

a limited access Northeast multispecies permit.

If a vessel declared its trip under a Regular B DAS through the Vessel Monitoring System (VMS) or the interactive voice response system, and crossed the VMS demarcation line prior to December 16, 2019, it may complete its trip.

Weekly quota monitoring reports for the Northeast Multispecies fishery are on our website at: <https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/nemultispecies.html>. We will continue to monitor catch through vessel trip reports, dealer-reported landings, VMS catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The regulations authorize the Regional Administrator to close the Regular B DAS Program when the continuation of the program would undermine the achievement of the objectives of the Northeast Multispecies Fishery Management Plan (FMP) or the Regular B DAS Program. The public had prior notice and opportunity to comment on these regulations and the potential for in-season closures. Updated catch information only recently became available indicating that the common pool fishery is projected to have caught 77 percent of the Incidental Catch TAC for GOM cod as of October 12, 2019. This action prevents or limits the overage of the Incidental Catch TAC for this stock. A delay in effectiveness would provide vessel owners an opportunity to continue to participate in the Regular B DAS Program, but any additional participation and catch in the program could cause the allocation to be exceeded. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent NMFS from implementing the Regular B DAS program closure in a timely manner, contrary to the purpose of the regulations. This could undermine conservation objectives of the Northeast Multispecies Fishery

Management Plan and Regular B DAS Program, and cause negative economic impacts to the Northeast multispecies fishery.

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

Dated: December 12, 2019.

**Alan D. Risenhoover,**

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

[FR Doc. 2019-27131 Filed 12-16-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 191212-0110]

RIN 0648-BJ45

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Essential Fish Habitat

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

**ACTION:** Final rule.

**SUMMARY:** This implements the prohibition of gillnet fishing in the Nantucket Lightship and Closed Area I Closure Areas as ordered by a Federal Court. Until further notice, gillnet fishing will be prohibited in the Nantucket Lightship and Closed Area I Groundfish Closure Areas.

**DATES:** Effective on December 17, 2019.

**FOR FURTHER INFORMATION CONTACT:** Moira Kelly, Senior Fishery Program Specialist, Greater Atlantic Regional Fisheries Office, [Moira.Kelly@noaa.gov](mailto:Moira.Kelly@noaa.gov), (978) 281-9218.

**SUPPLEMENTARY INFORMATION:** On January 3, 2018, NOAA's National Marine Fisheries Service (NMFS) partially approved the New England Fishery Management Council's Omnibus Essential Fish Habitat Amendment 2. The Omnibus Amendment updated essential fish habitat designations for all Council-managed species and implemented changes to the spatial management of Council-managed fisheries throughout the Gulf of Maine, Georges Bank, and Southern New England. On April 9, 2018, a final rule implemented the approved measures (83 FR 15240). The final rule opened, modified, and maintained various closed areas, as well as established new closures to

implement approved measures of the Amendment. The Nantucket Lightship and Closed Area I Groundfish Closure Areas were opened to fishing by gears capable of catching groundfish, including gillnets and bottom-trawls, throughout the areas in this final rule. (Note, scallop fishing was still prohibited in these areas for a brief time after the Amendment was in effect, pending a subsequent scallop action that incorporated the newly opened areas into the Scallop Fishery Management Plan's rotational management program.) Directed groundfish fishing had been prohibited in these general areas consistently since the 1980s and early 1990s.

The Conservation Law Foundation filed suit against NMFS arguing that the opening of the Nantucket Lightship and Closed Area I Groundfish Closure Areas to gears capable of catching groundfish, including gillnet gear, was not done in compliance with the Endangered Species Act consultation requirements as it pertains to North Atlantic right whales.

On October 28, 2019, Federal District Court Judge James E. Boasberg (see *Conservation Law Found. v. Ross, No. CV 18-1087 (JEB), 2019 WL 5549814 (D.D.C. Oct. 28, 2019)*) enjoined NMFS from allowing gillnet fishing in those previously closed areas until it fully complies with the requirements of the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act.

To comply with this Order, this rule suspends the Amendment's opening of the Nantucket Lightship and Closed Area I Groundfish Closures to gillnet fishing and restores prior regulations that prohibit gillnet gear from fishing in these areas until further notice, which will be provided consistent with the Administrative Procedure Act.

#### Classification

The NMFS Assistant Administrator has determined that under section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act, these regulations are necessary to discharge the Secretary's responsibility to ensure the Omnibus Habitat Amendment complies with the provisions of the Act and other applicable law, consistent with the Court's Order.

NMFS has good cause under the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to waive prior notice and comment for this final rule. The Court Order requires NMFS to prohibit gillnet fishing in the areas. Delaying this rule to allow time for notice and comment would be contrary to the Court's Order.

