Western and Central Pacific Ocean
Highly Migratory Fish Stocks in the
United States to implement provisions
ELAPS. This action is necessary for the
limit on purse seine fishing effort in the
close as a result of reaching the 2019
Area for Purse Seine, or ELAPS, will
purse seine fishery in the Effort Limit
SUMMARY:
ACTION:
AGENCY:
DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric
Administration
50 CFR Part 300
[Docket No. 190220141–9141–01]
RIN 0648–PIR–A001
International Fisheries; Western and
Central Pacific Fisheries for Highly
Migratory Species; Closure of Purse
Seine Fishery in the ELAPS in 2019
AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.
ACTION: Temporary rule; fishery closure.
SUMMARY: NMFS announces that the
purse seine fishery in the Effort Limit
Area for Purse Seine, or ELAPS, will
close as a result of reaching the 2019
limit on purse seine fishing effort in the
ELAPS. This action is necessary for the
United States to implement provisions
of a conservation and management
measure adopted by the Commission for
the Conservation and Management of
Highly Migratory Fish Stocks in the
Western and Central Pacific Ocean
(WCPFC or Commission) and to satisfy
the obligations of the United States
under the Convention on the
Conservation and Management of
Highly Migratory Fish Stocks in the
Western and Central Pacific Ocean
(Convention), to which it is a
Contracting Party.
DATES: Effective 00:00 on October 9,
2019 Universal Coordinated Time
(UTC), until 24:00 on December 31,
2019 UTC.
FOR FURTHER INFORMATION CONTACT: Rini
Ghosh, NMFS Pacific Islands Regional
Office, 808–725–5033.
SUPPLEMENTARY INFORMATION: U.S. purse
seine fishing in the area of application
of the Convention, or Convention Area,
is managed, in part, under the Western
and Central Pacific Fisheries
Convention Implementation Act, 16
U.S.C. 6901 et seq. (Act). Regulations
implementing the Act are at 50 CFR
part 300, subpart O. On behalf of the
Secretary of Commerce, NMFS
promulgates regulations under the Act
as may be necessary to carry out the
obligations of the United States under
the Convention, including
implementation of the decisions of the
Commission.
Pursuant to WCPFC Conservation and
Management Measure 2018–01, NMFS
issued regulations that established a
limit of 1,616 fishing days that may be
used by U.S. purse seine fishing vessels
in the ELAPS in calendar year 2019 (see
interim rule at 84 FR 37145, published
July 31, 2019, to be codified at 50 CFR
300.223). The ELAPS consists of the
areas of the U.S. Exclusive Economic
Zone (EEZ) and the high seas that are in
the Convention Area between the
latitudes of 20° N and 20° S (see
definition at 50 CFR 300.211). A fishing
day means any day in which a fishing
vessel of the United States equipped
with purse seine gear searches for fish,
deploys a fish aggregating device (FAD),
services a FAD, or sets a purse seine,
with the exception of setting a purse
seine solely for the purpose of testing or
cleaning the gear and resulting in no
catch (see definition at 50 CFR 300.211).
Based on data submitted in logbooks
and other available information, NMFS
expects that the limit of 1,616 fishing
days in the ELAPS will be reached, and
in accordance with the procedures
established at 50 CFR 300.223(a),
announces that the purse seine fishery
in the ELAPS will be closed starting at
00:00 on October 9, 2019 UTC, and
will remain closed until 24:00 on
December 31, 2019 UTC. Accordingly,
it shall be prohibited for any fishing vessel of the
United States equipped with purse seine
gear to be used for fishing in the ELAPS
from 00:00 on October 9, 2019 UTC,
until 24:00 December 31, 2019 UTC,
except that such vessels will not be
prohibited from bunkering in that area
during that period (50 CFR 300.223(a)).
Fishing means using any vessel, vehicle,
aircraft or hovercraft for any of the
following activities or attempting to do
so: (1) searching for, catching, taking, or
harvesting fish; (2) engaging in any
other activity which can reasonably be
expected to result in the locating,
catching, taking, or harvesting of fish for
any purpose; (3) placing, searching for,
or recovering fish aggregating devices or
associated electronic equipment such as
radio beacons; (4) engaging in any
operations at sea directly in support of,
or in preparation for, any of the
activities previously described in
elements (1) through (3) of this
definition, including, but not limited to,
bunkering; or (5) engaging in
transshipment at sea, either unloading
or loading fish (see definition at 50 CFR
300.211). As noted above, bunkering
will not be prohibited in the closure
area during the closure period.
Classification
There is good cause under 5 U.S.C.
553(b)(B) to waive prior notice and
opportunity for public comment on this
action. Compliance with the notice and
comment requirement would be
impracticable and contrary to the public
interest, since NMFS would be unable
to ensure that the 2019 limit on purse
seine fishing effort in the ELAPS is not
exceeded. This action is based on the
best available information on U.S. purse
seine fishing effort in the ELAPS. The
action is necessary for the United States
to comply with its obligations under the
Convention and is important for the
conservation and management of bigeye
tuna, yellowfin tuna, and skipjack tuna
in the western and central Pacific
Ocean. For the same reasons, there is
good cause under 5 U.S.C. 553(d)(3) to
establish an effective date less than 30
days after the date of publication of this
notice.
This action is required by 50 CFR
300.223(a) and is exempt from review
under Executive Order 12866.
Authority: 16 U.S.C. 6901 et seq.
Dated: September 24, 2019.
Jennifer M. Wallace,
Acting Director, Office of Sustainable
Fishing, National Marine Fisheries Service.
[FR Doc. 2019–20998 Filed 9–30–19; 8:45 am]
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