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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 180625576-8999-03]

RIN 0648-BH93

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery; 2019–2020 Biennial Specifications and Management Measures; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS published a final rule on December 12, 2018, to establish the 2019–2020 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. That rule included modifications to depth contour coordinates used for area management, trip limits for a variety of fleets, and allocations to different fisheries within the Pacific Coast groundfish fisheries. This action corrects the order of two waypoints for the 150 fathom (274 m) depth line, corrects the trip limits for the limited entry fixed gear and open access fleets for Minor Nearshore Rockfish south of 42° North latitude (N), and corrects the Shorebased Individual Fishing Quota (IFQ) allocations for 2019 and 2020 for canary rockfish and shortspine thornyheads north of 34°27' N. latitude. These corrections are necessary so that the implementing regulations are accurate and implement the action as intended by the Pacific Fishery Management Council (Council).

DATES: This correction is effective on January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Keeley Kent, phone: 206-526-4655, fax: 206-526-6736, or e-mail: *Keeley.Kent@noaa.gov*.

SUPPLEMENTARY INFORMATION: NMFS published a final rule on December 12, 2018 (83 FR 63970), that established the 2019–2020 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. That final rule is effective January 1, 2019.

Need for Correction

The December 12, 2018, final rule adjusted the waypoints (latitude and longitude coordinates) for the 150 fathom (274 m) depth contour at § 660.73(h). Two of these waypoints were inadvertently swapped. When mapped, this erroneous coordinates create a cross-over in the line. In order to properly approximate the 150 fathom (274 m) contour in this area, paragraphs (282) and (283) will be switched.

Additionally, in the December 12, 2018, final rule, the trip limits for both the limited entry fixed gear (LEFG) fisheries north of 40°10' N. latitude and the open access (OA) fisheries north of 40°10' N. latitude, the sublimit within the Minor Nearshore Rockfish stock complex trip limit was mistakenly modified from those in the proposed rule by adding blue/deacon rockfish to the sublimit south of 42° N. latitude (83 FR 47416; September 19, 2018). This mistake was connected to changes to other trip limits due to the new stock complex for Oregon black, blue/deacon rockfish. The preamble to the final rule correctly notes that this stock complex is only off of Oregon, so the correct southern extent is 42° N. latitude, not 40°10' N. latitude. This action reverts the sublimits to what was originally proposed, correcting Table 12 (page 63978) and Table 13 (page 63980) in the preamble, and Table 2 North to Part 660, Subpart E and Table

3 North to Part 660, Subpart F in the regulations. For the LEFG fisheries between 42° and 40°10' N. latitude, no more than 1,200 pounds may be species other than black rockfish every two months within the Minor Nearshore Rockfish trip limit. Similarly, for the OA fisheries, between 42° and 40°10' N. latitude, no more than 1,200 pounds may be species other than black rockfish every two months within the Minor Nearshore Rockfish trip limit. There is no additional sublimit for blue/deacon rockfish south of 42° N. latitude.

Finally, the December 12, 2018, final rule and the September 19, 2018, proposed rule (47416) included incorrect allocations to the Shorebased IFQ Program at § 660.140(d)(1)(ii)(D). These mistakes were also in Table 9 of the final rule preamble (page 63975). The 2019 and 2020 allocations for canary rockfish and for shortspine thornyhead north of 34°27' N. lat. were incorrect in the table in this paragraph. For canary rockfish, the deductions for exempted fishing permits from the ACL were calculated incorrectly, and when corrected result in slightly larger allocation for the Shorebased IFQ Program. The December 12, 2018, final rule set the allocations for canary rockfish in 2019 at 946.9 mt and in 2020 at 887.8 mt. This action correctly sets these allocations at 953.6 mt for 2019 and 894.3 mt for 2020.

For shortspine thornyhead north of 34°27' N. lat., improper application of the formula for dividing the trawl allocation resulted in an error in the Shorebased IFQ Program allocations. Under Amendment 21 to the Groundfish Fishery Management Plan, once the harvest guideline for this species is determined, a formula is applied to split that catch limit between trawl and non-trawl fisheries. The trawl allocation is then split by deducting the at-sea set asides, and the remainder is allocated to the Shorebased IFQ Program. For 2019–2020, the at-sea set aside amount for shortspine thornyhead north of 34°27' N. lat. was increased from 25 to 30 mt, which should have been deducted from the allocation to the Shorebased IFQ Program. In the December

12, 2018, final rule, the Shorebased IFQ Program allocation did not reflect this 5 mt increase. This action corrects this mistake by reducing the Shorebased IFQ Program allocation by 5 mt (0.3 percent of the total allocation). For 2019, the allocation is now 1,506.8 mt and for 2020, the allocation is now 1,493.5 mt.

