



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 231130-0283; RTID 0648-XD454]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Proposed 2024 and 2025 Harvest Specifications for Groundfish

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

ACTION: Proposed rule; harvest specifications and request for comments.

SUMMARY: NMFS proposes 2024 and 2025 harvest specifications, apportionments, and prohibited species catch allowances for the groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) management area. This action is necessary to establish harvest limits for groundfish during the 2024 and 2025 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The 2024 harvest specifications supersede those previously set in the final 2023 and 2024 harvest specifications, and the 2025 harvest specifications will be superseded in early 2025 when the final 2025 and 2026 harvest specifications are published. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be received by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments, identified by NOAA-NMFS-2023-0124, 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> and enter NOAA-NMFS-2023-0124 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Records Office. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.
Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record, and NMFS will post the comments for public viewing on <https://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).

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), Record of Decision (ROD) for the Final EIS, and the annual Supplementary Information Reports (SIR) to the Final EIS prepared for this action are available from <https://www.regulations.gov>. An updated 2024 SIR for the final 2024 and 2025 harvest specifications will be available from the same source. The final 2022 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2022, is available from the North Pacific Fishery Management Council (Council) at 1007 West 3rd Ave., Suite 400, Anchorage, Alaska 99501, phone 907-271-2809, or from the Council’s website at <https://www.npfmc.org/>. The 2023 SAFE report for the BSAI will be available from the same source.

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

SUPPLEMENTARY INFORMATION:

Background

Federal regulations at 50 CFR part 679 implement the FMP and govern the groundfish fisheries in the BSAI. The Council prepared the FMP, and NMFS approved it, pursuant to the Magnuson-Stevens Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require that NMFS, after consultation with the North Pacific Fishery Management Council (Council), specify annually the total allowable catch (TAC) for each target species category. The sum of TACs for all groundfish species in the BSAI must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (see §§ 679.20(a)(1)(i)(A) and 679.20(a)(2)). Section 679.20(c)(1) further requires that NMFS publish proposed harvest specifications in the **Federal Register** and solicit public comments on proposed annual TACs for each target species and apportionments thereof; prohibited species catch (PSC) allowances; prohibited species quota (PSQ) reserves established by § 679.21; seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC; American Fisheries Act allocations; Amendment 80 allocations; Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii); and acceptable biological catch (ABC) surpluses and reserves for CDQ groups and Amendment 80 cooperatives for flathead sole, rock sole, and yellowfin sole. The proposed harvest specifications set forth in Tables 1-16 of this action satisfy these requirements.

Under § 679.20(c)(3), NMFS will publish the final 2024 and 2025 harvest specifications after (1) considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its December 2023 meeting, (3) considering information presented in the 2024 SIR to the Final EIS that assesses the need to prepare a

Supplemental EIS (see **ADDRESSES**), and (4) considering information presented in the final 2023 SAFE report prepared for the 2024 and 2025 groundfish fisheries.

Other Actions Affecting or Potentially Affecting the 2024 and 2025 Harvest

Specifications

Halibut Abundance-Based Management for the Amendment 80 Program PSC Limit

On December 9, 2022, NMFS published a proposed rule associated with Amendment 123 to the FMP (87 FR 75570), which would establish abundance-based management of Amendment 80 Program PSC for Pacific halibut. Upon publication of the final rule associated with Amendment 123 (publication is pending in November 2023), the regulations implementing Amendment 123 will replace the current Amendment 80 sector static halibut PSC limit (1,745 mt) with a process for annually setting the Amendment 80 sector halibut PSC limit based on the most recent halibut abundance estimates from the International Pacific Halibut Commission (IPHC) setline survey index and the NMFS Alaska Fisheries Science Center (AFSC) Eastern Bering Sea shelf trawl survey index. The annual process uses a table with pre-established halibut abundance ranges from those surveys. The annual Amendment 80 sector halibut PSC limit will be set at the value found at the intercept of the results from the most recent survey indices. NMFS will calculate the Amendment 80 sector halibut PSC limit, as well as the total halibut PSC limit, in the final 2024 and 2025 harvest specifications.

