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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200221-0062]

RTID 0648-XA530

Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish 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; reallocation.

SUMMARY: NMFS is exchanging allocations of Amendment 80 cooperative quota (CQ) for Amendment 80 acceptable biological catch (ABC) reserves. This action is necessary to allow the 2020 total allowable catch (TAC) of flathead sole, rock sole, and yellowfin sole in the Bering Sea and Aleutian Islands management area (BSAI) to be harvested.

DATES: Effective [*Insert date of filing for public inspection in the FEDERAL REGISTER*], through December 31, 2020.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI 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 2020 flathead sole, rock sole, and yellowfin sole Amendment 80 allocations of the TAC specified in the BSAI are 14,414 metric tons (mt), 36,060 mt, and 113,403 mt, respectively, as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020). The 2020 flathead sole, rock sole, and yellowfin sole Amendment 80 ABC reserves are 43,430 mt, 94,837 mt, and 98,425 mt, respectively, as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020).

The Alaska Seafood Cooperative has requested that NMFS exchange 1,530 mt of flathead sole Amendment 80 allocation of the TAC for 30 mt of rock sole and 1,500 mt of yellowfin sole Amendment 80 ABC reserves under § 679.91(i). Therefore, in accordance with § 679.91(i), NMFS exchanges 1,530 mt of flathead sole Amendment 80 allocation of the TAC for 30 mt of rock sole and 1,500 mt of yellowfin sole Amendment 80 ABC reserves in the BSAI. This action also decreases and increases the TACs and Amendment 80 ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020) and as revised (85 FR 59204, September 21, 2020) are further revised as follows:

TABLE 11–FINAL 2020 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC	10,613	8,094	10,000	17,845	47,005	152,500
CDQ	1,136	866	1,070	1,962	4,915	16,425
ICA	100	60	10	3,000	6,000	4,000
BSAI trawl limited access	938	717	178	-	-	17,172
Amendment 80	8,440	6,451	8,742	12,884	36,090	114,903

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

TABLE 13–FINAL 2020 AND 2021 ABC SURPLUS, ABC RESERVES, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2020 Flathead sole	2020 Rock sole	2020 Yellowfin sole	2021 ¹ Flathead sole	2021 ¹ Rock sole	2021 ¹ Yellowfin sole
ABC	68,134	153,300	260,918	71,079	230,700	261,497
TAC	17,845	46,955	152,530	24,000	49,000	168,900
ABC surplus	50,289	106,345	108,388	47,079	181,700	92,597
ABC reserve	50,289	106,345	108,388	47,079	181,700	92,597
CDQ ABC reserve	5,329	11,538	11,493	5,037	19,442	9,908
Amendment 80 ABC reserve	44,960	94,807	96,895	42,042	162,258	82,689

¹ The 2021 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2020.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be

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 flatfish exchange by the Alaska Seafood Cooperative in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 23, 2020.

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

Dated: September 28, 2020.

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Acting Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

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