

§ 635.27(a)(8)(x)). Specific to the General category, this includes providing opportunity equitably across all time periods.

Based on the considerations above, NMFS is transferring 19.5 mt from the Reserve category to the General category. Therefore, NMFS adjusts the General category December 2020 subquota quota to 28.9 mt and adjusts the Reserve category quota to 0.5 mt. The General category fishery reopens December 1, 2020, and will remain open until December 31, 2020, or until the adjusted General category quota is reached, whichever comes first.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat 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 or by 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 action (e.g., closure) is necessary to ensure available subquotas are 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, for updates on quota monitoring and inseason adjustments.

NMFS reminds General category participants that when the fishery reopens December 1, 2020, the BFT General category daily retention limit will be one large medium or giant BFT per vessel per day/trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 635, which was issued pursuant to section 304(c), and is exempt from review under Executive Order 12866.

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 quota transfers 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 quota transfer for the December 2020 subquota period at this time is impracticable and contrary to the public interest as NMFS could not have proposed this action earlier, as it needed to consider and respond to updated landings data in deciding to transfer a portion of the Reserve quota to the General category quota. If NMFS was to offer a public comment period now, after having appropriately considered that data, it could preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria. This action does not raise conservation and management concerns. Transferring quota from the Reserve category to the General category does not affect the overall U.S. BFT quota, and available data shows the adjustment would have a minimal risk of exceeding the ICCAT-allocated quota. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

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

Dated: November 23, 2020.

Jennifer M. Wallace,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2020-26218 Filed 11-25-20; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 201119-0308]

RIN 0648-B104

Fisheries Off West Coast States; West Coast Salmon Fisheries; Rebuilding Chinook Salmon Stocks

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

Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to approve and implement rebuilding plans recommended by the Pacific Fishery Management Council (Council) for two overfished salmon stocks: Klamath River fall-run Chinook salmon (KRFC) and Sacramento River fall-run Chinook salmon (SRFC). NMFS determined in 2018 that these stocks were overfished under the MSA, due to spawning escapement falling below the required level for the three-year period 2015–2017. The MSA requires overfished stocks to be rebuilt, generally within 10 years.

DATES: This final rule is effective December 28, 2020.

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

SUPPLEMENTARY INFORMATION:

Background

In June 2018, NMFS determined that two stocks of Chinook salmon managed under the Council's Pacific Coast Salmon Fishery Management Plan (FMP) met the overfished criteria of the FMP and the MSA. Overfished is defined in the FMP to be when the three-year geometric mean of a salmon stock's annual spawning escapements falls below the reference point known as the minimum stock size threshold (MSST). The three-year geometric mean of spawning escapement fell below MSST for both KRFC and SRFC salmon stocks for the period 2015–2017. In response to the overfished determination, the Council developed rebuilding plans for these stocks, which were transmitted to NMFS for approval and implementation. NMFS published a proposed rule (85 FR 6135, February 4, 2020) describing the rebuilding plans and soliciting comments from the public on the proposed rule and on the draft environmental assessments (EA) that were prepared under the National Environmental Policy Act (NEPA).

Response to Comments

NMFS published a proposed rule on February 4, 2020 (85 FR 6135) and related draft EAs for public comment. The comment period ended on March 5, 2020. NMFS received four public comment submissions from individuals on the proposed rule and no comments on the draft EA. The comments and responses are below.

Comment 1: One person objected to NOAA's management of salmon stocks

and said NOAA failed to protect salmon from exploitation in commercial fisheries.

Response: NOAA's NMFS disagrees that there was a failure to protect salmon from exploitation in commercial fisheries. NMFS is responsible for implementing the MSA to manage the nation's fisheries in a sustainable manner, including rebuilding overfished stocks. NMFS works with the Council to manage West Coast salmon stocks according to conservation objectives and status determination criteria specified in the FMP. It is through these measures that NMFS and the Council recognized the overfished situation for KRFC and SRFC and are managing fisheries to rebuild these stocks consistent with the provisions of the MSA. Annual management measures for ocean salmon fisheries are informed by annual stock abundance projections using the best available science, including analyses by the Council's Salmon Technical Team and Scientific and Statistical Committee. The management measures apportion the ocean harvest equitably among treaty Indian, non-treaty commercial, and recreational fisheries. The measures are also intended to allow a portion of the salmon runs to escape the ocean fisheries in order to provide for spawning escapement and to provide fishing opportunity in state waters.

