federally permitted dealers are also
notified that they may not purchase
summer flounder from federally
permitted vessels that land in
Massachusetts for the remainder of the
calendar year, or until additional quota
becomes available through a transfer
from another state.

Classification

This action is required by 50 CFR
part 648 and is exempt from review under
Executive Order 12866.

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


James P. Burgess,
Acting Deputy Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

50 CFR Part 660

[Docket No. 1212010894–3514–02]

RIN 0648–XC783

Fisheries Off West Coast States;
Coastal Pelagic Species Fisheries;
Closure

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 sardine off the coasts
of Washington, Oregon and California.
This action is necessary because the
directed harvest allocation total for the
second seasonal period (July 1–
September 14) is projected to be reached
by the effective date of this rule. From
the effective date of this rule until
September 15, 2013, Pacific sardine may
be harvested only as part of the live bait
fishery or incidental to other fisheries;
the incidental harvest of Pacific sardine
is limited to 40-percent by weight of all
fish per trip. Fishing vessels must be at
shore and in the process of offloading at
12:01 a.m. Pacific Daylight Time,
August 22, 2013.

DATES: Effective 12:01 a.m. Pacific
Daylight Time (PDT) August 22, 2013,
through 11:59 p.m., September 14, 2013.

FOR FURTHER INFORMATION CONTACT:
Joshua Lindsay, Southwest Region,
NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: This
document announces that based on the
best available information recently
obtained from the fishery and
information on past fishing effort, the
directed fishing harvest allocation for
the second allocation period (July 1–
September 14) will be reached and
therefore directed fishing for Pacific
sardine is being closed until September
15, 2013. Fishing vessels must be at
shore and in the process of offloading at
the time of closure. From 12:01 a.m.
August 22, through September 14, 2013,
Pacific sardine may be harvested only as
part of the live bait fishery or incidental
to other fisheries, with the incidental
harvest of Pacific sardine limited to 40-
percent by weight of all fish caught
during a trip.

NMFS manages the Pacific sardine
fishery in the U.S. exclusive economic
zone (EEZ) off the Pacific coast
(California, Oregon, and Washington) in
accordance with the Coastal Pelagic
Species (CPS) Fishery Management Plan
(FMP). Annual specifications published
in the Federal Register establish the
allowable harvest levels (ie. annual
catch limit/harvest guideline (HG)) for
each Pacific sardine fishing season
(January 1–December 31). If during any
of the seasonal allocation periods the
applicable adjusted directed harvest
allocation is projected to be taken, and
the fishery is closed, only incidental
harvest is allowed. For the remainder of
the period, any incidental Pacific
sardine landings will be counted against
that period’s incidental set aside. In the
event that an incidental set-aside is
projected to be attained, all fisheries
will be closed to the retention of Pacific
sardine for the remainder of the period
via appropriate rulemaking.

Under 50 CFR 660.509, if the total HG
or these apportionment levels for Pacific
sardine are reached at any time, NMFS
is required to close the Pacific sardine
fishery via appropriate rulemaking and
it is to remain closed until it re-opens
either per the allocation scheme or the
beginning of the next fishing season. In
accordance with § 660.509 the Regional
Administrator shall publish a notice in
the Federal Register announcing the
date of the closure of the directed
fishery for Pacific sardine.

The above in-season harvest
restrictions are not intended to affect the
prosecution of the live bait portion of
the Pacific sardine fishery.

Classification

This action is required by 50 CFR
660.509 and is exempt from Office of
Management and Budget review under
Executive Order 12866.

NMFS 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) for the closure of the
directed harvest of Pacific sardine. For
the reasons set forth below, notice and
comment procedures are impracticable
and contrary to the public interest. For
the same reasons, NMFS also finds good
cause under 5 U.S.C. 553(d)(3) to waive
the 30-day delay in effectiveness for this
action. This measure responds to the
best available information and is
necessary for the conservation and
management of the Pacific sardine
resource. A delay in effectiveness would
cause the fishery to exceed the in-season
harvest level. These seasonal harvest
levels are important mechanisms in
preventing overfishing and managing the
fishery at optimum yield. The
established directed and incidental
harvest allocations are designed to allow
fair and equitable opportunity to the
resource by all sectors of the Pacific
sardine fishery and to allow access to
other profitable CPS fisheries, such as
squid and Pacific mackerel. Many of the
same fishermen who harvest Pacific
sardine rely on these other fisheries for
a significant portion of their income.

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


James P. Burgess,
Acting Deputy Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.

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