Inseason action #11 increased the salmon and 50 coho per vessel north of Leadbetter Point or 60 Chinook salmon and 50 coho per vessel south of Leadbetter Point. This action was taken because salmon catch rates had been lower than expected due to poor weather conditions that had limited fishery participation. There was concern that if landing and possession limits were not increased there would be lost opportunity to utilize available salmon quota. On July 15, 2010, the states recommended this action and the RA concurred; inseason action #9 took effect on July 16, 2010. Modification of quota and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

The RA consulted with representatives of the Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife on July 20, 2010. The information considered during this consultation related to catch to date for Chinook and coho salmon and Chinook and coho salmon catch rates compared to quotas and other management measures established preseason for the recreational fishery.

Inseason action #10 modified fishery openings in the recreational fisheries in Neah Bay, La Push, and Westport subareas. Openings described in the 2010 annual management measures were Tuesday through Saturday for Neah Bay and La Push subareas, and Sunday through Thursday for the Westport subarea. Inseason action #10 changed these 5–day openings to 7–day openings. This action was taken to provide more opportunity for recreational fishing as fishing effort had been low, due largely to poor weather conditions. Low fishing effort resulted in unutilized Chinook and coho salmon quota in these subareas. On July 20, 2010, the states recommended this action and the RA concurred; inseason action #10 took effect on July 23, 2010. Modification of quota and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

The RA consulted with representatives of the Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife on July 29, 2010. The information considered during this consultation related to catch to date for Chinook and coho salmon and Chinook and coho salmon catch rates compared to quotas and other management measures established preseason for the recreational fishery.

Inseason action #9 and #11 modified the commercial fishery in the area from U.S./Canada Border to Cape Falcon, Oregon. Inseason action #10 modified the recreational fishery in the areas from U.S. Canada Border to Cape Alava (Neah Bay Subarea), Cape Alava to Queets River (La Push Subarea), and Queets River to Leadbetter Point (Westport Subarea).

DATES: Inseason action #9 was effective on July 16, 2010. Inseason action #10 was effective on July 23, 2010. Inseason action #11 was effective on July 30, 2010. Inseason actions #9, #10, and #11 remain in effect until the closing date of the 2010 salmon season announced in the 2010 annual management measures or through additional inseason action. Comments will be accepted through September 24, 2010.

ADDRESSES: You may submit comments, identified by 0648–XY08, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal http://www.regulations.gov
- Fax: 206–526–6736, Attn: Peggy Busby
- Mail: 7600 Sand Point Way NE, Building 1, Seattle, WA, 98115

Instructions: No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to http://www.regulations.gov without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Peggy Busby, by phone at 206–526–4323.

SUPPLEMENTARY INFORMATION: In the 2010 annual management measures for ocean salmon fisheries (75 FR 24482, May 5, 2010), NMFS announced the commercial and recreational fisheries in the area from the U.S./Canada Border to the U.S./Mexico Border, beginning May 1, 2010. The Regional Administrator (RA) consulted with representatives of the Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife on July 15, 2010. The information considered during this consultation related to Chinook and coho salmon catch to date and Chinook and coho salmon catch rates compared to quotas and other management measures established preseason.

Inseason action #9 increased the landing and possession limits for the commercial salmon fishery from the U.S./Canada Border to Cape Falcon, Oregon. The open period landing and possession limits of 40 Chinook salmon and 30 coho per vessel, imposed by inseason action #6 (75 FR 51183, August 19, 2010), were increased to 60 Chinook salmon and 50 coho per vessel north of Leadbetter Point or 60 Chinook salmon and 50 coho per vessel south of Leadbetter Point. This action was taken because salmon catch rates had been lower than expected due to poor weather conditions that had limited fishery participation. There was concern that if landing and possession limits were not increased there would be lost opportunity to utilize available salmon quota. On July 15, 2010, the states recommended this action and the RA concurred; inseason action #9 took effect on July 16, 2010. Modification of quota and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).
superseding the limit established by
inseason action #9. The open period
landing and possession limit of 60
Chinook salmon per vessel, imposed by
inseason action #9, was increased to 75
Chinook salmon per vessel. No change
was made to the open period limit of 50
coho per vessel. Inseason action #11
also modified the commercial fishery
openings north of Cape Falcon that were
scheduled Saturday through Tuesday,
beginning July 31, 2010; openings will
instead be Friday through Tuesday,
beginning July 30, 2010. This action was
taken because salmon catch rates had
been lower than expected due to poor
weather conditions that had limited
fishery participation. There was concern
that if the landing and possession limit
for Chinook salmon was not increased
there would be lost opportunity to
utilize available salmon quota. On July
29, 2010, the states recommended this
action and the RA concurred; inseason
action #11 took effect on July 30, 2010.
Modification of quota and/or fishing
seasons is authorized by 50 CFR
660.409(b)(1)(ii).
All other restrictions and regulations
remain in effect as announced for the
2010 Ocean Salmon Fisheries and
previous inseason actions.

