



**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 230306-0065]**

**RTID 0648-XD209**

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch 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; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific ocean perch in the  
Western Aleutian district (WAI) of the Bering Sea and Aleutian Islands management area  
(BSAI) by vessels participating in the BSAI trawl limited access sector fishery. This  
action is necessary to prevent exceeding the 2023 total allowable catch (TAC) of Pacific  
ocean perch in the WAI allocated to vessels participating in the BSAI trawl limited  
access sector fishery.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 28, 2023, through  
2400 hrs, A.l.t., December 31, 2023.

**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 (FMP) for  
Groundfish of the BSAI prepared by the North Pacific Fishery Management Council  
under authority of the Magnuson-Stevens Fishery Conservation and Management Act  
(Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance  
with the BSAI FMP appear at subpart H of 50 CFR parts 600 and 679.

The 2023 TAC of Pacific ocean perch in the WAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 214 metric tons by the final 2023 and 2024 harvest specifications for groundfish in the BSAI (88 FR 14926, March 10, 2023) and as corrected (88 FR 18258, March 28, 2023).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the WAI by vessels participating in the BSAI trawl limited access sector fishery. While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

### **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 closure of Pacific ocean perch directed fishery in the WAI for vessels participating in the BSAI trawl limited access sector fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 27, 2023.

The Assistant Administrator for Fisheries, NOAA 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.

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

Dated: September 28, 2023.

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Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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