Pacific Cod Trawl Cooperative Limited Access Privilege Program

On August 8, 2023, NMFS published a final rule to implement Amendment 122 to the FMP (88 FR 53704, effective September 7, 2023) (see also a correction published at 88 FR 57009, August 22, 2023). The final rule establishes a limited access privilege program called the Pacific Cod Trawl Cooperative (PCTC) Program. The PCTC Program allocates Pacific cod quota share (QS) to groundfish License Limitation Program license holders and to processors based on history during the qualifying years. Under this

program, QS holders are required to join cooperatives annually. Cooperatives are allocated the BSAI trawl catcher vessel sector's A and B seasons Pacific cod allocation as an exclusive harvest privilege in the form of cooperative quota, equivalent to the aggregate QS of all cooperative members. Amendment 122 also reduces the halibut and crab PSC limits for the BSAI trawl catcher vessel (CV) Pacific cod fishery.

Accordingly, Amendment 122 and its implementing regulations affect the calculation of the BSAI trawl CV sector allocation of Pacific cod (discussed in a subsequent section of this rule titled *Allocation of the Pacific Cod TAC*) and the BSAI trawl limited access sector crab and halibut PSC limits (discussed in a subsequent section of this rule titled *Proposed PSC Limits for Halibut, Salmon, Crab, and Herring*).

Amendment 122 also removed the regulations at § 679.20(a)(7)(viii) for Amendment 113 to the FMP because the U.S. District Court for the District of Columbia vacated the rule implementing Amendment 113 (*Groundfish Forum v. Ross*, 375 F.Supp.3d 72 (D.D.C. 2019)).

State of Alaska Guideline Harvest Levels

For 2024 and 2025, the Board of Fisheries (BOF) for the State of Alaska (State) established the guideline harvest level (GHL) for vessels using pot, longline, jig, and hand troll gear in State waters in the State's Aleutian Islands subarea (AI) State-waters sablefish registration area that includes all State waters west of Scotch Cap Light (164° 44.72' W longitude) and south of Cape Sarichef (54° 36' N latitude). The 2024 AI GHL is set at 5 percent of the combined proposed 2024 Bering Sea (BS) subarea and AI ABC (1,025 mt). The State's AI sablefish registration area includes areas adjacent to parts of the Federal BS subarea. Since most of the State's 2024 and 2025 GHL sablefish fishery is expected to occur in State waters adjacent to the Federal BS subarea, the Council and its BSAI Groundfish Plan Team (Plan Team), Scientific and Statistical Committee (SSC), and Advisory Panel (AP) recommended that the sum of all State and Federal sablefish

removals from the BS and AI not exceed the proposed ABC recommendations for sablefish in the BS and AI.

Accordingly, the Council recommended, and NMFS proposes, that the 2024 and 2025 sablefish TACs in the BS and AI account for the State's GHLS for sablefish caught in State waters.

For 2024 and 2025, the BOF for the State established the GHL for vessels using pot gear in State waters in the BS equal to 12 percent of the Pacific cod ABC in the BS. The BS GHL will increase by one percent if 90 percent of the GHL is harvested by November 15 of the preceding year for two consecutive years but may not exceed 15 percent of the BS ABC. If 90 percent of the GHL is not harvested by November 15 of the preceding year for two consecutive years, the GHL will decrease by 1 percent, but the GHL may not decrease below 10 percent of the BS ABC. Based on harvest in 2022 and 2023, the GHL likely will remain at 12 percent in 2024. NMFS will account for any adjustment to the GHL in the final 2024 and 2025 harvest specifications. For 2024 and 2025, 12 percent of the proposed BS ABC is 16,819 mt. Also, for 2024 and 2025, the BOF established an additional GHL for vessels using jig gear in State waters in the BS equal to 45 mt of Pacific cod in the BS. The Council and its Plan Team, SSC, and AP recommended that the sum of all State and Federal waters Pacific cod removals from the BS not exceed the ABC recommendations for Pacific cod in the BS. Accordingly, the Council recommended, and NMFS proposes, that the 2024 and 2025 Pacific cod TACs in the BS account for the State's GHLS (total 16,864 mt) for Pacific cod caught in State waters in the BS.

