

National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry thru the Pensacola Bay Bridge at the center span and 100 yards from it for four days. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev.01. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### List of Subjects 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034; 46 U.S.C. 70051; 33 CFR 1.05–1; 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0019 to read as follows:

#### § 165.T08–0019 Safety Zone; Pensacola Bay Bridge, Pensacola Beach, FL.

(a) *Location.* The following area is a safety zone: All navigable waters within 100 yards of the vicinity of the Pensacola Bay Bridge at the center span, Pensacola Beach, FL.

(b) *Enforcement period.* This section will be enforced from March 6, 2019 through March 9, 2019.

(c) *Regulations.* (1) The general regulations contained in § 165.23 of this part as well as the regulations in this section apply to the safety zone.

(2) Entry into this zone is prohibited unless authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative.

(3) Persons or vessels seeking to enter into or transit through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM channels 15 an16 or by telephone at 251–441–5976.(4) If permission is granted, all persons and vessels must comply with the instructions of the COTP or designated representative.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone.

Dated: February 13, 2019.

**M.R. McLellan,**

*Captain, U. S. Coast Guard, Captain of the Port Sector Mobile.*

[FR Doc. 2019–02843 Filed 2–20–19; 8:45 am]

**BILLING CODE 9110–04–P**

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 110131070–2626–02]

**RIN 0648–XG781**

#### Pacific Island Pelagic Fisheries; False Killer Whale Take Reduction Plan; Closure of Southern Exclusion Zone

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

**ACTION:** Temporary rule; area closure; request for comments.

**SUMMARY:** NMFS is closing the Southern Exclusion Zone (SEZ) to deep-set longline fishing for all vessels registered under the Hawaii longline limited access program, as a result of the fishery reaching the established annual trigger of two observed false killer whale mortalities or serious injuries (M&SI) in the fishery within the U.S. Exclusive Economic Zone (EEZ) around Hawaii. This action is necessary to comply with False Killer Whale Take Reduction Plan (Plan) regulations that establish the SEZ closure trigger and procedures to limit M&SI of false killer whales in the Hawaii deep-set longline fishery.

**DATES:** Effective February 22, 2019.

NMFS must receive comments by March 25, 2019.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2019–0005, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the

Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0005](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0005). Click the “Comment Now” icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), attention Kevin Brindock, Protected Resources, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

*Instructions:* NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

#### FOR FURTHER INFORMATION CONTACT:

Kevin Brindock, Protected Resources, NMFS Pacific Islands Regional Office, 808–725–5146, [kevin.brindock@noaa.gov](mailto:kevin.brindock@noaa.gov); or Kristy Long, NMFS Office of Protected Resources, 206–526–4792, [kristy.long@noaa.gov](mailto:kristy.long@noaa.gov).

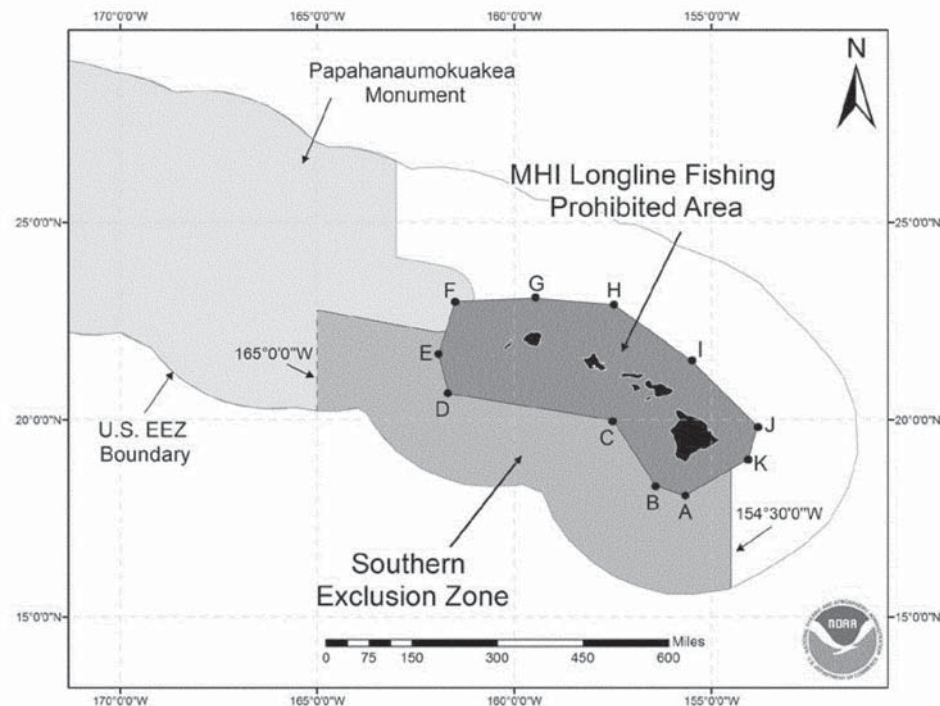
**SUPPLEMENTARY INFORMATION:** The False Killer Whale Take Reduction Plan (Plan) was implemented on December 31, 2012, pursuant to section 118(f) of the Marine Mammal Protection Act (MMPA) to reduce the level of incidental M&SI of the Hawaii pelagic and Hawaii insular stocks of false killer whales in the Hawaii longline fisheries (77 FR 71260; November 29, 2012). The Plan, based on consensus recommendations from the False Killer Whale Take Reduction Team, was implemented by regulations, which included the creation of the SEZ that would be closed to deep-set longline fishing if a certain number (trigger) of false killer whale M&SI are observed in the deep-set fishery in the EEZ. As described in the Plan regulations (50 CFR 229.37(d)(2)), the SEZ is bounded on the east at 154°30′ W longitude, on the west at 165° W longitude, on the north by the boundaries of the Main Hawaiian Islands Longline Fishing Prohibited Area and Papahānaumokuākea Marine National Monument, and on the south by the EEZ boundary (see Fig. 1). A SEZ closure is triggered if, after expanding the number of observed M&SI, the Hawaii pelagic stock’s potential biological removal

