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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 160920866-7167-02]**

**RIN 0648-XF867**

**Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2018 Gulf of Alaska Pollock and Pacific cod Total Allowable Catch Amounts**

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

**ACTION:** Temporary rule; inseason adjustment; request for comments.

**SUMMARY:** NMFS is adjusting the 2018 total allowable catch (TAC) amounts for the Gulf of Alaska (GOA) pollock and Pacific cod fisheries. This action is necessary because NMFS has determined these TACs are incorrectly specified, and will ensure the GOA pollock and Pacific cod TACs are the appropriate amounts based on the best available scientific information for pollock and Pacific cod in the GOA. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

**DATES:** Effective 0000 hours, Alaska local time (A.l.t.), January 1, 2018, until the effective date of the final 2018 and 2019 harvest specifications for GOA groundfish, unless otherwise modified or superseded through publication of a notification in the *Federal Register*.

Comments must be received at the following address no later than 4:30 p.m., A.l.t.,  
*[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*.

**ADDRESSES:** You may submit comments on this document, identified by FDMS Docket Number NOAA-NMFS-2016-0127 by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0127>, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address), 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). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

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

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council (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.

The final 2017 and 2018 harvest specifications for groundfish in the GOA (82 FR 12032, February 27, 2017) set the 2018 pollock TAC at 163,479 metric tons (mt) and the 2018 Pacific cod TAC at 57,825 mt in the GOA. In December 2017, the North Pacific Fishery Management Council (Council) recommended a 2018 pollock TAC of 166,228 mt for the GOA, which is more than the 163,479 mt established by the final 2017 and 2018 harvest specifications for groundfish in the GOA. The Council also recommended a 2018 Pacific cod TAC of 13,096 mt for the GOA, which is less than the 57,825 mt established by the final 2017 and 2018 harvest specifications for groundfish in the GOA. The Council's recommended 2018 TACs, and the area and seasonal apportionments, are based on the Stock Assessment and Fishery Evaluation report (SAFE), dated November 2017, which NMFS has determined is the best available scientific information for these fisheries.

Steller sea lions occur in the same location as the pollock and Pacific cod fisheries and are listed as endangered under the Endangered Species Act (ESA). Pollock and Pacific cod are a principal prey species for Steller sea lions in the GOA. The seasonal apportionment of pollock and Pacific cod harvest is necessary to ensure the groundfish fisheries are not likely to cause jeopardy of extinction or adverse modification of critical habitat for Steller sea lions. The regulations at § 679.20(a)(5)(iv) specify how the pollock TAC will be apportioned. The regulations at § 679.20(a)(6)(ii) and § 679.20(a)(12)(i) specify how the Pacific cod TAC will be apportioned.

In accordance with § 679.25(a)(1)(iii), (a)(2)(i)(B), and (a)(2)(iv) the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that, based on the November

2017 SAFE report for this fishery, the current GOA pollock and Pacific cod TACs are incorrectly specified. Consequently, pursuant to § 679.25(a)(1)(iii), the Regional Administrator is adjusting the 2018 GOA pollock TAC to 166,228 mt and the 2018 GOA Pacific cod TAC to 13,096 mt. Therefore, Table 2 of the final 2017 and 2018 harvest specifications for groundfish in the GOA (82 FR 12032, February 27, 2017) is revised consistent with this adjustment.

Pursuant to § 679.20(a)(5)(iv), Table 4 of the final 2017 and 2018 harvest specifications for groundfish in the GOA (82 FR 12032, February 27, 2017) is revised for the 2018 TACs of pollock in the Central and Western Regulatory Area of the GOA.

