

As specified at 50 CFR 622.385(b)(1)(ii)(B), after 75 percent of the adjusted commercial quota of Atlantic Spanish mackerel is reached or is projected to be reached, Atlantic Spanish mackerel in or from the EEZ in the southern zone may not be possessed onboard or landed from a vessel issued a Federal permit for Atlantic Spanish mackerel in amounts exceeding 1,500 lb (680 kg) per day.

NMFS has determined that 75 percent of the adjusted commercial quota for Atlantic Spanish mackerel will be reached by December 25, 2018. Accordingly, the commercial trip limit of 1,500 lb (680 kg) per day applies to Atlantic Spanish mackerel in or from the EEZ in the southern zone effective from 6 a.m., local time, on December 26, 2018, until 12:01 a.m., local time, on March 1, 2019, unless changed by subsequent notification in the **Federal Register**.

#### Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of Atlantic Spanish mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.385(b)(1)(ii)(B) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act, because the temporary rule is issued without opportunity for prior notice and opportunity for comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately reduce the trip limit for the commercial sector for Atlantic Spanish mackerel constitutes good cause to waive the requirements to provide prior notice and the opportunity for public comment pursuant to 5 U.S.C. 553(b)(B) as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rules implementing the quotas and trip limits have already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction.

Prior notice and opportunity for public comment is contrary to the public interest, because any delay in the trip limit reduction of the commercial harvest could result in the commercial quota being exceeded. There is a need to immediately implement this action to protect the Atlantic Spanish mackerel resource, because the capacity of the fishing fleet allows for rapid harvest of

the commercial quota. Prior notice and opportunity for public comment would require additional time and could potentially result in a harvest well in excess of the established commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: December 20, 2018.

**Karen H. Abrams,**

*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 660

[Docket No. 180207141-8999-03]

RIN 0648-BH74

#### Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Groundfish Bottom Trawl and Midwater Trawl Gear in the Trawl Rationalization Program; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** NMFS published a final rule on December 3, 2018, to implement management measures revising Federal regulations that currently restrict the use and configuration of bottom and midwater trawl gear for vessels fishing under the Pacific Coast Groundfish Fishery's Trawl Rationalization Program. This notification corrects language describing where vessels are prohibited from carrying any other type of small footrope trawl gear other than selective flatfish trawl gear (SFFT); restores language which clarifies the trawl gear types vessels are allowed to carry simultaneously on a trip; restores the prohibition on the use of small footrope trawl inside the Columbia and Klamath River Salmon Conservation Zones; and restores vessel declarations for non-trawl and open access groundfish trips, open access trips for other fisheries, and other trip types.

**DATES:** This correction notice is effective on January 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** Colin Sayre, NMFS West Coast Regional

Office, telephone: 206-526-4656, email: [colin.sayre@noaa.gov](mailto:colin.sayre@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS published a final rule (December 3, 2018; 83 FR 62269) that, in part, allowed vessels to use multiple types of trawl gear on the same trip without returning to port. The final rule provided a description of trawl gear types allowed on board simultaneously on a single trip, described areas where vessels are permitted to use multiple gear types, and described declaration and reporting requirements for vessels participating in the Trawl Rationalization Program.

The final rule requires that vessel operators submit a new declaration to NMFS Office of Law Enforcement before changing gear type. The preamble to the rule described the gear types a vessel may carry and use on the same trip. The final rule allows vessels in the Shorebased IFQ Program to carry on board multiple types of groundfish bottom or midwater trawl gear in all areas except in the area between 42° North (N) latitude and 40°10' N latitude and shoreward of the trawl Rockfish Conservation Area (RCA). In this area, a vessel is only allowed to have midwater trawl gear, large footrope trawl gear, and selective flatfish trawl (SFFT) gear on board simultaneously. The final rule prohibited vessels from having any other type of small footrope trawl gear on board when fishing in this area. The final rule also requires fishing with small footrope trawl gear, other than SFFT, inside the Columbia and Klamath River Salmon Conservation Zones. The final rule is effective January 1, 2019.

#### Need for Correction

Two of the corrections are needed so that the implementing regulations are accurate and implement the action as intended by the Pacific Fishery Management Council (Council) and described in the preamble of the final rule. The other two corrections are needed to restore text that was unintentionally removed through the final rule.

The implementing regulations adjusted the sector and gear declarations at § 660.13(d)(4)(iv)(A)(1) through (8), but inadvertently deleted required declaration types for sectors, gears, and fisheries other than limited entry trawl groundfish gear currently described at § 660.13(d)(5)(iv)(A)(9) through (26). This correction would include the entire list of required gear and sector declarations for non-trawl and open access groundfish trips, open access trips for other fisheries, and other trip types.

