herring catch will reach 92 percent of the sub-ACL allocated in the Area 1B seasonal management area designated in the Atlantic Herring Fishery Management Plan (FMP), NMFS must prohibit, through notification in the **Federal Register**, herring vessel permit holders from fishing for, possessing, transferring, receiving, landing, or selling more than 2,000 lb (907.2 kg) of herring per trip or calendar day in or from that area for the remainder of the fishing year.

The Regional Administrator has determined, based on dealer reports and other available information, that the herring fleet will catch 92 percent of the total herring sub-ACL allocated to Area 1B by October 24, 2018. Therefore, effective 0001 hr local time on October 24, 2018, through December 31, 2018, federally permitted vessels may not fish for, catch, possess, transfer, land, or sell more than 2,000 lb (907.2 kg) of herring per trip and calendar day, in or from Area 1B. Vessels that have entered port before 0001 hr on October 24, 2018, may offload and sell more than 2,000 lb (907.2 kg) of herring from Area 1B from that trip. A vessel may transit through Area 1B with more than 2,000 lb (907.2 kg) of herring on board, provided the vessel did not catch more than 2,000 lb (907.2 kg) of herring in Area 1B and its fishing gear is not available for immediate use as defined by 50 CFR 648.2.

Effective 0001 hr, October 24, 2018, federally permitted dealers may not receive herring from federally permitted herring vessels that harvest more than 2,000 lb (907.2 kg) of herring from Area 1B through 2400 hr local time, December 31, 2018, unless it is from a trip landed by a vessel that entered port before 0001 hr on October 24, 2018.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866. NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the

opportunity for public comment because it would be contrary to the public interest and impracticable. Further, in accordance with 5 U.S.C. 553(d)(3), NMFS finds good cause to waive the 30-day delayed effectiveness. NMFS is required by Federal regulation to immediately put in place a 2,000-lb (907.2-kg) herring trip limit for Area 1B through December 31, 2018. The 2018 herring fishing year opened on January 1, 2018, and Management Area 1B opened on May 1, 2018. Data indicating the herring fleet will have landed at least 92 percent of the 2018 sub-ACL allocated to Area 1B have only recently become available. Once these data become available projecting 92 percent of the sub-ACL will be caught, regulations at § 648.201(a) require NMFS to close the directed fishery and impose a trip limit to ensure that herring vessels do not exceed the 2018 sub-ACL allocated to Area 1B. High-volume catch and landings in this fishery increase total catch relative to the sub-ACL quickly. If implementation of this closure is delayed to solicit prior public comment, the sub-ACL for Area 1B for this fishing year may be exceeded, thereby undermining the conservation objectives of the FMP. If sub-ACLs are exceeded, the excess must be deducted from a future sub-ACL and would reduce future fishing opportunities. In addition, the public had prior notice and full opportunity to comment on this process when these provisions were put in place. The public expects these actions to occur in a timely way consistent with the fishery management plan's objectives.

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

Dated: October 22, 2018.

Karen H. Abrams,

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 648

[Docket No. 180220191-8945-02]

RIN 0648-BH80

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Commercial Accountability Measures Framework Adjustment

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

Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS is implementing a commercial framework adjustment to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan that modifies the accountability measures required for overages not caused by directed landings (*i.e.*, discards) in the summer flounder, scup, and black sea bass fisheries. This adjustment incorporates the status of the stocks into the accountability measures. This action is intended to provide additional flexibility in determining when accountability measures are appropriate, similar to the method already used in the recreational fisheries for these species.

DATES: Effective November 26, 2018.

ADDRESSES: Copies of this framework adjustment, including the Environmental Assessment (EA) and other supporting documents for the action, are available upon request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at <http://www.mafmc.org/actions/sfsbsb-commercial-am-framework>.

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Management Specialist, (978) 281-9180.

SUPPLEMENTARY INFORMATION:

General Background

The summer flounder, scup, and black sea bass fisheries are managed cooperatively under the provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) developed by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission. This action implements a modification to the Federal accountability measures (AM) that are enacted when the commercial annual catch limit (ACL) is exceeded due to discards for any of these three species.

There are two types of commercial fishery AMs outlined in the summer flounder, scup, and black sea bass regulations. The first is a pound-for-pound overage repayment that is applied when the commercial quota is exceeded as a result of landings. This landings-based AM is not adjusted by this action. The second is a non-landings based AM that is applied to the commercial annual catch target (ACT) if the ACL has been exceeded, and the overage is not caused by landings, but