The RA determined that the best
available information indicated that the
catch and effort data, and projections,
supported the above inseason actions
recommended by the states. The states
manage the fisheries in state waters
adjacent to the areas of the U.S.
exclusive economic zone in accordance
with these Federal actions. As provided
by the inseason notice procedures of 50
CFR 660.411, actual notice of the
described regulatory actions was given,
preceding the date the action was
effective, by telephone hotline number
206–526–6667 and 800–662–9825, and
by U.S. Coast Guard Notice to Mariners
broadcasts on Channel 16 VHF-FM and
2182 kHz.

Classification
The Assistant Administrator for
Fisheries, NOAA (AA), finds that good
cause exists for this notification to be
issued without affording prior notice
and opportunity for public comment
under 5 U.S.C. 553(b)(B) because such
notification would be impracticable. As
previously noted, actual notice of the
regulatory actions was provided to
fishers through telephone hotline and
radio notification. These actions comply
with the requirements of the annual
management measures for ocean salmon
fisheries (75 FR 24482, May 5, 2010),
the West Coast Salmon Plan and
regulations implementing the West
Coast Salmon Plan 50 CFR 660.409 and
660.411. Prior notice and opportunity
for public comment was impracticable
because NMFS and the state agencies
had insufficient time to provide for
prior notice and the opportunity for public
comment between the time the fishery
catch and effort data were
collected to determine the extent of the
fisheries, and the time the fishery
modifications had to be implemented in
order to ensure that fisheries are
managed based on the best available
scientific information, thus allowing
fishers access to the available fish at the
time the fish were available while
ensuring that quotas are not exceeded.
The AA also finds good cause to waive
the 30–day delay in effectiveness
required under U.S.C. 553(d)(3), as a
delay in effectiveness of these actions
would allow fishing at levels
inconsistent with the goals of the
Salmon Fishery Management Plan and
the current management measures.

These actions are authorized by 50
CFR 660.409 and 660.411 and are
exempt from review under Executive
Order 12866.

Authority: 16 U.S.C. 1801 et seq.
Carrie Selberg,
Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.
[FR Doc. 2010–22520 Filed 9–8–10; 8:45 am]
BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric
Administration

50 CFR Part 679

[Docket No. O910131363–0087–02]
RIN 0648–XY84

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation
of Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of the 2010
pollock incidental catch allowance (ICA) to the directed fisheries in the
Bering Sea subarea. This action is necessary to provide opportunity for
harvest of the 2010 total allowable catch (TAC) of pollock, consistent with the
goals and objectives of the Fishery Management Plan for Groundfish of the
Bering Sea and Aleutian Islands Management Area (FMP).

DATES: Effective September 3, 2010, through 2400 hrs, Alaska local
time (A.l.t.), December 31, 2010.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the
Bering Sea and Aleutian Islands Management Area (BSAI) according to the 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.

In the Bering Sea subarea, the portion of the 2010 pollock TAC allocated to the
ICA is 29,268 mt as established by the final 2010 and 2011 harvest
specifications for groundfish in the BSAI (75 FR 11778, March 12, 2010).
As of September 2, 2010, the Administrator, Alaska Region, NMFS,
(Rregional Administrator) has determined that the ICA has been set too
high: 4,500 mt of the 2010 pollock ICA in the Bering Sea subarea will not be
harvested. Therefore, in accordance with § 679.20(a)(5)(i)(A)(1), NMFS
reallocates 4,500 mt of the 2010 pollock ICA to the directed fisheries in the
Bering Sea subarea.

As a result, in accordance with § 679.20(a)(5)(i)(A)(3), (4), and (5), the
2010 harvest specifications for pollock in the Bering Sea subarea included in
the final harvest specifications for groundfish in the BSAI (75 FR 11778,
March 12, 2010) are revised as follows: 24,768 mt to the pollock ICA, 212,980
mt to B season AFA catcher vessels harvesting pollock for processing by
AFA inshore processors, 170,384 mt to B season AFA catcher/processors and
AFA catcher vessels delivering pollock to catcher/processors, and 42,596 mt to
B season AFA catcher vessels harvesting pollock for processing by AFA
brotherships. This will enhance the socioeconomic well-being of harvesters
dependent upon Pacific cod in this area. The Regional Administrator considered
the following factors in reaching this
decision: (1) The current catch of Pacific
cod by the applicable BSAI sectors and,
(2) the harvest capacity and stated intent
on future harvesting patterns of vessels
in the sectors participating in this
fishery.

Furthermore, pursuant to § 679.20(a)(5)(i). Table 3 of the final
2010 and 2011 final harvest
specifications for groundfish in the
BSAI (75 FR 11778, March 12, 2010) is

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