

Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), dealers must electronically submit reports on sharks that are first received from a vessel on a weekly basis through a NMFS-approved electronic reporting system. Reports must be received by no later than midnight, local time, of the first Tuesday following the end of the reporting week unless the dealer is otherwise notified by NMFS. Under § 635.28(b)(2), the quotas of certain species and/or management groups are linked. The quotas for non-blacknose SCS and the blacknose shark management group in the Gulf of Mexico region are linked (§ 635.28(b)(3)(iv)). Under § 635.28(b)(2), when NMFS calculates that the landings for any species and/or management group of a linked group has reached or is projected to reach 80 percent of the available quota, NMFS will file for publication with the Office of the Federal Register a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until and if NMFS announces, via notification in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups are closed, even across fishing years.

On December 2, 2014 (79 FR 71331), NMFS announced that the 2015 commercial Gulf of Mexico non-blacknose SCS quota is 45.5 metric tons (mt) dressed weight (dw) (100,317 lb dw) and the blacknose shark quota is 1.8 mt dw (4,076 lb dw).

Dealer reports recently received through June 26, 2015, indicated that 36.9 mt dw or 81 percent of the available Gulf of Mexico non-blacknose SCS quota had been landed and 1.0 mt dw or 52 percent of the available Gulf of Mexico blacknose shark quota had been landed. Based on these dealer reports, landings of non-blacknose SCS have exceeded 80 percent of the quota by June 26, 2015. Accordingly, NMFS is closing both the commercial blacknose shark fishery and non-blacknose SCS management group in the Gulf of Mexico region as of 11:30 p.m. local time July 4, 2015. The only shark species or management groups that remain open in the Gulf of Mexico region are the research large coastal sharks, sandbar sharks within the shark research fishery, the blue shark, and pelagic sharks other than porbeagle or blue shark management groups.

At § 635.27(b)(1), the boundary between the Gulf of Mexico region and

the Atlantic region is defined as a line beginning on the East Coast of Florida at the mainland at 25°20.4' N. lat, proceeding due east. Any water and land to the south and west of that boundary is considered, for the purposes of monitoring and setting quotas, to be within the Gulf of Mexico region.

During the closure, retention of blacknose sharks and non-blacknose SCS in the Gulf of Mexico region 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)).

During this closure, a shark dealer issued a permit pursuant to § 635.4 may not purchase or receive blacknose sharks or non-blacknose SCS in the Gulf of Mexico region from a vessel issued a shark LAP, except that a permitted shark dealer or processor may possess blacknose sharks and/or non-blacknose SCS in the Gulf of Mexico region that were harvested, off-loaded, and sold, traded, or bartered prior to the effective date of the closure and were held in storage consistent with § 635.28(b)(5). Similarly, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with relevant state regulations, purchase or receive blacknose sharks and/or non-blacknose SCS in the Gulf of Mexico region 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 a shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

#### Classification

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 fisheries are currently underway and any delay in this action would result in overharvest of the Gulf of Mexico non-blacknose SCS 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 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: June 29, 2015.

**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 679

[Docket No. 141021887–5172–02]

RIN 0648–XE023

#### 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 Community Development Quota (CDQ) for CDQ acceptable biological catch (ABC) reserves. This action is necessary to allow the 2015 total allowable catch of flathead sole, rock sole, and yellowfin sole in the Bering Sea and Aleutian Islands management area to be harvested.

**DATES:** Effective July 2, 2015 through 2400 hours, Alaska local time (A.l.t.), December 31, 2015.

**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 2015 flathead sole, rock sole and yellowfin sole CDQ reserves specified in

the BSAI are 2,595, 7,410, and 15,943 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015). The 2015 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 4,481, 12,032, and 10,679 mt as established by the final 2015 and 2016

harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015).

The Yukon Delta Fisheries Development Association has requested that NMFS exchange 50 mt of flathead sole and 250 mt of yellowfin sole CDQ reserves for 300 mt of rock sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 50 mt of

flathead sole and 250 mt of yellowfin sole CDQ reserves for 300 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 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) are revised as follows:

**TABLE 11—FINAL 2015 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 .....                           | 8,000                     | 7,000                     | 9,000                     | 24,200        | 69,550    | 148,750        |
| CDQ .....                           | 856                       | 749                       | 963                       | 2,545         | 7,710     | 15,693         |
| ICA .....                           | 100                       | 75                        | 10                        | 5,000         | 8,000     | 5,000          |
| BSAI trawl limited access .....     | 704                       | 618                       | 161                       | 0             | 0         | 16,165         |
| Amendment 80 .....                  | 6,340                     | 5,558                     | 7,866                     | 16,655        | 53,840    | 111,892        |
| Alaska Groundfish Cooperative ..... | 3,362                     | 2,947                     | 4,171                     | 1,708         | 13,318    | 44,455         |
| Alaska Seafood Cooperative .....    | 2,978                     | 2,611                     | 3,695                     | 14,947        | 40,522    | 67,437         |

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

**TABLE 13—FINAL 2015 AND 2016 ABC SURPLUS, 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                                                    | 2015 Flathead sole | 2015 Rock sole | 2015 Yellowfin sole | 2016 Flathead sole | 2016 Rock sole | 2016 Yellowfin sole |
|-----------------------------------------------------------|--------------------|----------------|---------------------|--------------------|----------------|---------------------|
| ABC .....                                                 | 66,130             | 181,700        | 248,800             | 63,711             | 164,800        | 245,500             |
| TAC .....                                                 | 24,200             | 69,550         | 148,750             | 24,250             | 69,250         | 149,000             |
| ABC surplus .....                                         | 41,930             | 112,150        | 100,050             | 39,461             | 95,550         | 96,500              |
| ABC reserve .....                                         | 41,930             | 112,150        | 100,050             | 39,461             | 95,550         | 96,500              |
| CDQ ABC reserve .....                                     | 4,531              | 11,732         | 10,929              | 4,222              | 10,224         | 10,326              |
| Amendment 80 ABC reserve .....                            | 37,399             | 100,418        | 89,121              | 35,239             | 85,326         | 86,175              |
| Alaska Groundfish Cooperative for 2015 <sup>1</sup> ..... | 3,836              | 24,840         | 35,408              | n/a                | n/a            | n/a                 |
| Alaska Seafood Cooperative for 2015 <sup>1</sup> ..       | 33,563             | 75,578         | 53,713              | n/a                | n/a            | n/a                 |

<sup>1</sup> The 2016 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, 2015.

## 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

Yukon Delta Fisheries 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 June 23, 2015.

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: June 29, 2015.

**Emily H. Menashes,**  
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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