All of these corrections are consistent with the Council action for the 2019–2020 groundfish harvest specifications and are minor corrections to correctly implement the Council intent in their final action from June 2018.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries (AA) finds there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to public interest. Notice and comment are unnecessary and contrary to the public interest because this action corrects inadvertent errors in the December 12, 2018, final rule. Immediate notice of the errors and correction is necessary to prevent confusion among participants in the fishery that could result in issues with enforcement of area management, as well as to allow the correct issuance of quota to the Shorebased IFQ Program for shortspine thornyheads and canary rockfish. To effectively correct the errors, the changes in this action must be effective on January 1, 2019, which is the effective date of the December 12, 2018, final rule. Thus, there is not sufficient time for notice and comment due to the imminent effective date of the December 12, 2018, final rule. In addition, notice and comment is unnecessary because this notice makes only minor changes to correct the final rule. These corrections will not affect the results of analyses conducted to support management decisions in the Pacific coast groundfish fishery.

For the same reasons stated above, the AA has determined that good cause exists to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d). This notice makes only minor corrections to the final rule which will be effective January 1, 2019. Delaying effectiveness of these corrections would result in conflicts in the regulations and confusion among fishery participants. Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this rule and none has been prepared.

This final rule is not significant under Executive Order 12866.

Corrections

Effective January 1, 2019, in FR. Doc. 2018-26602 at 83 FR 63970 in the issue of December 12, 2018:

1. On page 63994, in amendatory instruction 9, in the second column, § 660.73(h)(282) and (283) are corrected to read as follows:

§ 660.73 [Corrected]

* * * * *

(h) * * *

(282) 34°09.00' N lat., 120°18.40' W long.;

(283) 34°11.07' N lat., 120°25.03' W long.;

* * * * *

2. On page 64002, in amendatory instruction 14, in the third column, § 660.140(d)(1)(ii)(D) is corrected to read as follows:

§ 660.140 [Corrected]

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(D) For the trawl fishery, NMFS will issue QP based on the following shorebased trawl allocations:

IFQ species	Area	2019 Shorebased trawl allocation (mt)	2020 Shorebased trawl allocation (mt)
Arrowtooth flounder	Coastwide	12,735.10	10,052.30
Bocaccio	South of 40°10' N. lat.	800.7	767.1
Canary rockfish	Coastwide	953.6	894.3
Chilipepper	South of 40°10' N. lat.	1,838.30	1,743.80
COWCOD	South of 40°10' N. lat.	2.2	2.2
Darkblotched rockfish	Coastwide	658.4	703.4
Dover sole	Coastwide	45,979.20	45,979.20
English sole	Coastwide	9,375.10	9,417.90
Lingcod	North of 40°10' N. lat.	2,051.90	1,903.40
Lingcod	South of 40°10' N. lat.	462.5	386
Longspine thornyhead	North of 34°27' N. lat.	2,420.00	2,293.60
Minor Shelf Rockfish complex	North of 40°10' N. lat.	1,155.20	1,151.60
Minor Shelf Rockfish complex	South of 40°10' N. lat.	188.6	188.6
Minor Slope Rockfish complex	North of 40°10' N. lat.	1,248.80	1,237.50
Minor Slope Rockfish complex	South of 40°10' N. lat.	456.00	455.4
Other Flatfish complex	Coastwide	5,603.70	5,192.40
Pacific cod	Coastwide	1,034.10	1,034.10

Pacific ocean perch	North of 40°10' N. lat.	3,697.30	3,602.20
Pacific whiting	Coastwide	TBD	TBD
Petrable sole	Coastwide	2,453.00	2,393.20
Sablefish	North of 36° N;. lat.	2,581.30	2,636.80
Sablefish	South of 36° N. lat.	834	851.7
Shortspine thornyhead	North of 34°27' N. lat.	1,506.8	1,493.5
Shortspine thornyhead	South of 34°27' N. lat	50	50
Splitnose rockfish	South of 40°10' N. lat.	1,646.70	1,628.70
Starry flounder	Coastwide	211.6	211.6
Widow rockfish	Coastwide	9,928.80	9,387.10
YELLOWEYE ROCKFISH	Coastwide	3.4	3.4
Yellowtail rockfish	North of 40°10' N. lat.	4,305.80	4,048.00

3. On page 64008, in amendatory instruction 20, Table 2 (North) to Part 660, Subpart E is corrected to read as follows:

Table 2 (North) to Part 660, Subpart E—Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear North of 40°10' N Lat.

[Corrected]

