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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 170817779-8161-02]**

**RIN 0648-XG756**

**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.

**SUMMARY:** NMFS is reallocating the projected unused amounts of the Community Development Quota (CDQ) pollock directed fishing allowances (DFA) from the Aleutian Islands subarea to the Bering Sea subarea directed fishery. This action is necessary to provide opportunity for harvest of the 2019 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI).

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), [*insert date of publication in the Federal Register*], through 2400 hrs, A.l.t., December 31, 2019.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the

Bering Sea and Aleutian Islands Management Area (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.

In the Aleutian Islands subarea, the portion of the 2019 pollock total allowable catch (TAC) allocated to the CDQ DFA is 1,900 mt as established by the final 2018 and 2019 harvest specifications for groundfish in the BSAI (83 FR 8365, February 27, 2018), and as adjusted by an inseason adjustment (83 FR 67144, December 28, 2018).

As of January 30, 2019, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 1,900 mt of pollock CDQ DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the 2019 Bering Sea subarea. The 1,900 mt of pollock CDQ DFA is added to the 2019 Bering Sea CDQ DFA. The 2019 Bering Sea subarea pollock incidental catch allowance remains at 46,520 mt. As a result, the 2019 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2018 and 2019 harvest specifications for groundfish in the BSAI (83 FR 11826, February 27, 2018) and as adjusted by an inseason adjustment (83 FR 67144, December 28, 2018) are revised as follows: 0 mt to CDQ DFA. Furthermore, pursuant to § 679.20(a)(5), Table 5 of the final 2018 and 2019 harvest specifications for groundfish in the BSAI (83 FR 11826, February 27, 2018), as adjusted by the inseason adjustment (83 FR 67144, December 28, 2018), is revised to make 2019 pollock allocations consistent with this reallocation. This reallocation results in an adjustment to the 2019 CDQ pollock allocation established at § 679.20(a)(5).

**TABLE 5—FINAL 2019 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)<sup>1</sup>.**

[Amounts are in metric tons]

Area and sector	2019 Allocations	2019 A season <sup>1</sup>		2019 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bering Sea subarea TAC <sup>1</sup>	1,398,900	n/a	n/a	n/a
CDQ DFA	141,600	63,720	39,648	77,880
ICA <sup>1</sup>	46,520	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,210,780	544,851	339,018	665,929
AFA Inshore	605,390	272,425	169,509	332,964
AFA Catcher/Processors <sup>3</sup>	484,312	217,940	135,607	266,372
Catch by C/Ps	443,145	199,415	n/a	243,730
Catch by CVs <sup>3</sup>	41,167	18,525	n/a	22,642
Unlisted C/P Limit <sup>4</sup>	2,422	1,090	n/a	1,332
AFA Motherships	121,078	54,485	33,902	66,593
Excessive Harvesting Limit <sup>5</sup>	211,886	n/a	n/a	n/a
Excessive Processing Limit <sup>6</sup>	363,234	n/a	n/a	n/a
Aleutian Islands subarea ABC	52,887	n/a	n/a	n/a
Aleutian Islands subarea TAC <sup>1</sup>	17,100	n/a	n/a	n/a
CDQ DFA	-	-	n/a	-
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	14,700	14,700	n/a	-
Area harvest limit <sup>7</sup>	n/a	n/a	n/a	n/a
541	15,866	n/a	n/a	n/a
542	7,933	n/a	n/a	n/a
543	2,644	n/a	n/a	n/a
Bogoslof District ICA <sup>8</sup>	75	n/a	n/a	n/a

<sup>1</sup> Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.7 percent), is allocated as a DFA as follows: inshore sector – 50 percent, catcher/processor sector (C/P) – 40 percent, and mothership sector – 10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) through (iii), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated up to 40 percent of the ABC.

<sup>2</sup> In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector’s annual DFA may be taken from the SCA before noon, April 1.

<sup>3</sup> Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the DFA allocated to listed C/Ps shall be available for harvest only by eligible catcher vessels with a C/P endorsement delivering to listed C/Ps, unless there is a C/P sector cooperative for the year.

<sup>4</sup> Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector’s allocation of pollock.

<sup>5</sup> Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

<sup>6</sup> Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

<sup>7</sup> Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the

Aleutian Islands pollock ABC.

<sup>8</sup> Pursuant to § 679.22(a)(7)(i)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

**Note:** Seasonal or sector 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 delay the reallocation of Aleutian Islands pollock. Since the pollock fishery opened January 20, 2019, it is important to immediately inform the industry as to the final Bering Sea subarea pollock CDQ DFA. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 30, 2019.

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.

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

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

Dated: February 1, 2019.

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Alan D. Risenhoover,  
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