

TABLE 1—2015 ANNUAL QUOTAS AND OPENING DATES FOR THE ATLANTIC SHARK FISHERIES—Continued

[All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise]

Region	Management group	2014 Annual quota (A)	Preliminary 2014 landings ¹ (B)	Adjustments (C)	2015 Base annual quota (D)	2015 Final annual quota (D + C)	Season opening dates
No regional quotas	Non-Blacknose Small Coastal Sharks.	264.1 mt dw (582,333 lb dw).	103.1 mt dw (227,202 lb dw).	.....	176.1 mt dw (388,222 lb dw).	176.1 mt dw (388,222 lb dw).	January 1, 2015.
	Blacknose Sharks	17.5 mt dw (38,638 lb dw).	17.4 mt dw (38,437 lb dw).	– 0.5 mt dw (– 1,111 lb dw) ⁴ .	18.0 mt dw (39,749 lb dw).	17.5 mt dw (38,638 lb dw).	
	Non-Sandbar LCS Research.	50.0 mt dw (110,230 lb dw).	14.3 mt dw (31,543 lb dw).	.....	50.0 mt dw (110,230 lb dw).	50.0 mt dw (110,230 lb dw).	January 1, 2015.
	Sandbar Shark Research.	116.6 mt dw (257,056 lb dw).	37.5 mt dw (82,737 lb dw).	.....	116.6 mt dw (257,056 lb dw).	116.6 mt dw (257,056 lb dw).	
	Blue Sharks	273.0 mt dw (601,856 lb dw).	7.8 mt dw (17,157 lb dw).	.....	273.0 mt dw (601,856 lb dw).	273.0 mt dw (601,856 lb dw).	
	Porbeagle Sharks	1.2 mt dw (2,820 lb dw).	2.5 mt dw (5,586 lb dw).	– 1.3 mt dw (– 2,766 lb dw).	1.7 mt dw (3,748 lb dw).	0.4 mt dw (982 lb dw).	Closed ⁵
	Pelagic Sharks Other Than Porbeagle or Blue.	488 mt dw (1,075,856 lb dw).	126.7 mt dw (279,276 lb dw).	.....	488.0 mt dw (1,075,856 lb dw).	488.0 mt dw (1,075,856 lb dw).	January 1, 2015.

¹ All landings except for the porbeagle shark landings are from January 1, 2014, through October 15, 2014, and are subject to change. Porbeagle shark landings are from January 1, 2014, through December 10, 2014.

² This adjustment accounts for underharvest in 2014. Therefore, the Gulf of Mexico blacktip shark adjusted quota will be 328.6 mt dw for the 2015 fishing season.

³ This adjustment accounts for overharvests from 2013 and 2014. In the final rule establishing the 2014 quotas (78 FR 70500; November 26, 2013), the 2013 Gulf of Mexico aggregated LCS quota was overharvested by 6.2 mt dw (13,489 lb dw). After the final rule establishing the 2014 quotas published, late dealer reports indicated the quota was overharvested by an additional 0.1 mt dw (408 lb dw), for a total overharvest of 6.3 mt dw (13,897 lb dw). Recently, NMFS determined that the 2014 final rule overestimated the overharvest from 2013 by 1.3 mt dw (2,758 lb dw). In 2014, the Gulf of Mexico aggregated LCS quota was overharvested by 2.3 mt dw (5,095 lb dw). Therefore, this final rule reduces the Gulf of Mexico aggregated LCS quota by 1.0 mt dw (2.3 mt dw overharvest in 2014—1.3 mt dw overestimated from 2013). NMFS will adjust the 2015 base annual quota based on the updated overharvest estimates from 2013 and 2014.

⁴ This adjustment accounts for overharvest in 2012. After the final rule establishing the 2012 quotas published, late dealer reports indicated the blacknose shark quota was overharvested by 3.5 mt dw (7,742 lb dw). In the final rule establishing the 2014 quotas, NMFS implemented a 5-year adjustment of the overharvest amount by the percentage of landings in 2012. Thus, NMFS will reduce the Gulf of Mexico blacknose shark quota by 0.2 mt dw (437 lb dw) and the Atlantic blacknose shark quota by 0.5 mt dw (1,111 lb dw) each year from 2014 through 2018. NMFS will reduce the 2015 base annual quota based on overharvest from 2012.