For 2024 and 2025, the BOF for the State established the GHL in State waters in the AI be equal to 39 percent of the AI ABC. The AI GHL will increase annually by 4 percent of the AI ABC if 90 percent of the GHL is harvested by November 15 of the preceding year but may not exceed 39 percent of the AI ABC or 15 million pounds (lbs)

(6,804 mt). If 90 percent of the GHL is not harvested by November 15 of the preceding year for two consecutive years, the GHL will decrease by 4 percent, but the GHL may not decrease below 15 percent of the AI ABC. Based on harvest in 2022 and 2023, the GHL likely will decrease to 35 percent in 2024. NMFS will account for any adjustment to the GHL in the final 2024 and 2025 harvest specifications. For 2024 and 2025, 39 percent of the proposed AI ABC is 5,387 mt. The Council and its Plan Team, SSC, and AP recommended that the sum of all State and Federal Pacific cod removals from the AI not exceed the ABC recommendations for Pacific cod in the AI.

Accordingly, the Council recommended, and NMFS proposes, that the 2024 and 2025 Pacific cod TACs in the AI account for the State's GHL for Pacific cod caught in State waters in the AI.

Proposed ABC and TAC Harvest Specifications

In October 2023, the Council's SSC, its AP, and the Council reviewed the most recent biological and harvest information on the condition of the BSAI groundfish stocks. The Plan Team compiled and presented this information in the final 2022 SAFE report for the BSAI groundfish fisheries, dated November 2022 (see **ADDRESSES**). The final 2023 SAFE report, including individual stock assessments, will be available from the same source and from <https://www.fisheries.noaa.gov/alaska/population-assessments/north-pacific-groundfish-stock-assessment-and-fishery-evaluation>.

The proposed 2024 and 2025 harvest specifications are based on the final 2024 harvest specifications published in March 2023 (88 FR 14926, March 10, 2023), which were set after consideration of the most recent 2022 SAFE report and are based on the initial survey data that were presented at the September 2023 Plan Team meeting. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters including possible future condition of the stocks, as well as summaries of the available information on the BS and AI

ecosystems and the economic condition of the groundfish fisheries off Alaska. The SAFE report provides information to the Council and NMFS for recommending and setting, respectively, annual harvest levels for each stock, documenting significant trends or changes in the resource, marine ecosystems, and fisheries over time, and assessing the relative success of existing Federal fishery management programs. An appendix to the SAFE report is the Ecosystem Status Reports (ESRs). The ESRs compile and summarize information about the status of the Alaska marine ecosystems for the SSC, AP, Council, NMFS, and the public, and they are updated annually. These ESRs include ecosystem report cards, ecosystem assessments, and ecosystem status indicators (*i.e.*, climate indices, sea surface temperature), which together provide context for ecosystem-based fisheries management in Alaska. The ESRs inform stock assessments and are integrated in the annual harvest recommendations through inclusion in stock assessment-specific risk tables. Also, the ESRs provide context for the SSC's recommendations for overfishing levels (OFL) and ABCs, as well as for the Council's TAC recommendations. The SAFE reports and the ESRs are presented at the October and December Council meetings before the SSC, AP, and the Council make groundfish harvest recommendations and aid NMFS in implementing these annual groundfish harvest specifications.

In addition to the 2022 SAFE report, the Plan Team, SSC, and Council also reviewed preliminary survey data from 2023 surveys, updates on ecological and socioeconomic profiles for certain species, and summaries of potential changes to models and methodologies. From these data and analyses, the Plan Team recommends, and the SSC sets, the proposed OFL and ABC for each species and species group. The proposed 2024 and 2025 harvest specifications in this action are subject to change in the final harvest specifications to be published by NMFS following the Council's December 2023 meeting.

