



**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 200227-0066; RTID 0648-XA553]**

**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 unused rock sole Community Development Quota (CDQ) for yellowfin sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2020 total allowable catch (TAC) of yellowfin sole in the 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.

In the BSAI, the 2020 rock sole and yellowfin sole CDQ reserves are 4,915 metric tons (mt) and 16,425 mt, respectively, as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020) and as revised (85 FR 61875, October 1, 2020). The 2020 rock sole and yellowfin sole CDQ ABC reserves are 11,538 mt and 11,493 mt, respectively, as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020) and as revised (85 FR 61875, October 1, 2020).

The Aleutian Pribilof Island Community Development Association has requested that NMFS exchange 300 mt of rock sole CDQ reserves for 300 mt of yellowfin sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 300 mt of rock sole CDQ reserves for 300 mt of yellowfin sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ 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 85 FR 61875, October 1, 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	46,705	152,800
CDQ	1,136	866	1,070	1,962	4,615	16,725
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 <sup>1</sup> Flathead sole	2021 <sup>1</sup> Rock sole	2021 <sup>1</sup> Yellowfin sole
ABC	68,134	153,300	260,918	71,079	230,700	261,497
TAC	17,845	46,655	152,830	24,000	49,000	168,900
ABC surplus	50,289	106,645	108,088	47,079	181,700	92,597
ABC reserve	50,289	106,645	108,088	47,079	181,700	92,597
CDQ ABC reserve	5,329	11,838	11,193	5,037	19,442	9,908
Amendment 80 ABC reserve	44,960	94,807	96,895	42,042	162,258	82,689

<sup>1</sup> 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 Aleutian Pribilof Island Community Development Association 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 October 1, 2020.

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

Dated: October 7, 2020.

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Kelly Denit,

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National Marine Fisheries Service.

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