

implementing the Atlantic Herring Fishery Management Plan and is intended to limit the harvest of river herring and shad in the Mid-Atlantic/Southern New England Catch Cap Area.

**DATES:** Effective 00:01 hr local time, March 14, 2018, through December 31, 2018.

**FOR FURTHER INFORMATION CONTACT:**

Daniel Luers, Fishery Management Specialist, (978) 282-8457.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the Atlantic herring fishery can be found at 50 CFR part 648, including requirements for setting annual catch cap allocations for river herring and shad. NMFS set the 2018 catch cap in the Mid-Atlantic/Southern New England Catch Cap Area at 129.6 mt. NMFS established this value in the 2016 through 2018 herring specifications (81 FR 75731, November 1, 2016).

The NMFS Administrator of the Greater Atlantic Region (Regional Administrator) monitors the herring fishery in each of the catch cap areas based on vessel and dealer reports, state data, and other available information. The regulations at § 648.201 require that when the Regional Administrator projects that river herring and shad catch will reach 95 percent of a catch cap for vessels fishing with a specified gear type in a specified catch cap area, NMFS must prohibit, through notification in the **Federal Register**, federally permitted herring vessels fishing with that gear type from fishing for, possessing, catching, transferring, or landing more than 2,000 lb (907.2 kg) of herring per trip or calendar day in or from that specified catch cap closure area for the remainder of the fishing year.

The Regional Administrator has determined, based on available information, that the herring midwater trawl vessels will have caught 95 percent of the river herring and shad catch cap allocated to the Mid-Atlantic/Southern New England Catch Cap Area by March 14, 2018. Therefore, effective 00:01 hr local time, March 14, 2018, federally permitted vessels fishing with midwater trawl gear may not fish for, catch, possess, transfer, or land more than 2,000 lb (907.2 kg) of herring per trip or calendar day, in or from the Mid-Atlantic/Southern New England Catch Cap Closure Area through December 31, 2018. Midwater trawl vessels that have entered port before 00:01 hr local time, March 14, 2018, may land and sell more than 2,000 lb (907.2 kg) of herring from the Cap Closure Area from that trip. Midwater trawl vessels may transit through the Mid-Atlantic/Southern New

England Catch Cap Closure Area with more than 2,000 lb (907.2 kg) of herring on board, provided all herring in excess of 2,000 lb (907.2 kg) was caught outside of this area and all fishing gear is stowed and not available for immediate use as defined by § 648.2.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. This action restricts the catch of herring in the Mid-Atlantic/Southern New England Catch Cap Closure Area for the remainder of the fishing year. Data have only recently become available indicating that herring midwater trawl vessels will have caught 95 percent of the river herring and shad catch cap allocated to that gear type in the Catch Cap Area. Once NMFS projects that river herring and shad catch will reach 95 percent of the cap for the Catch Cap Area, NMFS is required by Federal regulation to implement a 2,000-lb (907.2-kg) herring trip and calendar day possession limit for Cap Closure Area through December 31, 2018. The regulations at § 648.201(a)(4)(ii) require such action to ensure that herring vessels do not exceed the river herring and shad catch cap allocated to midwater trawl vessels in the Mid-Atlantic/Southern New England Catch Cap Area. If implementation of this closure is delayed to solicit prior public comment, the midwater trawl catch cap for the Mid-Atlantic/Southern New England Catch Cap Area for this fishing year will be exceeded, thereby undermining the conservation objectives of the Atlantic Herring Fishery Management Plan. For the reasons stated above, NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period.

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

Dated: March 12, 2018.

**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. 170816769-8162-02]

**RIN 0648-XG076**

**Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the 2018 total allowable catch of pollock for Statistical Area 610 in the GOA.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), March 12, 2018, through 1200 hours, A.l.t., May 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 B season allowance of the 2018 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 1,317 metric tons (mt) as established by the final 2018 and 2019 harvest specifications for groundfish in the GOA (83 FR 8768, March 1, 2018).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the B season allowance of the 2018 TAC of pollock in Statistical Area 610 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,217 mt and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. 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 pollock in Statistical Area 610 of the GOA.

After the effective date of this closure 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 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 directed fishing for pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 8, 2018.

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: March 9, 2018.

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

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