



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 231129-0282]

RTID 0648-XD485

Adjustment to Sector Annual Catch Entitlements under the Northeast Multispecies Fishery Management Plan

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

ACTION: Temporary final rule; adjustment to specifications.

SUMMARY: This final rule announces allocation carryover from fishing year 2022 into fishing year 2023 for the Northeast Multispecies sectors program. This action is necessary to distribute carryover quota to sectors. The carryover adjustments in this rule are routine and formulaic, and industry expects them each year.

DATES: Effective [*Insert date 30 days after date of publication in the Federal Register*], through April 30, 2024.

FOR FURTHER INFORMATION CONTACT: Liz Sullivan, Fishery Policy Analyst, (978) 282-8493.

SUPPLEMENTARY INFORMATION: On August 18, 2023, NMFS published a final rule approving Framework Adjustment 65 to the Northeast Multispecies Fishery Management Plan (FMP) (88 FR 56527), which revised the rebuilding plan for Gulf of Maine cod, set annual catch limits (ACL) for 16 of the 20 groundfish stocks and 2023 ACLs for 3 shared U.S./Canada stocks, and made a temporary modification to the accountability measures for Georges Bank cod. This rule distributes unused sector quota carried over from fishing year 2022 to fishing year 2023.

Sector Carryover Allocations from Fishing Year 2022

Carryover regulations at 50 CFR 648.87(b)(1)(i)(C) allow each groundfish sector to carry over an amount of unused annual catch entitlement (ACE) up to 10 percent of the sector's original ACE for each stock (except for Georges Bank (GB) yellowtail flounder) that is unused at the end of the fishing year into the following fishing year. NMFS is required to adjust ACE carryover to ensure that the total unused ACE combined with the overall sub-ACL does not exceed the acceptable biological catch (ABC) for the fishing year in which the carryover may be harvested. NMFS completed the 2022 fishing year data reconciliation with sectors and determined final 2022 fishing year sector catch and the amount of allocation that sectors may carry over from the 2022 to the 2023 fishing year. Accordingly, the available carryover of unused ACE from fishing year 2022 to fishing year 2023 has been reduced for the following stocks: GB cod; GB haddock; Gulf of Maine (GOM) haddock; Cape Cod/GOM yellowtail flounder; witch flounder; GB winter flounder; Southern New England/Mid-Atlantic (SNE/MA) winter flounder; redfish; white hake; and pollock. The stocks for which carryover is the full 10 percent of the original quota allocation from fishing year 2022 are GOM cod, SNE/MA yellowtail flounder, plaice, and GOM winter flounder. Complete details on carryover reduction percentages can be found at:

https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting.

Table 1 includes the maximum amount of allocation that sectors may carry over from the 2022 to the 2023 fishing year. Table 2 includes the *de minimis* amount of carryover for each sector for the 2023 fishing year. If the overall ACL for any allocated stock is exceeded for the 2023 fishing year, the allowed carryover harvested by a sector, minus the pounds in the sector's *de minimis* amount, will be counted against its allocation to determine whether an overage subject to an accountability measure occurred. Tables 3

and 4 list the final ACE available to sectors for the 2023 fishing year, including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stock's ABC.

Table 1 -- Finalized Carryover ACE from Fishing Year 2022 to Fishing Year 2023 (lb)

Sector	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	5,375	417	0	20,944	259	0	7	2,138	2,916	1,514	24	4,976	592	6,011	27	48,653
MCCS	0	1,002	9,498	0	41,080	17,594	0	84	8,029	90,193	16,987	917	4,933	1,094	99,870	365	197,929
MOON	0	5,578	3,013	0	51,761	5,291	0	30	3,779	4,981	2,500	1,163	1,765	1,477	53,185	282	165,061
NEFS 2	0	2,982	14,232	0	142,736	29,549	0	42	28,430	55,488	17,803	3,936	13,443	2,449	167,020	121	215,813
NEFS 4	0	1,990	6,644	0	78,611	12,732	0	78	8,015	55,244	12,217	852	4,607	599	74,790	103	107,635
NEFS 5	0	221	192	0	10,908	163	0	607	1,189	2,530	851	525	523	6,235	205	2	705
NEFS 6	0	1,452	1,741	0	48,462	6,307	0	177	5,250	26,424	8,285	2,120	2,946	1,152	76,336	57	57,457
NEFS 8	0	4,705	1,487	0	131,910	8,130	0	261	8,715	45,372	9,133	36,938	2,460	6,150	63,633	126	65,395
NEFS 10	0	246	1,556	0	2,388	1,907	0	20	5,570	7,071	2,926	13	5,843	367	3,774	17	12,105
NEFS 11	0	184	6,753	0	468	3,994	0	0	2,859	9,072	2,145	3	1,241	13	21,050	84	137,466
NEFS 12	0	293	1,606	0	1,267	1,563	0	1	6,534	4,563	860	0	6,380	156	2,554	7	12,199
NEFS 13	0	4,322	383	0	287,161	1,296	0	830	8,063	49,654	12,473	23,877	1,104	10,526	49,298	59	42,043
SHS1	0	3,424	2,831	0	129,067	18,952	0	66	6,142	80,413	16,651	14,156	2,092	3,479	155,021	371	159,850
SHS2	0	2,242	898	0	28,922	2,063	0	157	7,094	14,522	3,088	3,829	2,596	3,997	12,484	44	22,747
SHS3	0	7,864	3,974	0	347,081	29,083	0	287	12,826	108,847	24,835	24,072	1,926	12,413	312,663	534	278,330
Total	0	41,880	55,225	0	1,322,766	138,883	0	2,647	114,633	557,290	132,268	112,425	56,835	50,699	1,097,894	2,199	1,523,388