**Table 4. Final 2018 Distribution of Pollock in the Western and Central Regulatory Areas of the GOA; Seasonal Biomass Distribution, Area Apportionments; and Seasonal Allowances of Annual TAC. (Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01.)**

| Season <sup>1</sup> | Shumagin<br>(Area 610) |         | Chirikof<br>(Area 620) |         | Kodiak<br>(Area 630) |         | Total <sup>2</sup> |
|---------------------|------------------------|---------|------------------------|---------|----------------------|---------|--------------------|
|                     |                        |         |                        |         |                      |         |                    |
| A (Jan 20-Mar 10)   | 1,317                  | 3.497%  | 27,314                 | 72.537% | 9,025                | 23.966% | 37,656             |
| B (Mar 10-May 31)   | 1,317                  | 3.497%  | 32,155                 | 85.392% | 4,184                | 11.111% | 37,656             |
| C (Aug 25-Oct 1)    | 13,777                 | 36.587% | 10,013                 | 26.591% | 13,865               | 36.821% | 37,656             |
| D (Oct 1-Nov 1)     | 13,777                 | 36.587% | 10,013                 | 26.591% | 13,865               | 36.821% | 37,656             |
| Annual Total        | 30,188                 |         | 79,495                 |         | 40,939               |         | 150,622            |

<sup>1</sup> As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>2</sup> The WYK and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Pursuant to § 679.20(a)(6)(ii) and § 679.20(a)(12)(i), Table 6 of the final 2017 and 2018 harvest specifications for groundfish in the GOA (82 FR 12032, February 27, 2017) is revised for the 2018 seasonal apportionments and allocation of Pacific cod TAC in the GOA consistent with this adjustment.

**Table 6. Final 2018 Seasonal Apportionments and Allocation of Pacific Cod Total Allowable Catch Amounts in the GOA; Allocations for the Western GOA and Central GOA Sectors and the Eastern GOA Inshore and Offshore Processing Components (Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount)**

| Regulatory area and sector | Annual allocation (mt) | A Season                                |                          | B Season                                |                          |
|----------------------------|------------------------|---|--------------------------|---|--------------------------|
|                            |                        | Sector percentage of annual non-jig TAC | Seasonal allowances (mt) | Sector percentage of annual non-jig TAC | Seasonal allowances (mt) |
| Western GOA                |                        |   |                          |   |                          |
| Jig (2.5 % of TAC)         | 141                    | N/A                                     | 85                       | N/A                                     | 57                       |
| Hook-and-line CV           | 77                     | 0.70                                    | 39                       | 0.70                                    | 39                       |
| Hook-and-line C/P          | 1,092                  | 10.90                                   | 601                      | 8.90                                    | 491                      |
| Trawl CV                   | 2,118                  | 27.70                                   | 1,528                    | 10.70                                   | 590                      |
| Trawl C/P                  | 132                    | 0.90                                    | 50                       | 1.50                                    | 83                       |
| All Pot CV and Pot C/P     | 2,096                  | 19.80                                   | 1,092                    | 18.20                                   | 1,004                    |
| Total                      | 5,657                  | 60.00                                   | 3,394                    | 40.00                                   | 2,263                    |
| Central GOA                |                        |   |                          |   |                          |
| Jig (1.0% of TAC)          | 61                     | N/A                                     | 37                       | N/A                                     | 24                       |
| Hook-and-line < 50 CV      | 880                    | 9.32                                    | 562                      | 5.29                                    | 319                      |
| Hook-and-line ≥ 50 CV      | 404                    | 5.61                                    | 338                      | 1.10                                    | 66                       |
| Hook-and-line C/P          | 308                    | 4.11                                    | 248                      | 1.00                                    | 60                       |
| Trawl CV <sup>1</sup>      | 2,507                  | 21.14                                   | 1,274                    | 20.45                                   | 1,233                    |
| Trawl C/P                  | 253                    | 2.00                                    | 121                      | 2.19                                    | 132                      |
| All Pot CV and Pot C/P     | 1,676                  | 17.83                                   | 1,075                    | 9.97                                    | 601                      |
| Total                      | 6,089                  | 60.00                                   | 3,653                    | 40.00                                   | 2,436                    |
| Eastern GOA                |                        | Inshore (90% of Annual TAC)             |                          | Offshore (10% of Annual TAC)            |                          |
|                            | 1,350                  |   | 1,215                    |   | 135                      |

Note: Seasonal apportionments may not total precisely due to rounding.

## **Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), 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) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would allow for harvests that exceed the appropriate allocations for pollock and Pacific cod based on the best scientific information available. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 13, 2017, and additional time for prior public comment would result in conservation concerns for the ESA-listed Steller sea lions.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until [*INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER*].

This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

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

**Dated:** December 15, 2017.

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Emily H. Menashes,  
Acting Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.

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