In November 2023, the Plan Team will update the 2022 SAFE report to include new information collected during 2023, such as NMFS stock surveys, revised stock assessments, and catch data. The Plan Team will compile this information and present the draft 2023 SAFE report at the December 2023 Council meeting. At that meeting, the SSC and the Council will review the 2023 SAFE report, and the Council will approve the 2023 SAFE report. The Council will consider information in the 2023 SAFE report, recommendations from the November 2023 Plan Team meeting and December 2023 SSC and AP meetings, public testimony, and relevant written comments in making its recommendations for the final 2024 and 2025 harvest specifications. Pursuant to § 679.20(a)(2) and (3), the Council could recommend adjusting the final TACs if warranted based on the biological condition of groundfish stocks or a variety of socioeconomic considerations, or if required to cause the sum of TACs to fall within the OY range.

Potential Changes Between Proposed and Final Specifications

In previous years, the most significant changes (relative to the amount of assessed tonnage of fish) to the OFLs and ABCs from the proposed to the final harvest specifications have been based on the most recent NMFS stock surveys. These surveys provide updated estimates of stock biomass and spatial distribution and inform changes to the models or the models' results used for producing stock assessments. Any changes to models used in stock assessments will be recommended by the Plan Team in November 2023, reviewed by the SSC in December 2023, and then included in the final 2023 SAFE report. Model changes can result in changes to final OFLs, ABCs, and TACs. The final 2023 SAFE report will include the most recent information (*e.g.*, catch data).

The final harvest specification amounts for these stocks are not expected to significantly vary from these proposed harvest specification amounts. If the 2023 SAFE report indicates that the stock biomass trend is increasing for a species, then the final 2024 and 2025 harvest specifications may reflect an increase from the proposed harvest

specifications. Conversely, if the 2023 SAFE report indicates that the stock biomass trend is decreasing for a species, then the final 2024 and 2025 harvest specifications may reflect a decrease from the proposed harvest specifications. In addition to changes driven by biomass trends, there may be changes in TACs due to the sum of ABCs exceeding 2 million mt. Since the regulations require the sum of all TACs to be set to an OY between 1.4 and 2 million mt, the Council may be required to recommend TACs that are lower than the ABCs recommended by the Plan Team and the SSC, if setting all TACs equal to ABCs would cause the sum of TACs to exceed an OY of 2 million mt. Generally, total ABCs greatly exceed 2 million mt in years with a large pollock biomass. For both 2024 and 2025, NMFS anticipates that the sum of the final ABCs will exceed 2 million mt. Historically, the sum of the final TACs has been close to or equal to 2 million mt.

The proposed 2024 and 2025 OFLs and ABCs are based on the best available biological and scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The FMP specifies a series of six tiers to define OFLs and ABCs based on the level of reliable information available to fishery scientists. Tier 1 represents the highest level of information quality available, while Tier 6 represents the lowest. The proposed 2024 and 2025 TACs are based on the best available biological and socioeconomic information.

In October 2023, the SSC adopted the proposed 2024 and 2025 OFLs and ABCs recommended by the Plan Team for all groundfish. In making its recommendations, the Council adopted the SSC's OFL and ABC recommendations. The OFL and ABC amounts are unchanged from the final 2024 harvest specifications published in the **Federal Register** on March 10, 2023 (88 FR 14926) (see also a correction at 88 FR 18258, March 28, 2023). The sum of the proposed 2024 and 2025 ABCs for all assessed groundfish is 3,569,366 mt. The sum of the proposed TACs is 2,000,000 mt.