(PBR) level has been exceeded. The 2012 final rule set the trigger as the larger of either two observed M&SI of false killer whales within the EEZ around Hawaii, or the smallest number of observed M&SI of false killer whales

that, when extrapolated based on the percentage observer coverage for that year (20 percent), exceeds PBR. Under the final 2017 Stock Assessment Report, PBR is 9.3 pelagic false killer whales per year. Accordingly, with 20 percent

observer coverage, the current trigger remains two observed M&SI (*i.e.*, two observed M&SI expands to 10, which exceeds PBR of 9.3).

**Figure 1. Southern Exclusion Zone.**



NMFS-certified fishery observers documented two false killer whales hooked during deep-set trips in the U.S. EEZ, one each on January 10 and January 15, 2019. One of these interactions resulted in a mortality and the other animal was released injured. NMFS followed the procedures outlined in the final rule and criteria in the NMFS process for distinguishing serious from non-serious injuries of marine mammals (NMFS Policy Directive PD 02–238 and NMFS Instruction 02–238–01) to evaluate the injury of the animal that was released injured, and determined that it was a serious injury. Therefore, NMFS has determined that the SEZ trigger (*i.e.*, two M&SI) has been met, and closing the SEZ to deep-set longline fishing is required to comply with the Plan.

In accordance with 50 CFR 229.37(e)(6)), NMFS must publish notification that the SEZ will be closed to deep-set longline fishing beginning on a specified date, which is not earlier than 7 days and not later than 15 days after the date of filing the closure notice for public inspection at the Office of the Federal Register. During the closure, it

is prohibited to fish using deep-set longline gear in the SEZ.

The SEZ was closed to deep-set longline fishing on July 24, 2018, following four false killer whale serious injuries in the Hawaii deep-set longline fishery that occurred inside the EEZ around Hawaii during that calendar year. The SEZ was reopened to deep-set longline fishing on January 1, 2019. Because an observed false killer whale mortality or serious injury in the EEZ around Hawaii met the established trigger in the subsequent calendar year following an SEZ closure, the SEZ will be closed until one or more of the following criteria described in the Plan regulations (50 CFR 229.37(e)(5)) are met: (i) The Assistant Administrator determines, upon consideration of the False Killer Whale Take Reduction Team's recommendations and evaluation of all relevant circumstances, that reopening of the SEZ is warranted; (ii) In the two-year period immediately following the date of the SEZ closure, the deep-set longline fishery has zero observed false killer whale incidental mortalities and serious injuries within the remaining open areas of the EEZ

around Hawaii; (iii) In the two-year period immediately following the date of the closure, the deep-set longline fishery has reduced its total rate of false killer whale incidental mortality and serious injury (including the EEZ around Hawaii, the high seas, and the EEZ around Johnston Atoll (but not Palmyra Atoll) by an amount equal to or greater than the rate that would be required to reduce false killer whale incidental M&SI within the EEZ around Hawaii to below the Hawaii Pelagic false killer whale stock's PBR level; or (iv) The average estimated level of false killer whale incidental M&SI in the deep-set longline fishery within the remaining open areas of the EEZ around Hawaii for up to the five most recent years is below the PBR level for the Hawaii Pelagic stock of false killer whales at that time.

This document serves as advance notification to fishermen, the fishing industry, and the general public that the SEZ will be closed to deep-set longline fishing starting on February 22, 2019.

NMFS will consider public comments on this temporary rule. NMFS must receive comments by the date provided

in the **DATES** heading, not postmarked or otherwise transmitted by this date.

