

opportunity for public comment was impracticable because NMFS had insufficient time between when adequate landings information became available to determine if additional days would be necessary, and when those dates needed to occur within the season. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to anglers through a telephone hotline, news release, and by the relevant state fish and wildlife agencies. This notice complies with the requirements of the annual management measures for Pacific halibut recreational fisheries published May 1, 2020 (85 FR 25317) and IPHC regulations published March 13, 2020 (85 FR 14586). While there is not time for prior notice and comment, NMFS will receive public comments for 15 days after publication of this action, in accordance with 50 CFR 300.63(c)(4)(ii). No aspect of this action is controversial, and changes of this nature were anticipated in the final rule for the Pacific halibut Catch Sharing Plan and annual management measures which published May 1, 2020 (85 FR 25317).

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon publication, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan and current management measures, as well as potentially cause economic harm to the associated fishing communities. Regulations allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the area. NMFS recently received information on the progress of landings in the recreational fisheries in Washington and the Columbia River subareas, necessitating new dates be added to the fishery to ensure optimal and sustainable harvest of the quota. A delay in the effectiveness of these new dates would not allow the allocation objectives of this fishery to be met, as the fishery is scheduled to conclude by September 30, according to both the

May 1, 2020 final rule (85 FR 25317) and the Council's Catch Sharing Plan.

Dated: July 23, 2020.

**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. 200221-0062]

RTID 0648-XA314

#### **Fisheries of the Exclusive Economic Zone Off Alaska; Reapportionment of the 2020 Gulf of Alaska Pacific Halibut Prohibited Species Catch Limits for the Trawl Deep-Water and Shallow-Water Fishery Categories**

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

**ACTION:** Temporary rule; reapportionment.

**SUMMARY:** NMFS is reapportioning the seasonal apportionments of the 2020 Pacific halibut prohibited species catch (PSC) limits for the trawl deep-water and shallow-water species fishery categories in the Gulf of Alaska. This action is necessary to account for the actual halibut PSC use by the trawl deep-water and shallow-water species fishery categories from May 15, 2020 through June 30, 2020. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), July 23, 2020 through 2400 hours, A.l.t., December 31, 2020.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the Gulf of Alaska (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 final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020) apportions the 2020 Pacific halibut PSC limit for trawl gear in the GOA to two trawl fishery categories: A deep-water species fishery and a shallow-water species fishery. The halibut PSC limit for these two trawl fishery categories is further apportioned by season, including four seasonal apportionments to the shallow-water species fishery and four seasonal apportionments to the deep-water species fishery. The two fishery categories also are apportioned a combined, fifth seasonal halibut PSC limit. Unused seasonal apportionments are added to the next season apportionment during a fishing year.

Regulations at § 679.21(d)(4)(iii)(D) require NMFS to combine management of the available trawl halibut PSC limits in the second season (April 1 through July 1) deep-water and shallow-water species fishery categories for use in either fishery from May 15 through June 30 of each year. Furthermore, NMFS is required to reapportion the halibut PSC limit between the deep-water and shallow-water species fisheries after June 30 to account for actual halibut PSC use by each fishery category during May 15 through June 30. As of July 22, 2020, NMFS has determined that the trawl deep-water and shallow-water fisheries used 128 metric tons (mt) and 43 mt of halibut PSC, respectively, from May 15 through June 30. Accordingly, pursuant to § 679.21(d)(4)(iii)(D), the Regional Administrator is reapportioning the combined first and second seasonal apportionments (860 mt) of halibut PSC limit between the trawl deep-water and shallow-water fishery categories to account for the actual PSC use (533 mt) in each fishery from January 1, 2020 through June 30, 2020. Therefore, Table 15 of the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020) is revised consistent with this adjustment.

TABLE 15—FINAL 2020 AND 2021 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY CATEGORIES

[Values are in metric tons]

Season	Shallow-water	Deep-water <sup>1</sup>	Total
January 20–April 1 .....	20	156	177
April 1–July 1 .....	63	294	356
Subtotal, combined first and second season limit (January 20–July 1) .....	83	450	533
July 1–August 1 .....	203	586	789
August 1–October 1 .....	53	75	128
Subtotal January 20–October 1 .....	339	1,111	1,450
October 1–December 31 <sup>2</sup> .....	.....	.....	256
Total .....	.....	.....	1,706

<sup>1</sup> Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through September 1) deep-water species fishery halibut PSC apportionment.

<sup>2</sup> There is no apportionment between trawl shallow-water and deep-water species fishery categories during the fifth season (October 1 through December 31).

### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment

would be 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 allow for harvests that exceed the originally specified apportionment of the halibut PSC limits to the deep-water and shallow-water fishery categories. NMFS was unable to publish a notice providing time for public comment

because the most recent, relevant data only became available as of July 23, 2020.

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

Dated: July 23, 2020.

**Jennifer M. Wallace,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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