At § 660.130(c)(2)(iii) language describing use of small footrope gear inside the Klamath River Salmon Conservation Zone inadvertently substituted the word “prohibit” for “require” when describing the use of SFFT, a type of small footrope trawl gear, in the area. The final rule for a separate action, the 2019–2020 Pacific Coast Groundfish Biennial Harvest Specifications (December 12, 2018; 83 FR 63970), closes the Columbia and Klamath River Salmon Conservation Zones to all midwater trawling and to bottom trawling, unless vessels are using SFFT. Vessels are currently prohibited from fishing with midwater trawl gear in both areas. The specifications final action maintains the prohibition on bottom trawling in these areas without SFFT, which was included under the blanket requirement that groundfish trawl vessels use SFFT gear shoreward of the trawl RCA north of 40°10′ N lat. The Columbia and Klamath River Salmon Conservation Zones are located inside this area. NMFS removed this blanket requirement in the December 8, 2018, final rule (83 FR 62269) tied to this correction notice. The final rule for specifications reestablished the SFFT requirement inside the Columbia and Klamath River Salmon Conservation Zones. The SFFT requirement is necessary to limit impacts to Endangered Species Act salmon and green sturgeon in these areas. Requiring the use of small footrope trawl gear, other than SFFT, in these areas would remove this protective prohibition. Language describing the use of small footrope trawl gear, inside the Columbia and Klamath River Salmon Conservation Zones would be corrected to state that small footrope trawl gears other than SFFT are “prohibited,” consistent with the Council’s intent for regulations in this area. The Council discussed maintaining the SFFT requirement in these areas its March 2018, April 2018, and June 2018 meetings. The public also had the opportunity to comment on maintaining this requirement during the comment period for the proposed rule for 2019–2020 Pacific Coast Groundfish Biennial Harvest Specifications (September 19, 2018; 83 FR 47416). Changing this requirement undermine the purposes of this rule, and would be inconsistent with our legal requirements under the Endangered Species Act.

The implementing regulations revising § 660.130(c)(4)(i)(A) did not specify the location, namely the area between 42° N latitude and 40°10′ N latitude and shoreward of the trawl

RCA, where vessels may only carry one type of small footrope trawl gear, SFFT gear, along with midwater trawl and large footrope trawl gear. Instead, the implementing regulations omitted language specifying the location where vessels are subject to this restriction, and maintained the prohibition currently in regulation that prohibits a vessel from carrying more than one type of small footrope trawl gear north of 40°10′ N latitude. As described in the preamble to the December 3, 2018, final rule, this prohibition for the area between 42° N latitude and 40°10′ N latitude and shoreward of the trawl RCA is necessary to enforce the requirement to only use SFFT gear in this area. The implementing regulations will allow vessels fishing outside of the area between 42° N latitude and 40°10′ N latitude and shoreward of the trawl RCA area to carry and use any type of small footrope trawl gear. Therefore, maintaining the current prohibition on carrying SFFT gear outside of the area between 42° N latitude and 40°10′ N latitude is unnecessarily restrictive. The correction to § 660.130(c)(4)(ii)(A) will include clarifying language concerning the types of gears (SFFT, midwater trawl, and large footrope trawl gear) allowed to be fished and carried in this area.

#### Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries (AA) finds there is good cause to waive prior notice and an opportunity for public comment on this correction, as notice and comment would be unnecessary and contrary to public interest. Notice and comment are unnecessary and contrary to the public interest because this notice corrects inadvertent errors in regulations made in the final rule published on December 3, 2018, and immediate notice of the error and correction is necessary to prevent confusion among participants in the fishery that could result in issues with reporting, recordkeeping, and enforcement. To effectively correct the errors, the changes in this notice must go into effect by January 1, 2019, as the final rule that contains the errors will become effective on that date. Thus, there is not sufficient time for notice and comment due to the imminent effective date of the final rule. In addition, notice and comment is unnecessary because this notice makes only minor changes to correct the final rule. The public, states and Pacific Fishery Management Council are aware of the correct intent of the regulations through the public process used to develop the final rule and had the

opportunity to comment on these requirements during the comment period on the proposed rule for this action (September 7, 2018; 83 FR 45396). The preamble to the December 3, 2018, final rule also correctly describes the intent of the regulations. These corrections will not affect the results of analyses conducted to support management decisions in the Pacific Coast Groundfish fishery nor change the total catch in the fishery. No change in operating practices in the fishery is required.

For the same reasons stated above, the AA has determined that good cause exists to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d). This notice makes only minor corrections to the final rule which will be effective January 1, 2018. Delaying effectiveness of these corrections would result in conflicts in the regulations and confusion among fishery participants. Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this rule and none has been prepared.

This final rule is not significant under Executive Order 12866.

#### Corrections

Effective January 1, 2019, in FR Doc. 2018–26194 at 83 FR 62269 in the issue of December 3, 2018:

■ 1. On page 62275, in amendatory instruction 3, in the third column, paragraphs (d)(4)(iv) introductory text and (d)(4)(iv)(A) are corrected to read as follows:

#### § 660.13 [Corrected]

(d) \* \* \*

(4) \* \* \*

(iv) Declaration reports will include: The vessel name and/or identification number, the gear type, and the fishery (as defined in paragraph (d)(4)(iv)(A) of this section). Vessels using limited entry trawl gear may only declare one gear type at a time. Vessels using fixed gear (limited entry and open access) outside the Shorebased IFQ Program may declare more than one type of non-trawl gear at the same time. Vessels using trawl gear may only declare one trawl gear at a time and may not declare fixed gear on the same trip in which trawl gear is declared.