### Classification

There is good cause to waive prior notice and an opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B). Providing an opportunity for prior notice and comment would be contrary to the public interest because the SEZ closure has been triggered by a second observed M&SI, and immediate closure of the SEZ is necessary to prevent additional mortalities or serious injuries, which may have unsustainable impacts on the Hawaii pelagic stock of the false killer whale. Furthermore, prior notice and comment is unnecessary because the take reduction plan final rule (77 FR 71259, November 29, 2012) that implements the procedure for closing the SEZ (codified at 50 CFR 229.37(d)(2) and (e)) has already been subject to an extensive public process, including the opportunity for prior notice and comment. All that remains is to notify the public of the second observed mortality and serious injury of a pelagic false killer whale resulting from commercial longline operations, and the longline closure of the SEZ. Although this action is being implemented without the opportunity for prior notice and comment, NMFS is soliciting and will respond to public comments from those affected by or otherwise interested in this rule.

The NOAA Assistant Administrator for Fisheries also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3). Failing to waive the 30-day delay in effectiveness would likely result in additional interactions and possible M&SI to the Hawaii pelagic false killer whale stock. Under the MMPA, NMFS must reduce M&SI of marine mammal stocks protected by take reduction plan regulations. This includes taking action to close the SEZ immediately upon a second observed M&SI resulting from commercial longlining in the EEZ. Accordingly, the SEZ closure must be implemented immediately to ensure compliance with the provisions of the MMPA and the take reduction plan regulations. Nevertheless, NMFS recognizes the need for fishermen to have time to haul their gear and relocate to areas outside of the SEZ; thus, NMFS makes this action effective 7 days after filing this document in the **Federal Register**.

This action is required by 50 CFR 229.37(e)(3), and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1361 *et seq.*

Dated: February 15, 2019.

**Chris Oliver,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 180212159-9102-02]

RIN 0648-BH75

#### Atlantic Highly Migratory Species; Shortfin Mako Shark Management Measures; Final Amendment 11

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is amending the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) based on the results of the 2017 stock assessment and a subsequent binding recommendation by the International Commission for the Conservation of Atlantic Tunas (ICCAT) for North Atlantic shortfin mako sharks. The North Atlantic shortfin mako shark stock is overfished and is experiencing overfishing. Consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA), NMFS is implementing management measures that will reduce fishing mortality on shortfin mako sharks and establish the foundation for rebuilding the shortfin mako shark population consistent with legal requirements. The final measures could affect U.S. commercial and recreational fishermen who target and harvest shortfin mako sharks in the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, by increasing live releases and reducing landings. NMFS is also clarifying the definition of fork length (FL) in the definitions section of the HMS regulations.

**DATES:** This final rule is effective on March 3, 2019.

**ADDRESSES:** Copies of the Final Amendment 11 to the 2006 Consolidated HMS FMP, including the Final Environmental Impact Statement (FEIS) containing a list of references used in this document, the dusky shark stock assessments, and other documents

relevant to this rule are available from the HMS Management Division website at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species>.

**FOR FURTHER INFORMATION CONTACT:** Guý DuBeck or Karyl Brewster-Geisz at (301) 427-8503.

### SUPPLEMENTARY INFORMATION:

#### Background

The North Atlantic shortfin mako stock is managed primarily under the authority of the Magnuson-Stevens Act and also under ATCA. The 2006 Consolidated HMS FMP and its amendments are implemented by regulations at 50 CFR part 635. A brief summary of the background of this final rule is provided below. Additional information regarding Atlantic shark management can be found in the FEIS accompanying this final rule for Amendment 11, the 2006 Consolidated HMS FMP and its amendments, the annual HMS Stock Assessment and Fishery Evaluation (SAFE) Reports, and online at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species>.

The North Atlantic shortfin mako shark (*Isurus oxyrinchus*) is a highly migratory species that ranges across the entire North Atlantic Ocean and is caught by numerous countries. The stock is predominantly caught offshore in association with fisheries that primarily target tunas and tuna-like species. While these sharks are a valued component of U.S. recreational and commercial fisheries, U.S. catch represents only approximately 9 percent of the species' total catch in the North Atlantic by all reporting countries. International measures are, therefore, critical to the species' effective conservation and management.

Based on a 2017 ICCAT assessment, on December 13, 2017, NMFS issued a status determination finding the stock to be overfished and experiencing overfishing, applying domestic criteria. The 2017 assessment estimated that total North Atlantic shortfin mako catches across all ICCAT parties are currently between 3,600 and 4,750 metric tons (mt) per year. The assessment further indicated that such total catches would have to be at or below 1,000 mt (72-79 percent reductions) to prevent further population declines, and total catches of 500 mt or less would be expected to stop overfishing and begin rebuilding the stock.

Based on this information and given that the stock is primarily caught in association with ICCAT fisheries, ICCAT at its November 2017 meeting