Comment 2: One person wrote to support "replenishing of the fish stocks" and hopes for sustainable populations for the future.

Response: Sustainability is key to NMFS' mission and the cornerstone of the MSA. These rebuilding plans have been prepared to be consistent with the provisions of the MSA, and the Council and NMFS assess salmon stocks annually to assure fisheries are being managed in a sustainable manner.

Comment 3: One person supported the regulation of fisheries and acknowledged that environmental factors which contribute to fish mortality complicate fishery management. This person supports banning or highly regulating fisheries during rebuilding and additional research into salmon mortality from environmental causes and possible solutions.

Response: NMFS does not support banning fisheries in response to the current overfished status of KRFC and SRFC at this time. The Council and NMFS considered a no-fishing alternative. The estimated time to rebuild either of these Chinook salmon stocks under a no-fishing scenario was only one year shorter than under the Council's recommended alternative. The MSA requires the Secretary of

Commerce to consider the needs of fishing communities in implementing a rebuilding plan. A no-fishing scenario, for either KRFC or SRFC, would include a total closure of ocean salmon fisheries from Cape Falcon, OR to the U.S./ Mexico border, resulting in an estimated loss of \$46 million per year to fishing communities. NMFS can only regulate fisheries in the exclusive economic zone (3 to 200 nmi—5.6 to 370.4 km— offshore) and does not have regulatory authority over fisheries shoreward of 3 nmi and in-river fisheries; therefore, NMFS does not have the authority to implement a rebuilding plan that would have no fishing-related mortality on the overfished Chinook salmon stocks since in-river freshwater fishing-related mortality would likely continue. Therefore, in consideration of these factors, NMFS is approving the Council's recommendation as the rebuilding plan that will rebuild the stocks in the shortest amount of time while taking into consideration the needs of fishing communities.

Comment 4: One person objected strongly to the use of the term "overfished." This person called on NMFS to identify lack of coordination among various agencies on water discharge to benefit salmon as the cause of salmon decline.

Response: NMFS understands the concern regarding the term overfished. Under the MSA, a stock or stock complex is considered overfished when its biomass has declined below MSST (50 CFR 600.310(e)(2)(i)(E)), irrespective of the cause of the decline. NMFS supports coordination among agencies to improve salmon productivity. The Council and NMFS considered several possible factors in the decline of the overfished Chinook salmon stocks and, as stated in the proposed rule (85 FR 6135, February 4, 2020), found that the overfished condition was due to: (1) Low flows and high water temperatures in the freshwater environment which resulted in low smolt survival for both stocks, disease issues in the Klamath River, and pre-spawn mortality of migrating adults in the Sacramento River; (2) warm, unproductive ocean conditions that compromised survival in the marine environment for both stocks; (3) hatchery practices in the Sacramento River that resulted in straying of migrating salmon which lead to higher than expected in-river fishing mortality for SRFC; and (4) stock assessment errors that resulted in over-forecasting of SRFC and underpredictions of both ocean and in-river fishery mortality rates.

Changes From Proposed Rule

There are no substantive changes made to the regulatory text from the proposed rule, beyond nonsubstantive editorial changes.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the MSA, and other applicable law.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

This final rule was developed after meaningful collaboration with the tribal representative on the Council who has agreed with the provisions that apply to tribal vessels.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: November 19, 2020.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

■ 2. Add § 660.413 to read as follows:

§ 660.413 Overfished species rebuilding plans.

For each overfished salmon stock with an approved rebuilding plan, annual management measures will be established using the standards in this section, specifically the target date for rebuilding the stock to its maximum sustainable yield (MSY) level (generally expressed as S_{MSY}) and the harvest control rule to be used to rebuild the stock.