Specification and Apportionment of TAC Amounts

The Council recommended proposed 2024 and 2025 TACs that are equal to the proposed ABCs for 2024 and 2025 BS and AI Greenland turbot, BSAI Kamchatka flounder, Central AI Atka mackerel, BS Pacific ocean perch, Central AI Pacific ocean perch, Eastern AI Pacific ocean perch, BS and Eastern AI (BS/EAI) blackspotted and roughey rockfish, Central AI and Western AI blackspotted and roughey rockfish, BS and AI shortraker rockfish, and BS and AI “other rockfish.” The Council recommended proposed TACs less than the respective proposed ABCs for all other species. TACs for some species are reduced so that the overall TAC does not exceed the BSAI OY.

The proposed groundfish OFLs, ABCs, and TACs are subject to change pending the completion of the final 2023 SAFE report, public comment, and the Council’s recommendations for the final 2024 and 2025 harvest specifications during its December 2023 meeting. These proposed amounts are consistent with the biological condition of groundfish stocks as described in the 2022 SAFE report. The proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs have been adjusted for other biological information and socioeconomic considerations, including maintaining the entire TAC within the required OY range. Pursuant to Section 3.2.3.4.1 of the FMP, the Council could recommend adjusting the final TACs “if warranted on the basis of bycatch considerations, management uncertainty, or socioeconomic considerations; or if required in order to cause the sum of the TACs to fall within the OY range.” Table 1 lists the proposed 2024 and 2025 OFL, ABC, TAC, initial TAC (ITAC), and CDQ amounts for groundfish for the BSAI. The proposed apportionment of TAC amounts among fisheries and seasons is discussed below.

Table 1 – Proposed 2024 and 2025 Overfishing Level (OFL), Acceptable Biological Catch (ABC), Total Allowable Catch (TAC), Initial TAC (ITAC), and CDQ Reserve Allocation of Groundfish in the BSAI¹

[Amounts are in metric tons]

Species	Area	Proposed 2024 and 2025
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		OFL	ABC	TAC	ITAC ²	CDQ ^{3,4}	Nonspecified Reserves
Pollock ⁴	BS	4,639,000	2,275,000	1,302,000	1,171,800	130,200	-
	AI	52,043	43,092	19,000	17,100	1,900	-
	Bogoslof	115,146	86,360	300	300	-	-
Pacific cod ⁵	BS	166,814	140,159	123,295	110,102	13,193	-
	AI	18,416	13,812	8,425	7,524	901	-
Sablefish ⁶	Alaska-wide	48,561	41,539	n/a	n/a	n/a	
	BS	n/a	10,185	9,676	4,112	1,330	363
	AI	n/a	10,308	9,793	2,081	1,653	184
Yellowfin sole	BSAI	495,155	462,890	230,656	205,976	24,680	-
Greenland turbot	BSAI	3,947	3,364	3,364	2,859	n/a	
	BS	n/a	2,836	2,836	2,411	303	122
	AI	n/a	528	528	449	-	79
Arrowtooth flounder	BSAI	103,070	87,511	15,000	12,750	1,605	645
Kamchatka flounder	BSAI	8,776	7,435	7,435	6,320	-	1,115
Rock sole ⁷	BSAI	196,011	119,969	66,000	58,938	7,062	-
Flathead sole ⁸	BSAI	81,167	66,927	35,500	31,702	3,799	-
Alaska plaice	BSAI	43,328	36,021	18,000	15,300	-	2,700
Other flatfish ⁹	BSAI	22,919	17,189	4,500	3,825	-	675
Pacific Ocean perch	BSAI	49,279	41,322	38,264	33,667	n/a	
	BS	n/a	11,700	11,700	9,945	-	1,755
	EAI	n/a	8,013	8,013	7,156	857	-
	CAI	n/a	5,551	5,551	4,957	594	-
	WAI	n/a	16,058	13,000	11,609	1,391	-
Northern rockfish	BSAI	22,105	18,135	11,000	9,350	-	1,650
Blackspotted /Rougeye rockfish ¹⁰	BSAI	763	570	570	485	-	86
	BS/EAI	n/a	388	388	330	-	58
	CAI/WAI	n/a	182	182	155	-	27
Shortraker rockfish	BSAI	706	530	530	451	-	80
Other rockfish ¹¹	BSAI	1,680	1,260	1,260	1,071	-	189
	BS	n/a	880	880	748	-	132
	AI	n/a	380	380	323	-	57
Atka mackerel	BSAI	101,188	86,464	66,855	59,702	7,153	-
	EAI/BS	n/a	37,958	30,000	26,790	3,210	-
	CAI	n/a	15,218	15,218	13,590	1,628	-
	WAI	n/a	33,288	21,637	19,322	2,315	-
Skates	BSAI	44,168	36,837	27,927	23,738	-	4,189
Sharks	BSAI	689	450	250	213	-	38
Octopuses	BSAI	4,769	3,576	400	340	-	60
TOTAL	BSAI	6,219,700	3,569,366	2,000,000	1,779,703	196,622	13,929