⁵ This closure accounts for overharvest in 2014. After the final rule establishing the 2015 quotas published, dealer reports indicated that the porbeagle quota was overharvested by 1.3 mt dw (2,766 lb dw). Accounting for this large overharvest would result in a 2015 commercial quota of 0.4 mt dw (3,748–2,766 lb dw = 982 lb dw). It would be difficult to monitor such a small amount of quota and to timely assess when landings are projected to reach 80 percent of it in a way that allows NMFS to close the fishery before overharvests would occur (*i.e.*, when landings reach 0.3 mt dw or 786 lb dw; § 635.28(b)(1)).

During the closure, retention of porbeagle sharks is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit (LAP) under § 635.4. However, persons aboard a commercially-permitted vessel that is also properly permitted to operate as a charter vessel or headboat for HMS and is engaged in a for-hire trip could fish under the recreational retention limits for sharks and “no sale” provisions (§ 635.22(a) and (c)). A shark dealer issued a permit pursuant to § 635.4 may not purchase or receive porbeagle sharks from a vessel issued an Atlantic shark LAP, except that a permitted shark dealer or processor may possess porbeagle sharks that were harvested, off-loaded, and sold, traded, or bartered, prior to the effective date of the closure and were held in storage. Under this closure, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with state regulations, purchase or receive a porbeagle sharks if the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and that has not been issued an Atlantic Shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA), finds that providing prior notice and public comment for this action is impracticable and contrary to the public interest because the fishery is currently underway and any delay in this action would result in further overharvest of the quota and be inconsistent with management requirements and objectives. Similarly, affording prior notice and opportunity for public comment on this action is contrary to the public interest because if the quota is further exceeded, the stock may be negatively affected and fishermen ultimately could experience reductions in the available quota and a lack of fishing opportunities in future seasons. For these reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(3). This action is required under § 635.28(b)(2) and is exempt from review under Executive Order 12866.

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

Dated: December 12, 2014.

Emily H. Menashes,
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. 140904753–4999–01]

RIN 0648–BE34

Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Regulatory Amendment to Pacific Coast Groundfish Fisheries Trawl Rationalization Program for the Start of 2015

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

ACTION: Final rule.

SUMMARY: This action revises regulations for the Pacific coast

groundfish fishery with an implementation date of January 1, 2015. Final implementation of the 2015–2016 biennial harvest specifications and management measures will be delayed beyond January 1, 2015. NMFS has identified two issues that must be addressed prior to January 1, 2015, to prevent interruption of ongoing fisheries and to allow harvest of the total allowable and available groundfish. This action addresses those issues by revising groundfish regulations in two ways. First, this action reinstates a mechanism whereby NMFS can issue interim groundfish allocations at the beginning of the year in years when annual groundfish harvest specifications are not yet finalized, as is the case for January 1, 2015. Second, this action amends regulations to allow NMFS to issue that portion of the allowable catch currently allocated to an Adaptive Management Program (AMP) to quota shareholders until final criteria and a process for distribution of the AMP quota shares is developed and implemented.

DATES: Effective December 17, 2014.

ADDRESSES: Electronic copies of the Regulatory Impact Review (RIR) and Regulatory Flexibility certification analysis, categorical exclusion memorandum, and Environmental Assessment (EA) may be obtained from the National Marine Fisheries Service (NMFS) West Coast Regional office in Seattle, at 7600 Sand Point Way Northeast, Seattle, Washington 98115, phone: 206–526–6150.

FOR FURTHER INFORMATION CONTACT: Miako Ushio, phone: 206–526–4644; or email: Miako.Ushio@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This rule is accessible via the Internet at the Office of the Federal Register Web site at <https://www.federalregister.gov>. Background information and documents are available at the NMFS West Coast Region Web site at <http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish/index.html> and at the Council's Web site at <http://www.pcouncil.org>.

Background

Biennial specifications for groundfish harvest will not be available by January 1, 2015. This final rule resolves two issues that must be addressed prior to January 1, 2015, to prevent interruption of ongoing fisheries and to allow harvest of the total allowable and available groundfish. First, this action reinstates provisions allowing NMFS to issue Pacific whiting and non-whiting

groundfish species quota pounds (QP) to current quota shareholders in the Shorebased Individual Fishing Quota Program based on conservative estimates in years, such as 2015, when harvest specifications of those species are not known by January 1. Second, the 10 percent of non-whiting quota share (QS) reserved for an AMP, that has not yet been established, will continue to be 'passed through' to the fishery. This 10 percent will be issued to current QS holders in proportion to their non-whiting QS until implementation of appropriate AMP regulations. NMFS is extending the pro rata pass-through so that the fish authorized for harvest through the biennial specifications process will continue to be available to benefit the fishing industry, dependent communities, and consumers.

