



**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 180713633-9174-02]**

**RIN 0648-XY049**

**Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in the Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Temporary rule; apportionment of reserves; request for comments.

**SUMMARY:** NMFS apportions amounts of the non-specified reserve, to the initial total allowable catch (ITAC) of Bering Sea (BS) Pacific ocean perch, Bering Sea and Aleutian Islands (BSAI) Alaska plaice, and BSAI Kamchatka flounder; and to the to the total allowable catch (TAC) of BSAI arrowtooth flounder, BSAI northern rockfish, BSAI sharks, and Bering Sea and Eastern Aleutian Islands (BS/EAI) blackspotted/rougheye rockfish. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

**DATES:** Effective [*insert date of filing for public inspection with the Office of the FEDERAL REGISTER*], through 2400 hrs, Alaska local time, December 31, 2019.

Comments must be received at the following address no later than 4:30 p.m., Alaska local

time, [*insert date 15 days after date of filing for public inspection with the Office of the Federal Register*].

**ADDRESSES:** Submit your comments, identified by docket number NOAA-NMFS-2018-0089, by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov/docket?D=NOAA-NMFS-2018-0089>, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post the comments 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 is publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

**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 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 2019 ITAC of BS Pacific ocean perch was established as 12,474 mt, the 2019 ITAC of BSAI Alaska plaice was established as 15,300 mt, the 2019 ITAC of BSAI Kamchatka flounder was established as 4,250 mt, the 2019 TAC of BSAI arrowtooth flounder was established as 9,000 mt, the 2019 TAC of BSAI northern rockfish was established as 8,525 mt, the 2019 TAC of BSAI sharks was established as 125 mt, and the 2019 TAC of BS/EAI blackspotted/rougheye rockfish was established as 75 mt by the final 2019 and 2020 harvest specifications for groundfish of the BSAI (84 FR 9000, March 13, 2019) and reserve release (84 FR 49678, September 23, 2019). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITACs and TACS for BS Pacific ocean perch, and BSAI Alaska plaice, BSAI arrowtooth flounder, BSAI Kamchatka flounder, BSAI northern rockfish, BSAI sharks, and BS/EAI blackspotted/rougheye rockfish need to be supplemented from the non-specified reserve to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish to ITACs and TACs in the BSAI management area as follows: 2,201 mt to BS Pacific ocean perch, 1,000 mt to BSAI Alaska plaice, 1,200 mt to BSAI arrowtooth flounder, 300 mt to BSAI Kamchatka flounder, 600 mt to BSAI northern rockfish, 20 mt to BSAI sharks, and 20 mt to BS/EAI blackspotted/rougheye

rockfish. These apportionments are consistent with § 679.20(b)(1)(i) and do not result in overfishing of any target species because the revised ITACs and TACs are equal to or less than the specifications of the acceptable biological catch in the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019).

The harvest specification for the 2019 ITACs and TACs included in the harvest specifications for groundfish in the BSAI are revised as follows: 14,675 mt for BS Pacific ocean perch, 16,300 mt for BSAI Alaska plaice, 10,200 mt for BSAI arrowtooth flounder, 4,550 mt for BSAI Kamchatka flounder, 9,125 mt for BSAI northern rockfish, 145 mt for BSAI sharks, and 95 mt for BS/EAI blackspotted/rougheye rockfish.

### **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) and § 679.20(b)(3)(iii)(A) as such a 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 apportionment of the non-specified reserves of groundfish to the BS Pacific ocean perch, the BSAI Alaska plaice, the BSAI arrowtooth flounder, the BSAI Kamchakta flounder, the BSAI northern rockfish, the BSAI sharks, and the BS/EAI blackspotted/rougheye rockfish ITACs and TACs. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was

unable to publish a notification providing time for public comment because the most recent, relevant data only became available as of October 18, 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.

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until [*insert date 15 days after date of filing for public inspection with the Office of the Federal Register*].

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: October 23, 2019.

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Jennifer M. Wallace,  
Acting Director,  
Office of Sustainable Fisheries,  
National Marine Fisheries Service.

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