¹ These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea subarea (BS) includes the Bogoslof District.

² Except for pollock, the portion of the sablefish TAC allocated to fixed gear, and the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and Aleutian Islands (AI) Pacific ocean perch), 15 percent of each TAC is put into a nonspecified reserve. The ITAC for these species is the remainder of the TAC after subtraction of the reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnote 3 and 4).

³ For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and AI Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(C)). Twenty percent of the sablefish TAC allocated to fixed gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for BS Greenland turbot and BSAI arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). The 2025 fixed gear portion of the sablefish ITAC and CDQ reserve will not be specified until the final 2025 and 2026 harvest specifications. AI Greenland turbot, "other flatfish," Alaska plaice, BS Pacific ocean perch, Kamchatka flounder, northern rockfish, shortraker rockfish, blackspotted and rougeye rockfish, "other rockfish," skates, sharks, and octopuses are not allocated to the CDQ Program.

⁴ Under § 679.20(a)(5)(i)(A), the annual BS pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (50,000 mt), is further allocated by sector for a pollock directed fishery as follows: inshore–50 percent; catcher/processor–40 percent; and motherships–10 percent. Section 679.20(a)(5)(iii)(B)(1) requires the AI pollock TAC to be set at 19,000 mt when the AI pollock ABC equals or exceeds 19,000 mt. Under § 679.20(a)(5)(iii)(B)(2), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (3,420 mt), is allocated to the Aleut Corporation for a pollock directed fishery. The Bogoslof pollock TAC is set to accommodate incidental catch amounts.

⁵ The proposed BS Pacific cod TAC is set to account for 12 percent, plus 45 mt, of the BS ABC for the State of Alaska's (State) guideline harvest level in State waters of the BS. The proposed AI Pacific cod TAC is set to account for 39 percent (5,387 mt) of the AI ABC for the State guideline harvest level in State waters of the AI.

⁶ The sablefish OFL and ABC are Alaska-wide and include the Gulf of Alaska. The Alaska-wide sablefish OFL and ABC are included in the total OFL and ABC. The BS and AI sablefish TACs are set to account for the 5 percent of the BS and AI ABC for the State of Alaska's (State) guideline harvest level in State waters of the BS and AI.

⁷“Rock sole” includes *Lepidopsetta polyxystra* (Northern rock sole).

⁸“Flathead sole” includes *Hippoglossoides elassodon* (flathead sole) and *Hippoglossoides robustus* (Bering flounder).

⁹ “Other flatfish” includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

¹⁰ “Blackspotted/Rougheye rockfish” includes *Sebastes melanostictus* (blackspotted) and *Sebastes aleutianus* (rougheye).

¹¹ “Other rockfish” includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, dark rockfish, northern rockfish, shortraker rockfish, and blackspotted/rougheye rockfish.

Note: Regulatory areas and districts are defined at § 679.2 (BSAI=Bering Sea and Aleutian Islands management area, BS=Bering Sea subarea, AI=Aleutian Islands subarea, EAI=Eastern Aleutian district, CAI=Central Aleutian district, WAI=Western Aleutian district.)

