DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 130925836-4174-02]

RIN 0648-XD715

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Western Regulatory Area of 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 Pacific cod by vessels using pot gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2015 Pacific cod total allowable catch apportioned to vessels using pot gear in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 12, 2015, through 1200 hours, A.l.t., June 10, 2015.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 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. Regulations
governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50
CFR part 680.

The A season allowance of the 2015 Pacific cod total allowable catch (TAC)
apportioned to vessels using pot gear in the Western Regulatory Area of the GOA is
5,230 metric tons (mt), as established by the final 2014 and 2015 harvest specifications
for groundfish of the GOA (79 FR 12890, March 6, 2014) and inseason adjustment (80
FR 192, January 5, 2015).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS
(Regional Administrator) has determined that the A season allowance of the 2015 Pacific
cod TAC apportioned to vessels using pot gear in the Western Regulatory Area of the
GOA will soon be reached. Therefore, the Regional Administrator is establishing a
directed fishing allowance of 5,220 mt and is setting aside the remaining 10 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 Pacific cod by
vessels using pot gear in the Western Regulatory Area 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 directed fishing closure of Pacific cod for vessels using pot gear in the Western Regulatory Area 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 February 10, 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.


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