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Mooncusser Sector (MOON), Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS).

Table 2 -- De Minimis Carryover ACE from Fishing Year 2022 to Fishing Year 2023 (lb)

Sector	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	957	39	0	3,804	62	0	1	341	510	270	7	236	95	1,116	27	8,970
MCCS	0	187	967	0	8,302	4,236	0	19	1,357	18,404	3,108	291	1,053	217	19,219	365	36,637
MOON	0	1,009	390	0	9,584	1,313	0	6	659	1,079	463	343	382	246	10,256	282	31,988
NEFS 2	0	531	1,471	0	25,921	7,123	0	9	4,974	11,306	3,244	1,160	2,940	401	31,133	121	39,851
NEFS 4	0	615	685	0	14,276	3,069	0	17	1,394	11,152	2,228	251	994	98	13,875	103	19,844
NEFS 5	0	39	20	0	1,694	39	0	117	201	366	128	116	113	974	27	2	217
NEFS 6	0	244	167	0	8,384	1,519	0	36	840	5,170	1,470	413	592	182	14,219	57	10,597
NEFS 8	0	1,278	167	0	34,762	2,468	0	84	1,929	11,935	2,195	13,722	563	1,584	15,965	126	17,585
NEFS 10	0	44	153	0	434	459	0	4	900	1,421	537	4	1,220	60	704	17	2,235
NEFS 11	0	33	696	0	83	948	0	0	497	1,788	390	0	268	2	3,902	84	25,363
NEFS 12	0	41	185	0	229	372	0	0	1,822	941	158	0	1,365	26	476	7	2,053
NEFS 13	0	1,027	40	0	49,733	314	0	169	1,408	10,148	2,227	6,941	243	1,695	9,082	59	7,745
SHS1	0	560	364	0	23,558	4,388	0	19	784	19,857	3,489	3,708	393	437	37,103	371	30,039
SHS2	0	211	117	0	7,056	1,527	0	20	1,155	4,194	850	977	621	496	9,558	44	8,901
SHS3	0	1,242	295	0	50,820	5,651	0	57	2,185	15,173	3,406	7,001	392	2,026	38,168	534	39,376
Total	0	8,018	5,756	0	238,640	33,488	0	558	20,446	113,444	24,163	34,934	11,375	8,539	204,803	2,199	281,401

Table 3 -- Total ACE Available to Sectors in Fishing Year 2023 including Final Carryover (mt)

Sector	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	16	30	2	24	158	3	0	0	16	24	13	0	13	5	53	19	429
MCCS	3	6	48	52	344	200	2	1	65	876	149	14	50	10	917	253	1,752
MOON	16	32	19	60	399	62	1	0	32	51	22	16	18	12	489	204	1,526
MPB	0	0	3	1	4	18	0	0	3	63	8	0	3	0	78	30	223
NEFS 2	9	17	73	161	1,079	337	1	0	238	538	155	54	139	19	1,488	149	1,905
NEFS 4	10	19	34	89	594	145	2	1	67	531	107	12	47	5	663	151	949
NEFS 5	1	1	1	11	71	2	1	6	10	18	6	5	5	47	1	1	10
NEFS 6	4	8	8	52	350	72	2	2	40	246	70	20	28	9	680	83	507
NEFS 8	21	39	8	216	1,420	116	23	4	91	562	104	639	27	75	753	120	827
NEFS 10	1	1	8	3	18	22	0	0	43	68	26	0	58	3	34	12	107
NEFS 11	1	1	35	1	3	45	0	0	24	85	19	0	13	0	187	73	1,213
NEFS 12	1	1	9	1	10	18	0	0	86	45	8	0	65	1	23	5	99
NEFS 13	17	32	2	309	2,077	15	30	8	68	483	107	326	12	82	434	40	370
NHPB	0	0	3	0	0	1	0	0	0	2	0	0	0	0	2	1	15
SHS 1	9	18	18	147	981	208	4	1	38	937	166	175	19	21	1,753	332	1,435
SHS 2	3	7	6	44	289	70	2	1	56	197	40	46	29	24	439	63	414
SHS 3	20	40	15	316	2,146	270	12	3	105	738	166	328	19	98	1,873	271	1,912
Total	131	252	293	1,486	9,944	1,600	80	27	983	5,463	1,164	1,636	545	410	9,867	1,809	13,692