Groundfish Reserves and the Incidental Catch Allowance (ICA) for Pollock, Atka

Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and AI Pacific Ocean Perch

Section 679.20(b)(1)(i) requires NMFS to reserve 15 percent of the TAC for each target species category (except for pollock, fixed gear allocation of sablefish, and Amendment 80 species) in a nonspecified reserve. Section 679.20(b)(1)(ii)(B) requires that NMFS allocate 20 percent of the fixed gear allocation of sablefish to the fixed gear sablefish CDQ reserve for each subarea. Section 679.20(b)(1)(ii)(D) requires that NMFS allocate 7.5 percent of the trawl gear allocation of sablefish for each subarea and 10.7 percent of BS Greenland turbot and BSAI arrowtooth flounder TACs to the respective CDQ reserves. Section 679.20(b)(1)(ii)(C) requires that NMFS allocate 10.7 percent of the TACs for Atka mackerel, AI Pacific ocean perch, yellowfin sole, rock sole, flathead

sole, and Pacific cod (the Amendment 80 allocated species) to the respective CDQ reserves.

Sections 679.20(a)(5)(i)(A) and 679.31(a) require allocation of 10 percent of the BS pollock TAC to the pollock CDQ directed fishing allowance (DFA). Sections 679.20(a)(5)(iii)(B)(2)(i) and 679.31(a) require 10 percent of the AI pollock TAC be allocated to the pollock CDQ DFA. The entire Bogoslof District pollock TAC is allocated as an incidental catch allowance (ICA) pursuant to § 679.20(a)(5)(ii) because the Bogoslof District is closed to directed fishing for pollock by regulation (§ 679.22(a)(7)(B)). With the exception of the fixed gear sablefish CDQ reserve, the regulations do not further apportion the CDQ reserves by gear.

Pursuant to § 679.20(a)(5)(i)(A)(I), NMFS proposes a pollock ICA of 50,000 mt of the BS pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS's examination of the pollock incidentally retained and discarded catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2000 through 2023. During this 24-year period, the pollock incidental catch ranged from a low of 2.2 percent in 2006 to a high of 4.6 percent in 2014, with a 23-year average of 3 percent. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), NMFS proposes a pollock ICA of 20 percent or 3,420 mt of the AI pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS's examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2003 through 2023. During this 21-year period, the incidental catch of pollock ranged from a low of 5 percent in 2015 to a high of 20 percent in 2023, with a 10-year average of 12 percent in the most recent ten years.

After subtracting the 10.7 percent CDQ reserve and pursuant to § 679.20(a)(8) and (10), NMFS proposes ICAs of 3,000 mt of flathead sole, 6,000 mt of rock sole, 4,000 mt of yellowfin sole, 10 mt of Western Aleutian district Pacific ocean perch, 60 mt of

Central Aleutian district Pacific ocean perch, 100 mt of Eastern Aleutian district Pacific ocean perch, 20 mt of Western Aleutian district Atka mackerel, 75 mt of Central Aleutian district Atka mackerel, and 800 mt of Eastern Aleutian district and BS Atka mackerel. These ICAs are based on NMFS's examination of the incidental catch in other target fisheries from 2003 through 2023.

The regulations do not designate the remainder of the nonspecified reserve by species or species group. Any amount of the reserve may be apportioned to a target species that contributed to the nonspecified reserve during the year, provided that such apportionments are consistent with § 679.20(a)(3) and do not result in overfishing (see § 679.20(b)(1)(i)). In the final 2024 and 2025 harvest specifications, NMFS will evaluate whether any apportionments are necessary and may apportion from the nonspecified reserve to increase the ITAC for any target species that contributed to the reserve.

