DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR Part 679
[Docket No. 180831813–9170–02]
RIN 0648–XH099

Fisheries of the Exclusive Economic Zone Off Alaska; Reapportionment of the 2019 Gulf of Alaska Pacific Halibut Prohibited Species Catch Limits for the Trawl Deep-Water and Shallow-Water Fishery Categories

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

ACTION: Temporary rule; reapportionment.

SUMMARY: NMFS is reapportioning the seasonal apportionments of the 2019 Pacific halibut prohibited species catch (PSC) limits for the trawl deep-water and shallow-water species fishery categories in the Gulf of Alaska. This action is necessary to account for the actual halibut PSC use by the trawl fishery categories also are apportioned a combined, fifth seasonal halibut PSC limit. Unused seasonal apportionments are added to the next season apportionment during a fishing year.

Regulations at §679.21(d)(4)(iii)(D) require NMFS to combine management of the available trawl halibut PSC limits in the second season (April 1 through July 1) deep-water and shallow-water species fishery categories for use in either fishery from May 15 through June 30 of each year. Furthermore, NMFS is required to reapportion the halibut PSC limit between the deep-water and shallow-water species fisheries after June 30 to account for actual halibut PSC use by each fishery during May 15 through June 30. As of July 17, 2019, NMFS has determined that the trawl deep-water and shallow-water fisheries used 51 metric tons (mt) and 32 mt of halibut PSC, respectively, from May 15 through June 30. Accordingly, pursuant to §679.21(d)(4)(iii)(D), the Regional Administrator is reapportioning the combined first and second seasonal apportionments (860 mt of halibut PSC limit between the trawl deep-water and shallow-water fishery categories to account for the actual PSC use (428 mt) in each fishery from January 1, 2019 through June 30, 2019. Therefore, Table 15 of the final 2019 and 2020 harvest specifications for groundfish in the GOA (84 FR 9416, March 14, 2019) is revised consistent with this adjustment.

Table 15—Final 2019 and 2020 Apportionment of Pacific Halibut PSC Trawl Limits Between the Trawl Gear Deep-water Species Fishery and the Shallow-water Species Fishery Categories

<table>
<thead>
<tr>
<th>Season</th>
<th>Shallow-water</th>
<th>Deep-water</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 20–April 1</td>
<td>19</td>
<td>141</td>
<td>160</td>
</tr>
<tr>
<td>April 1–July 1</td>
<td>42</td>
<td>226</td>
<td>268</td>
</tr>
<tr>
<td>Subtotal, combined first and second season limit (January 20–July 1)</td>
<td>61</td>
<td>367</td>
<td>428</td>
</tr>
<tr>
<td>July 1–August 1</td>
<td>287</td>
<td>607</td>
<td>894</td>
</tr>
<tr>
<td>August 1–October 1</td>
<td>53</td>
<td>75</td>
<td>128</td>
</tr>
<tr>
<td>Subtotal January 20–October 1</td>
<td>401</td>
<td>1,049</td>
<td>1,450</td>
</tr>
<tr>
<td>October 1–December 31</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>1,706</td>
</tr>
</tbody>
</table>

1 Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through September 1) deep-water species fishery halibut PSC apportionment.
2 There is no apportionment between trawl shallow-water and deep-water species fishery categories during the fifth season (October 1 through December 31).

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 allow for harvests that exceed the originally specified apportionment of the halibut PSC limits to the deep-water and shallow-water fishery categories.
NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 17, 2019.

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

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

Dated: July 18, 2019.

Alan D. Risenhoover,
Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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