This final rule implements the same regulations that were described in detail in the proposed rule that published on October 10, 2014 (79 FR 61272). See the preamble to the proposed rule for additional background information on the fishery and on the regulations implemented in this final rule.

Comments and Responses

The proposed rule for this action published in the **Federal Register** on October 10, 2014 at 79 FR 61272, with a comment period that closed on November 10, 2014. NMFS received no comments.

Classification

The Administrator, West Coast Region, NMFS, had determined that the regulations allowing NMFS to issue interim allocations and to continue issuance of AMP pounds to quota shareholders in the Shorebased IFQ Program, which this final rule implements, are consistent with the national standards of the Magnuson-Stevens Act and other applicable laws.

NMFS finds good cause to waive part of the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective on December 17, 2014. Leaving the 2014 harvest specifications and management measures in place could cause harm to some stocks because those management measures are not based on the most current scientific information; it could also cause drastic management changes later in the year to prevent exceeding some lower 2015 harvest specifications once they are implemented. Further, it would be contrary to the public interest to delay implementation of the AMP pass-through, because making this regulatory change allows harvest to continue as intended by the Council, consistent with the best scientific

information available. Delaying this rule could cause economic harm to fishery participants because inaccurate amounts of QP could be issued pending finalization of the 2015 harvest specifications. This rule does not impose any new requirements or burdens on fishery participants, so there is no need to allow additional time for participants to make gear changes or change their fishing practices. These reasons constitute good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness.

An Environmental Assessment (EA) was prepared for the pass-through of adaptive management quota pounds portion of this proposed action, and can be found on the NMFS' Groundfish Trawl Catch Share Web site at www.westcoast.fisheries.noaa.gov/fisheries/groundfish_catch_shares. In approving the regulations allowing NMFS to continue issuance of AMP pounds to quota shareholders in the Shorebased IFQ Program, NMFS issued a Finding of No Significant Impact (FONSI) identifying the selected alternatives. A copy of the FONSI is available from NMFS (see **ADDRESSES**).

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

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian fisheries.

Dated: December 11, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 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.* and 16 U.S.C. 773 *et seq.*

■ 2. In § 660.140, revise paragraphs (d)(1)(ii)(A) introductory text,

(d)(1)(ii)(A)(1) and (2), (d)(1)(ii)(B)(1) and (2), and paragraph (l)(2) to read as follows:

§ 660.140 Shorebased IFQ Program.

* * * * *

- (d) * * *
- (1) * * *
- (ii) * * *

(A) *Non-whiting QP annual sub-allocations.* NMFS will issue QP for IFQ species other than Pacific whiting and Pacific halibut annually by multiplying the QS permit owner's QS for each such IFQ species by that year's shorebased trawl allocation for that IFQ species. Deposits to QS accounts for IFQ species other than Pacific whiting and Pacific halibut will be made on or about January 1 each year. Until the implementation of any regulatory changes developed pursuant to the first program review for the trawl rationalization program, the resulting AMP QP will be issued to all QS permit owners in proportion to their non-whiting QS.

(1) In years where the groundfish harvest specifications are known by January 1, deposits to QS accounts for IFQ species will be made on or about January 1.

(2) In years where the groundfish harvest specifications are not known by January 1, NMFS will issue QP in two parts. On or about January 1, NMFS will deposit QP based on the shorebased trawl allocation multiplied by the lower end of the range of potential harvest specifications for that year. After the final harvest specifications are established later in the year, NMFS will deposit additional QP to the QS account.

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- (B) * * *

(1) In years where the Pacific whiting harvest specification is known by January 1, deposits to QS accounts for Pacific whiting will be made on or about January 1.

(2) In years where the Pacific whiting harvest specification is not known by

January 1, NMFS will issue Pacific whiting QP in two parts. On or about January 1, NMFS will deposit Pacific whiting QP based on the shorebased trawl allocation multiplied by the lower end of the range of potential harvest specifications for Pacific whiting for that year. After the final Pacific whiting harvest specifications are established later in the year, NMFS will deposit additional QP to QS accounts.

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- (l) * * *

(2) *AMP QP pass through.* The 10 percent of non-whiting QS will be reserved for the AMP, but the resulting AMP QP will be issued to all QS permit owners in proportion to their non-whiting QS until the implementation of any regulatory changes developed pursuant to the first program review for the trawl rationalization program.

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