Because NMFS has no discretion to revise and implement the gillnet restrictions under the Court Order, no meaningful purpose will be served by public comment, and so providing prior notice and comment of this rule would be impracticable and contrary to public interest. The NMFS Assistant Administrator also finds that there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effective date requirement. In addition to the reasons above, on November 1, 2019, NMFS notified all vessels that had fished with gillnets in the area since the opening (11 vessels), as well as any vessel issued permits for which gillnet is a common gear (groundfish, monkfish, skate, and spiny dogfish), that all gillnet gear needed to be removed from the areas as soon as it was safe to do so in order to facilitate compliance with the Court's Order. This advance notice provided time for gillnet vessels to remove their gear in a safe manner. Therefore, additional time is not necessary for vessel operators to comply with the forthcoming regulations.

**List of Subjects in 50 CFR Part 648**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 12, 2019.

**Samuel D. Rauch III,**  
Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

**PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.81, add paragraph (a)(6) to read as follows:

**§ 648.81 NE multispecies year-round and seasonal closed areas.**

(a) \* \* \*

(6) *Gillnet Closure Areas.* No fishing vessel using gillnet gear or person on a fishing vessel using gillnet gear may enter, fish, or be in the Closed Area I and Nantucket Lightship Closure Areas. Charts of the areas described in this section are available from the Regional Administrator upon request.

(i) *Closed Area I Closure Area.* The Closed Area I Closure Area is defined by straight lines, unless otherwise noted, connecting the following points in the order stated:

**TABLE 4 TO PARAGRAPH (a)(6)(i)—CLOSED AREA I**

Point	N lat.	W long.
C11 .....	41°30' ....	69°23'
C12 .....	40°45' ....	68°45'
C13 .....	40°45' ....	68°30'
C14 .....	41°30' ....	68°30'
C11 .....	41°30' ....	69°23'

(ii) *Nantucket Lightship Closure Area.* The Nantucket Lightship Closure Area is defined by straight lines, unless otherwise noted, connecting the following points in the order stated:

**TABLE 5 TO PARAGRAPH (a)(6)(ii)—NANTUCKET LIGHTSHIP CLOSED AREA**

Point	N lat.	W long.
G10 .....	40°50' ....	69°00'
CN1 .....	40°20' ....	69°00'
CN2 .....	40°20' ....	70°20'
CN3 .....	40°50' ....	70°20'
G10 .....	40°50' ....	69°00'

\* \* \* \* \*  
[FR Doc. 2019–27143 Filed 12–16–19; 8:45 am]  
**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 191211–0107]

**RIN 0648–BI35**

**Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting; Pacific Coast Groundfish Fishery Management Plan; Amendment 21–4; Catch Share Program, 5-Year Review, Follow-On Actions**

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

**ACTION:** Final rule.

**SUMMARY:** This rule implements changes to the Pacific Coast Groundfish Trawl Catch Share Program identified during the Catch Share Program 5-Year Review. This action is intended to modify outdated regulations, complete outstanding program elements, and respond to problems identified following implementation of the Catch Share Program. This action revises regulations consistent with Amendment 21–4 to the Pacific Coast Groundfish Fishery Management Plan, and revises

elements in four areas of the Catch Share Program.

**DATES:** This final rule is effective January 16, 2020.

**ADDRESSES:** Electronic copies of supporting documents referenced in this final rule, including the Categorical Exclusions (CE) and final regulatory flexibility analysis (FRFA), are available from [www.regulations.gov](http://www.regulations.gov) or from the NMFS West Coast Region Groundfish Fisheries website at <http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Colin Sayre, phone: 206–526–4656, or email: [colin.sayre@noaa.gov](mailto:colin.sayre@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Background
- II. Summary of Regulations
  - A. At-Sea Whiting Fishery Set-Aside Bycatch Management
  - B. Shorebased IFQ Trawl Sector Quota Transfers
  - C. Catcher Processor Permit Accumulation Limits
  - D. New Data Collections
    - 1. C/P Endorsed Permit Ownership Interest
    - 2. Quota Share Permit Owner Participation and Economic Data
  - E. Clarifications to Cost Recovery Regulatory Text
  - F. Technical Corrections
- III. Comments and Responses
- IV. Changes From the Proposed Rule
- V. Classification

**I. Background**

On January 1, 2011, NMFS implemented the Pacific Coast Groundfish Trawl Catch Share Program (Catch Share Program) through Amendment 20 and Amendment 21 (75 FR 60867; October 1, 2010) to the Pacific Coast Groundfish Fishery Management Plan (FMP). Amendment 20 established a limited entry Individual Fishing Quota (IFQ) system for shorebased trawl vessels and cooperatives for the at-sea Pacific whiting mothership (MS) and catcher-processor (C/P) sectors. The Catch Share Program was intended to increase net economic benefits and create individual economic stability for trawl fishery participants, provide full utilization of the trawl sector allocation, and achieve individual accountability for catch and bycatch in the Pacific Coast groundfish fishery. Amendment 21 established fixed allocations for limited entry trawl participants. These allocations were intended to improve fishery management under the Catch Share Program by streamlining its administration, providing stability to the fishery, and addressing bycatch.