

allow the fishery to interact with and injure or kill loggerhead sea turtles that may occur within the SCB during the time period in which the regulation was intended to protect loggerheads.

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

Dated: May 21, 2019.

Jennifer M. Wallace,
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 679

[Docket No. 180713633–9174–02]

RIN 0648–XH046

Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish 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; reallocation.

SUMMARY: NMFS is exchanging unused yellowfin sole Community Development Quota (CDQ) for rock sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2019 total allowable catch of rock sole in the Bering Sea and Aleutian Islands management area to be harvested.

DATES: Effective May 28, 2019 through December 31, 2019.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (BSAI) 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 2019 rock sole and yellowfin sole CDQ reserves specified in the BSAI are 5,040 metric tons (mt) and 16,478 mt as established by the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019). The 2019 rock sole and yellowfin sole CDQ ABC reserves are 7,683 mt and 11,684 mt as established by the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019).

The Aleutian Pribilof Island Community Development Association has requested that NMFS exchange 400 mt of yellowfin sole CDQ reserves for 400 mt of rock sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 400 mt of yellowfin sole CDQ reserves for 400 mt of rock sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019) are further revised as follows:

TABLE 11—FINAL 2019 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

| Sector | Pacific ocean perch | | | Flathead sole | Rock sole | Yellowfin sole |
|---------------------------------|---------------------------|---------------------------|---------------------------|---------------|-----------|----------------|
| | Eastern Aleutian district | Central Aleutian district | Western Aleutian district | BSAI | BSAI | BSAI |
| TAC | 11,009 | 8,385 | 10,000 | 14,500 | 47,500 | 153,600 |
| CDQ | 1,178 | 897 | 1,070 | 1,552 | 5,440 | 16,078 |
| ICA | 100 | 60 | 10 | 3,000 | 6,000 | 4,000 |
| BSAI trawl limited access | 973 | 743 | 178 | | | 18,351 |
| Amendment 80 | 8,758 | 6,685 | 8,742 | 9,949 | 36,060 | 115,171 |

Note: Sector apportionments may not total precisely due to rounding.

TABLE 13—FINAL 2019 AND 2020 ABC SURPLUS, ABC RESERVES, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

| Sector | 2019 Flathead sole | 2019 Rock sole | 2019 Yellowfin sole | 2020 ¹ Flat-head sole | 2020 ¹ Rock sole | 2020 ¹ Yellowfin sole |
|--------------------------------|--------------------|----------------|---------------------|----------------------------------|-----------------------------|----------------------------------|
| ABC | 66,625 | 118,900 | 263,200 | 68,448 | 143,700 | 257,800 |
| TAC | 14,500 | 47,500 | 153,600 | 14,500 | 57,100 | 166,425 |
| ABC surplus | 52,125 | 71,400 | 109,600 | 53,948 | 86,600 | 91,375 |
| ABC reserve | 52,125 | 71,400 | 109,600 | 53,948 | 86,600 | 91,375 |
| CDQ ABC reserve | 5,577 | 7,283 | 12,084 | 5,772 | 9,266 | 9,777 |
| Amendment 80 ABC reserve | 46,548 | 64,117 | 97,516 | 48,176 | 77,334 | 81,598 |

¹ The 2020 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2019.

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 delay the flatfish exchange by the

Aleutian Pribilof Island Community Development Association in the BSAI. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of May 15, 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: May 21, 2019.

Jennifer M. Wallace,

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

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