(A) One of the following gear types or sectors must be declared:

(1) Limited entry fixed gear, not including Shorebased IFQ Program,

- (2) Limited entry groundfish non-trawl, Shorebased IFQ Program,
- (3) Limited entry midwater trawl, non-whiting Shorebased IFQ Program,
- (4) Limited entry midwater trawl, Pacific whiting Shorebased IFQ Program,
- (5) Limited entry midwater trawl, Pacific whiting catcher/processor sector,
- (6) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership),
- (7) Limited entry bottom trawl, Shorebased IFQ Program, not including demersal trawl,
- (8) Limited entry demersal trawl, Shorebased IFQ Program,
- (9) Non-groundfish trawl gear for pink shrimp,
- (10) Non-groundfish trawl gear for ridgeback prawn,
- (11) Non-groundfish trawl gear for California halibut,
- (12) Non-groundfish trawl gear for sea cucumber,
- (13) Open access longline gear for groundfish,
- (14) Open access Pacific halibut longline gear,
- (15) Open access groundfish trap or pot gear,
- (16) Open access Dungeness crab trap or pot gear,
- (17) Open access prawn trap or pot gear,
- (18) Open access sheephead trap or pot gear,
- (19) Open access line gear for groundfish,
- (20) Open access HMS line gear,
- (21) Open access salmon troll gear,
- (22) Open access California Halibut line gear,
- (23) Open access Coastal Pelagic Species net gear,
- (24) Other, or
- (25) Tribal trawl.
- (26) Open access California gillnet complex gear.

\* \* \* \* \*

■ 2. On page 62277, in amendatory instruction 8, in the second column, paragraph (c)(2)(iii) is corrected to read as follows:

**§ 660.130 [Corrected]**

- (c) \* \* \*
- (2) \* \* \*

(iii) The use of small footrope trawl, other than selective flatfish trawl gear, is prohibited inside the Klamath River Salmon Conservation Zone (defined at § 660.131(c)(1)) and the Columbia River Salmon Conservation Zone (defined at § 660.131(c)(2)).

\* \* \* \* \*

■ 3. On page 62277, in amendatory instruction 8, in the second column,

paragraph (c)(4)(i)(A) is corrected to read as follows:

**§ 660.130 [Corrected]**

- (c) \* \* \*
- (4) \* \* \*
- (i) \* \* \*

(A) A vessel may not have both groundfish trawl gear and non-groundfish trawl gear on board simultaneously. A vessel may have more than one type of midwater groundfish trawl gear on board, either simultaneously or successively, during a cumulative limit period. A vessel may have more than one type of limited entry bottom trawl gear on board (large or small footrope, including selective flatfish trawl), either simultaneously or successively, during a cumulative limit period except between 42° N latitude and 40°10' N latitude and shoreward of the trawl RCA. Between 42° N latitude and 40°10' N latitude and shoreward of the trawl RCA, vessels are prohibited from having any type of small footrope trawl gear other than selective flatfish trawl gear on board when fishing.

\* \* \* \* \*

■ 4. On page 62277, in amendatory instruction 8, in the third column, paragraph (c)(4)(ii)(A) is corrected to read as follows:

**§ 660.130 [Corrected]**

- (c) \* \* \*
- (4) \* \* \*
- (ii) \* \* \*

(A) A vessel may not have both groundfish trawl gear and non-groundfish trawl gear onboard simultaneously. A vessel may have more than one type of midwater groundfish trawl gear on board, either simultaneously or successively, during a cumulative limit period. A vessel may have more than one type of limited entry bottom trawl gear on board (large or small footrope, including selective flatfish trawl), either simultaneously or successively, during a cumulative limit period.

\* \* \* \* \*

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

Dated: December 19, 2018.

**Donna S. Wieting,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 180625576-8999-03]

**RIN 0648-BH93**

**Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2019-2020 Biennial Specifications and Management Measures; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** NMFS published a final rule on December 12, 2018, to establish the 2019-2020 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. That rule included modifications to depth contour coordinates used for area management, trip limits for a variety of fleets, and allocations to different fisheries within the Pacific Coast groundfish fisheries. This action corrects the order of two waypoints for the 150 fathom (274 m) depth line, corrects the trip limits for the limited entry fixed gear and open access fleets for Minor Nearshore Rockfish south of 42° North latitude (N), and corrects the Shorebased Individual Fishing Quota (IFQ) allocations for 2019 and 2020 for canary rockfish and shortspine thornyheads north of 34°27' N latitude. These corrections are necessary so that the implementing regulations are accurate and implement the action as intended by the Pacific Fishery Management Council (Council).

**DATES:** This correction is effective on January 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** Keeley Kent, phone: 206-526-4655, fax: 206-526-6736, or email: [Keeley.Kent@noaa.gov](mailto:Keeley.Kent@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS published a final rule on December 12, 2018 (83 FR 63970), that established the 2019-2020 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. That final rule is effective January 1, 2019.

**Need for Correction**

The December 12, 2018, final rule adjusted the waypoints (latitude and longitude coordinates) for the 150