(a) *Klamath River Fall-run Chinook Salmon (KRFC)*. KRFC was declared overfished in 2018. The target year for rebuilding the KRFC stock is 2020. The harvest control rule during the rebuilding period for the KRFC stock is the *de minimis* control rule specified in the FMP and at § 660.410(c), which allows for limited fishing impacts when abundance falls below S_{MSY} . The control rule describes maximum allowable exploitation rates at any given level of abundance. The control rule is presented in Figure 1 of subpart H of this part.

(1) The KRFC control rule uses reference points F_{ABC} , $MSST$, S_{MSY} , and two levels of *de minimis* exploitation rates, $F = 0.10$ and $F = 0.25$. The maximum allowable exploitation rate, F , in a given year, depends on the pre-fishery ocean abundance in spawner

equivalent units, N . At high abundance, the control rule caps the exploitation rate at F_{ABC} ; at moderate abundance, the control rule specifies an F that results in S_{MSY} spawners; and at low abundance (*i.e.* when expected escapement is below S_{MSY}), the control rule allows for *de minimis* exploitation rates with the abundance breakpoints defined as: $A = MSST/2$; $B = (MSST + S_{MSY})/2$; $C = S_{MSY}/(1-0.25)$; $D = S_{MSY}/(1-F_{ABC})$, as shown in Figure 1 of subpart H of this part. For N between 0 and A , F increases linearly from 0 at $N = 0$, to 0.10 at $N = A$. For N between A and $MSST$, F is equal to 0.10. For N between $MSST$ and B , F increases linearly from 0.10 at $N = MSST$, to 0.25 at $N = B$. For N between B and C , F is equal to 0.25. For N between C and D , F is the value that results in S_{MSY} spawners. For N greater than D , F is equal to F_{ABC} .

(2) [Reserved]

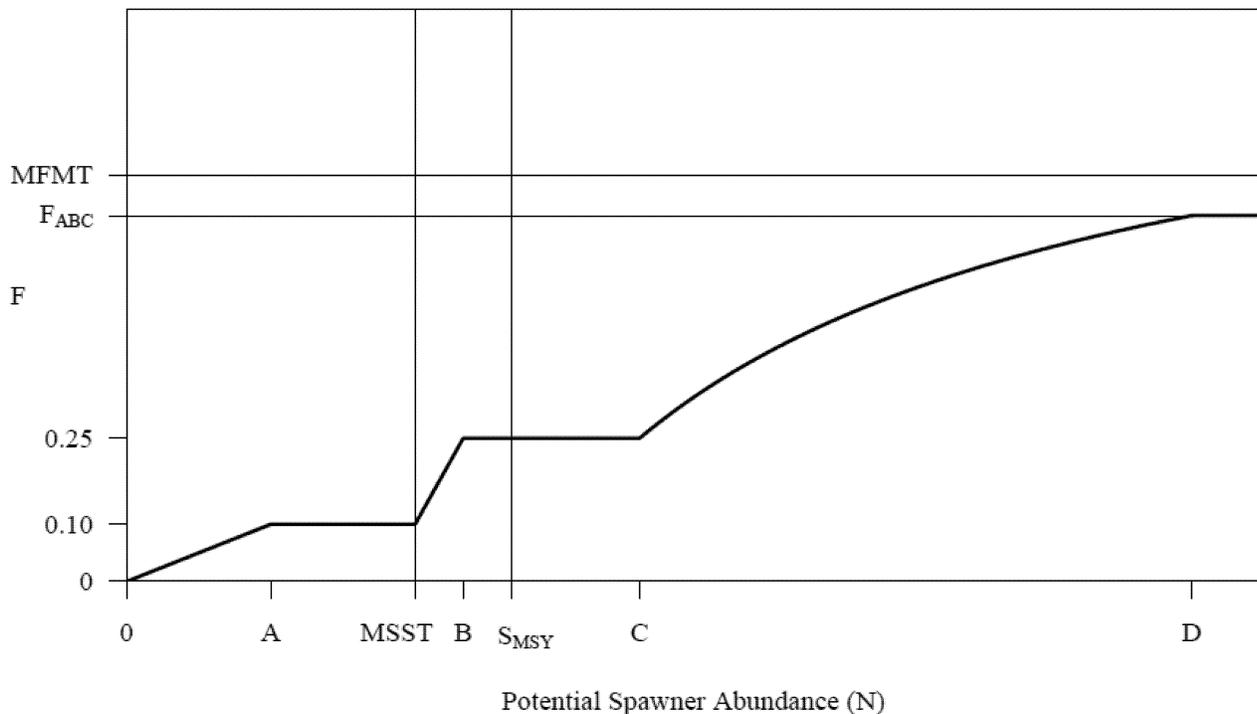
(b) *Sacramento River Fall-run Chinook Salmon (SRFC)*. SRFC was declared overfished in 2018. The target year for rebuilding the SRFC stock is 2021. The harvest control rule during the rebuilding period for the SRFC stock is the *de minimis* control rule specified in the FMP and at § 660.410(c), which allows for limited fishing impacts when abundance falls below S_{MSY} . The control