Table 2 (North) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear North of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table							01012019
		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area (RCA)^{1/}:							
1	North of 46°16' N. lat.	shoreline - 100 fm line ^{1/}					
2	46°16' N. lat. - 42°00' N. lat.	30 fm line ^{1/} - 100 fm line ^{1/}					
3	42°00' N. lat. - 40°10' N. lat.	30 fm line ^{1/} - 100 fm line ^{1/}					
<p>See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).</p> <p>State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.</p>							
4	Minor Slope Rockfish^{2/} & Darkblotched rockfish	4,000 lb/ 2 month					
5	Pacific ocean perch	1,800 lb/ 2 months					
6	Sablefish	1,300 lb/week, not to exceed 3,900 lb/ 2 months					
7	Longspine thornyhead	10,000 lb/ 2 months					
8	Shortspine thornyhead	2,000 lb/ 2 months			2,500 lb/ 2 months		
9		5,000 lb/ month					
10	Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish^{3/}	South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs.					
11							
12							
13							
14							
15	Whiting	10,000 lb/ trip					
16	Minor Shelf Rockfish^{2/}, Shortbelly, & Widow rockfish	200 lb/ month					
17	Yellowtail rockfish	1,000 lb/ month					
18	Canary rockfish	300 lb/ 2 months					
19	Yelloweye rockfish	CLOSED					
20	Minor Nearshore Rockfish, Washington Black rockfish & Oregon Black/blue/deacon rockfish						
21	North of 42°00' N. lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish ^{4/}					
22	42°00' N. lat. - 40°10' N. lat.	8,500 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish	7,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish				
23	Lingcod^{5/}						
24	North of 42°00' N. lat.	2,000 lb/ 2 months					
25	42°00' N. lat. - 40°10' N. lat.	1,400 lb/2 months					
26	Pacific cod	1,000 lb/ 2 months					
27	Spiny dogfish	200,000 lb/ 2 months	150,000 lb/ 2 months	100,000 lb/ 2 months			
28	Longnose skate	Unlimited					
29	Other Fish^{6/} & Cabezon in California	Unlimited					
30	Oregon Cabezon/Kelp Greenling	Unlimited					
31	Big skate	Unlimited					

TABLE 2 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod are included in the trip limits for Minor Shelf Rockfish and splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

4. On page 64011, in amendatory instruction 23, Table 3 (North) to Part 660,

Subpart F is corrected to read as follows:

**Table 3 (North) to Part 660, Subpart F—Non-Trawl Rockfish Conservation
Areas and Trip Limits for Open Access Gears North of 40°10' N Lat.**

[Corrected]

Table 3 (North) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears North of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table		01012019					
		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area (RCA)^{1/}:							
1	North of 46°16' N. lat.				shoreline - 100 fm line ^{1/}		
2	46°16' N. lat. - 42°00' N. lat.				30 fm line ^{1/} - 100 fm line ^{1/}		
3	42°00' N. lat. - 40°10' N. lat.				30 fm line ^{1/} - 100 fm line ^{1/}		
<p>See §§660.60, 660.330 and 660.333 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Bank, and EFHCAs).</p>							
<p>State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.</p>							
4	Minor Slope Rockfish^{2/} & Darkblotched rockfish	500 pounds/month					
5	Pacific ocean perch	100 lb/ month					
6	Sablefish	300 lb/ day; or one landing per week up to 1,200 lb, not to exceed 2,400 lb/ 2 months					
7	Shortpine thornyheads	50 lb/ month					
8	Longspine thornyheads	50 lb/ month					
9		3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs.					
10	Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish^{3/}	South of 42° N. lat., when fishing for "Other Flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
11							
12							
13							
14							
15	Whiting	300 lb/ month					
16	Minor Shelf Rockfish^{2/}, Shortbelly rockfish, & Widow rockfish	200 lb/ month					
17	Yellowtail rockfish	500 lb/ month					
18	Canary rockfish	300 lb/ 2 months					
19	Yelloweye rockfish	CLOSED					
20	Minor Nearshore Rockfish, Washington Black rockfish, & Oregon Black/Blue/Deacon rockfish						
21	North of 42°00' N. lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish					
22	42°00' N. lat. - 40°10' N. lat.	8,500 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish	7,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish				
23	Lingcod^{5/}						
24	North of 42°00' N. lat.	900 lb/ month					
25	42°00' N. lat. - 40°10' N. lat.	600 lb/ month					
26	Pacific cod	1,000 lb/ 2 months					
27	Spiny dogfish	200,000 lb/ 2 months	150,000 lb/ 2 months	100,000 lb/ 2 months			
28	Longnose skate	Unlimited					
29	Big skate	Unlimited					
30	Other Fish^{6/} & Cabezon in California	Unlimited					
31	Oregon Cabezon/Kelp Greenling	Unlimited					

TABLE 3 (North)

Table 3 (North). Continued		TABLE 3 (North) cont'd
32	SALMON TROLL (subject to RCAs when retaining all species of groundfish, except for yellowtail rockfish and lingcod, as described below)	
33	North Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lbs of salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 200 lb per month combined limit for minor shelf rockfish, widow rockfish and yellowtail rockfish, and not in addition to that limit. Salmon trollers may retain and land up to 1 lingcod per 5 Chinook per trip, plus 1 lingcod per trip, up to a trip limit of 10 lingcod, on a trip where any fishing occurs within the RCA. This limit only applies during times when lingcod retention is allowed, and is not "CLOSED." This limit is within the per month limit for lingcod described in the table above, and not in addition to that limit. All groundfish species are subject to the open access limits, seasons, size limits and RCA restrictions listed in the table above, unless otherwise stated here.	
34	PINK SHRIMP NON-GROUNDFISH TRAWL (not subject to RCAs)	
35	North Effective April 1 - October 31: Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.	
1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.		
2/ Bocaccio, chilipepper and cowcod rockfishes are included in the trip limits for Minor Shelf Rockfish. Splitnose rockfish is included in the trip limits for Minor Slope Rockfish.		
3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.		
4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.		
5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.		
6/ "Other fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.		
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.		

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

Dated: December 19, 2018.

Donna S. Wieting,

Acting Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

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