

area (NED) was filled on September 12, 2017. NMFS informs vessels fishing in the NED that they now must account for any bluefin tuna bycatch retained or discarded dead using Individual Bluefin Quota (IBQ) allocation available to the vessel.

**DATES:** This notification is valid from September 12, 2017 to December 31, 2017.

**FOR FURTHER INFORMATION CONTACT:** Tom Warren or Brad McHale, 978–281–9260.

**SUPPLEMENTARY INFORMATION:**

Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of bluefin tuna by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. bluefin tuna quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended by Amendment 7 to the 2006 Consolidated HMS FMP (Amendment 7) (79 FR 71510, December 2, 2014).

The total U.S. bluefin tuna annual quota from ICCAT includes, as in previous years, a 25-mt set-aside for bluefin tuna bycatch related to pelagic longline fisheries operating in the vicinity of the ICCAT management area boundary. See ICCAT Recommendation 14–05 and 80 FR 52198 (August 28, 2015) (implementing the quota domestically). For management and monitoring purposes, NMFS implements this set-aside in the NED as quota available to Atlantic Tunas Longline category permitted vessels. Longline is not a permitted gear for directed fishing on bluefin tuna; any catch must be incidental to fishing for other species. Accounting for this bycatch includes all catch (landings and dead discards). The NED is defined as the Atlantic Ocean area bounded by straight lines connecting the following coordinates in the order stated: 35°00' N. lat., 60°00' W. long.; 55°00' N. lat., 60°00' W. long.; 55°00' N. lat., 20°00' W. long.; 35°00' N. lat., 20°00' W. long.; 35°00' N. lat., 60°00' W. long.

**The IBQ Program and the Northeast Distant Area (NED)**

Under Amendment 7, rules were implemented for Atlantic Tunas

Longline category permitted vessels fishing in the NED. See 50 CFR 635.15(b)(8). Any bluefin tuna bycatch by permitted vessels fishing with pelagic longline gear in the NED count toward the ICCAT-allocated separate NED quota (25 mt) until that quota has been filled. Prior to the NED quota being filled, the bluefin tuna accounting requirements of the IBQ Program do not apply to those vessels, under the provisions adopted in Amendment 7. Once the NED quota is filled, Atlantic Tunas Longline category permitted vessels may fish or continue to fish in the NED, but these vessels must then abide by the applicable requirements of the IBQ program, which requires individual vessel accounting for bluefin tuna bycatch using IBQ allocation available to the vessel (either through its own quota share or leasing allocation from another vessel). Bluefin tuna must be accounted for as described at § 635.15(b)(4) and (5).

Based on Atlantic bluefin tuna dealer data and IBQ system data, as of September 12, 2017, 40,763 lb (18.5 mt) of bluefin tuna has been landed, and 254 lb (0.1 mt) of bluefin tuna has been discarded dead in the NED; an additional 21 bluefin tuna have been reported as retained through Vessel Monitoring System (VMS) bluefin tuna catch reports. These 21 retained bluefin tuna reported via VMS equate to approximately 13,230 lb (6.0 mt) of catch (based on the average weight of recently landed bluefin from the NED), which brings the total estimated bluefin tuna catch from the NED to 54,247 lb (24.6 mt). Based on these data, NMFS has determined that the 25 mt set-aside has been filled as of September 12, 2017.

Because the NED quota has been caught, vessels are notified that they must account for any bycatch of bluefin tuna (landings and/or dead discards) in the NED using IBQ allocation as specified in the regulations. § 635.15(b)(8). NMFS has determined that the NED quota of 25 mt was attained as of September 12, 2017. Thus, the IBQ online system will start accounting for bluefin tuna bycatch from the NED utilizing IBQ as of that date.

NMFS will continue to monitor bluefin tuna bycatch by vessels fishing with pelagic longline gear using VMS and dealer data, as well as monitor the accounting for such catch in the IBQ system, to ensure that vessels are accountable for their individual bluefin bycatch and that quotas are managed consistent with the 2006 Consolidated HMS FMP and U.S. international quota obligations. For fishery updates,

fishermen may call the Atlantic Tunas Information Line at (888) 872–8862 or (978) 281–9260, access the following internet address: [www.hmspermits.noaa.gov](http://www.hmspermits.noaa.gov).

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 14, 2017.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 150121066–5717–02]

**RIN 0648–XF699**

**Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries**

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

**ACTION:** Temporary rule; closure of the General category fishery.

**SUMMARY:** NMFS closes the General category fishery for large medium and giant (*i.e.*, measuring 73 inches curved fork length or greater) Atlantic bluefin tuna (BFT) until the General category reopens on October 1, 2017. This action is being taken to prevent overharvest of the General category September 2017 BFT subquota and help ensure reasonable fishing opportunities in each of the remaining subquota time periods.

**DATES:** Effective 11:30 p.m., local time, September 17, 2017, through September 30, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Sarah McLaughlin or Brad McHale, 978–281–9260.

**SUPPLEMENTARY INFORMATION:**

Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations

established in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and amendments.

NMFS is required, under § 635.28(a)(1), to file a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year or for a specified period as indicated in the notification, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

The base quota for the General category is 466.7 mt. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a “subquota” or portion of the annual General category quota. Although it is called the “January” subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. The subquotas for each time period are as follows: 24.7 mt for January; 233.3 mt for June through August; 123.7 mt for September; 60.7 mt for October through November; and 24.3 mt for December. Any unused General category quota rolls forward within the fishing year, which coincides with the calendar year, from one time period to the next, and is available for use in subsequent time periods. On December 19, 2016, NMFS published an inseason action transferring 16.3 mt of BFT quota from the December 2017 subquota to the January 2017 subquota period (81 FR 91873). For 2017, NMFS also transferred 40 mt from the Reserve to the General category effective March 2, resulting in

an adjusted General category quota of 506.7 mt (82 FR 12747, March 7, 2017).

Based on the best available landings information for the General category BFT fishery (*i.e.*, 81 mt of the available 123.7 mt landed as of September 12, 2017) as well as average catch rates and anticipated fishing conditions, NMFS has determined that the General category September subquota will be reached by September 17, 2017. Therefore, retaining, possessing, or landing large medium or giant BFT by persons aboard vessels permitted in the Atlantic tunas General and HMS Charter/Headboat categories must cease at 11:30 p.m. local time on September 17, 2017. The General category will reopen automatically on October 1, 2017, for the October through November 2017 subperiod and there is additional quota available for December. This action applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels, and is taken consistent with the regulations at § 635.28(a)(1). The intent of this closure is to prevent overharvest of the available General category September BFT subquota and help ensure reasonable fishing opportunities in each of the remaining subquota time periods.

Fishermen may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the “Careful Catch and Release” brochure available at [www.nmfs.noaa.gov/sfa/hms/](http://www.nmfs.noaa.gov/sfa/hms/). General, HMS Charter/Headboat, Harpoon, and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead,

within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov* or by using the HMS Catch Reporting App.

### Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. These fisheries are currently underway and the quota for the subcategory is projected to be reached shortly. Delaying this action would be contrary to the public interest because the subquota is projected to be reached shortly and any delay could lead to further exceedance, which may result in the need to reduce quota for the General category later in the year and thus could affect later fishing opportunities. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there also is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under 50 CFR 635.28(a)(1), and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 13, 2017.

**Emily H. Menashes,**

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

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