rule describes maximum allowable exploitation rates at any given level of abundance.

(1) The SRFC control rule uses the reference points F_{ABC} , $MSST$, S_{MSY} , and two levels of *de minimis* exploitation rates, $F = 0.10$ and $F = 0.25$. The maximum allowable exploitation rate, F , in a given year, depends on the pre-fishery ocean abundance in spawner equivalent units, N . At high abundance, the control rule caps the exploitation rate at F_{ABC} ; at moderate abundance, the control rule specifies an F that results in S_{MSY} spawners; and at low abundance (*i.e.* when expected escapement is below S_{MSY}), the control rule allows for *de minimis* exploitation rates with the abundance breakpoints defined as: $A = MSST/2$; $B = (MSST + S_{MSY})/2$; $C = S_{MSY}/(1-0.25)$; $D = S_{MSY}/(1-F_{ABC})$, as shown in Figure 1 of subpart H of this part. For N between 0 and A , F increases linearly from 0 at $N = 0$, to 0.10 at $N = A$. For N between A and $MSST$, F is equal to 0.10. For N between $MSST$ and B , F increases linearly from 0.10 at $N = MSST$, to 0.25 at $N = B$. For N between B and C , F is equal to 0.25. For N between C and D , F is the value that results in S_{MSY} spawners. For N greater than D , F is equal to F_{ABC} .

(2) [Reserved]

Figure 1 to § 660.413 – Harvest Control Rule for Klamath River Fall-Run Chinook Salmon and Sacramento River Fall-Run Chinook Salmon



[FR Doc. 2020-26042 Filed 11-25-20; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 200227-0066]

RTID 0648-XA676

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Eastern Aleutian district (EAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access sector fishery. This action is necessary to prevent exceeding the 2020 total allowable catch (TAC) of Pacific ocean perch in the EAI allocated to vessels participating in the BSAI trawl limited access sector fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), November 23, 2020, through 2400 hrs, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2020 TAC of Pacific ocean perch, in the EAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 938 metric tons by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is

prohibiting directed fishing for Pacific ocean perch in the EAI by vessels participating in the BSAI trawl limited access sector fishery. While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

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 a 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 delay the closure of the Pacific ocean perch directed fishery in the EAI for vessels participating in the BSAI trawl limited access sector fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 19, 2020.

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: November 23, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020-26217 Filed 11-23-20; 4:15 pm]

BILLING CODE P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 200227-0066]

RTID 0648-XA675

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

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

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Bering Sea subarea and Eastern Aleutian District (BS/EAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access sector fishery. This action is necessary to prevent exceeding the 2020 total allowable catch (TAC) of Atka mackerel in the BS/EAI allocated to vessels participating in the BSAI trawl limited access sector fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), November 23, 2020, through 2400 hrs, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT:

Steve Whitney, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2020 TAC of Atka mackerel, in the BS/EAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 2,100 metric tons by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the BS/EAI by vessels participating in the BSAI trawl limited access sector fishery. While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

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 a requirement is impracticable and contrary to the public interest. This requirement is