Table 4 -- Total ACE Available to Sectors in Fishing Year 2023 including Final Carryover (1,000 lb)

Sector	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	34	67	4	52	349	6	0	0	36	54	29	1	29	10	118	41	946
MCCS	7	13	106	114	757	441	4	2	144	1,931	328	30	110	23	2,022	557	3,862
MOON	36	70	42	131	879	137	2	1	70	113	49	35	40	26	1,079	451	3,364
MPB	0	1	7	1	9	39	0	0	7	138	18	0	6	0	172	67	491
NEFS 2	19	37	161	356	2,379	742	3	1	526	1,186	342	120	307	43	3,280	329	4,201
NEFS 4	22	41	75	196	1,310	320	4	2	147	1,170	235	26	104	10	1,462	332	2,092
NEFS 5	1	3	2	23	157	4	2	12	21	39	14	12	12	104	3	3	22
NEFS 6	9	17	18	115	772	158	4	4	89	543	155	43	62	19	1,498	182	1,117
NEFS 8	46	86	18	477	3,131	255	51	9	202	1,239	229	1,409	59	165	1,660	265	1,824
NEFS 10	2	3	17	6	40	48	0	0	96	149	57	0	128	6	74	27	236
NEFS 11	1	2	76	1	8	99	0	0	53	188	41	0	28	0	411	162	2,674
NEFS 12	1	3	20	3	21	39	0	0	189	99	17	0	143	3	50	12	218
NEFS 13	37	70	4	682	4,578	33	66	18	149	1,064	235	718	25	180	958	89	817
NHPB	0	0	7	0	0	1	0	0	0	3	0	0	1	0	4	3	32
SHS 1	20	39	39	323	2,162	458	8	2	85	2,066	366	385	41	47	3,865	732	3,164
SHS 2	8	16	13	97	638	155	5	2	123	434	88	101	65	54	968	139	913
SHS 3	45	87	33	697	4,732	594	26	6	231	1,626	365	724	41	215	4,130	598	4,216
Total	289	556	645	3,275	21,922	3,528	176	58	2,166	12,043	2,567	3,606	1,201	905	21,754	3,988	30,186

Classification

NMFS is issuing this rule pursuant to 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which provides specific authority for implementing this action. Section 305(d) authorizes NMFS to take action to carry out provisions in FMPs and of the MSA. In a previous action taken pursuant to section 304(b), NMFS approved the Council designed provisions in the FMP to authorize NMFS to annually adjust and distribute sector carryover consistent with MSA requirements to prevent overfishing and achieve optimum yield. See § 648.87(b)(1)(i)(C). The NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

This final rule is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), NMFS finds good cause to waive prior public notice and opportunity for public comment on the allocation adjustments because allowing time for notice and comment is impracticable, unnecessary, and contrary to the public interest.

Notice and comment would be impracticable, unnecessary, and contrary to the public interest, as the distribution of unused quota carried over from the previous fishing year is an annual adjustment action that is expected by industry. These adjustments increase available catch, and sector vessels will be able to fish for this additional catch as soon as this action is in effect, which will provide increased operational flexibility and ability to catch its available allocation. They are routine, formulaic, and authorized by regulation. The public had prior notice and opportunity to participate in the development of and comment on the regulations implementing this process and expects this adjustment each year. Delaying these adjustments would result in a delay in the distribution of unused carryover to sectors, and could negate or reduce the intended economic benefits

and increased operational flexibility provided by these adjustments. Carryover from 2022 was only recently finalized because it is based on data that was not available until the fall upon the conclusion of the catch accounting process for fishing year 2022.

Also, because advanced notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply to this rule. Therefore, no final regulatory flexibility analysis is required and none has been prepared.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

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

Dated: November 30, 2023.

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Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

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