Allocations of Pollock TAC Under the American Fisheries Act (AFA)

Section 679.20(a)(5)(i)(A) requires that BS pollock TAC be apportioned as a DFA, after subtracting 10 percent for the CDQ Program and 50,000 for the ICA, as follows: 50 percent to the inshore sector, 40 percent to the catcher/processor (CP) sector, and 10 percent to the mothership sector. In the BS, 45 percent of the DFAs are allocated to the A season (January 20 to June 10), and 55 percent of the DFAs are allocated to the B season (June 10 to November 1) (§§ 679.20(a)(5)(i)(B)(1) and 679.23(e)(2)). The AI directed pollock fishery allocation to the Aleut Corporation is the amount of pollock TAC remaining in the AI after subtracting 1,900 mt for the CDQ DFA (10 percent), and 3,420 mt for the ICA (§ 679.20(a)(5)(iii)(B)(2)). In the AI, the total A season apportionment of the pollock TAC (including the AI directed fishery allocation, the CDQ DFA, and the ICA) may not exceed 40 percent of the ABC for AI pollock, and the remainder of the pollock TAC is allocated to the B season (§ 679.20(a)(5)(iii)(B)(3)). Table 2 lists these proposed 2024 and 2025 amounts. Within any fishing year, any under harvest or over

harvest of a seasonal allowance may be added to or subtracted from a subsequent seasonal allowance (§§ 679.20(a)(5)(i)(B)(2) and 679.20(a)(5)(iii)(B)(3)(iii)).

Section 679.20(a)(5)(iii)(B)(6) sets harvest limits for pollock in the A season (January 20 to June 10) in Areas 543, 542, and 541. In Area 543, the A season pollock harvest limit is no more than 5 percent of the AI pollock ABC. In Area 542, the A season pollock harvest limit is no more than 15 percent of the AI pollock ABC. In Area 541, the A season pollock harvest limit is no more than 30 percent of the AI pollock ABC.

Section 679.20(a)(5)(i)(A)(4) includes several specific requirements regarding BS pollock allocations. First, it requires that 8.5 percent of the pollock allocated to the CP sector be available for harvest by American Fisheries Act (AFA) CVs with CP sector endorsements, unless the Regional Administrator receives a cooperative contract that allows the distribution of harvest among AFA CPs and AFA CVs in a manner agreed to by all members. Second, AFA CPs not listed in the AFA are limited to harvesting no more than 0.5 percent of the pollock allocated to the CP sector. Table 2 lists the proposed 2024 and 2025 allocations of pollock TAC. Tables 14, 15, and 16 list the AFA CP and CV harvesting sideboard limits. The BS inshore pollock cooperative and open access sector allocations are based on the submission of AFA inshore cooperative applications due to NMFS on December 1 of each calendar year. Because AFA inshore cooperative applications for 2024 have not been submitted to NMFS, and NMFS therefore cannot calculate 2024 allocations, NMFS has not included inshore cooperative tables in these proposed harvest specifications. NMFS will post the 2024 AFA inshore pollock cooperative and open access sector allocations on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports> prior to the start of the fishing year on January 1, 2024, based on the harvest specifications effective on that date.

Table 2 lists proposed seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest of pollock within the SCA, as defined at § 679.22(a)(7)(vii), is limited to no more than 28 percent of the annual pollock DFA before 12 p.m. (noon), April 1, as provided in § 679.20(a)(5)(i)(C). The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector’s allocated percentage of the DFA.

Table 2 – Proposed 2024 and 2025 Allocations of Pollock TACs to the Directed Pollock Fisheries and to the CDQ Directed Fishing Allowances (DFA)¹

[Amounts are in metric tons]

Area and sector	2024 and 2025 Allocations	A season ¹		B season ¹
		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea TAC	1,302,000	n/a	n/a	n/a
CDQ DFA	130,200	58,590	36,456	71,610
ICA ¹	50,000	n/a	n/a	n/a
Total Bering Sea DFA (non-CDQ)	1,121,800	504,810	314,104	616,990
AFA Inshore	560,900	252,405	157,052	308,495
AFA Catcher/Processors ³	448,720	201,924	125,642	246,796
Catch by CPs	410,579	184,760	n/a	225,818
Catch by CVs ³	38,141	17,164	n/a	20,978
Unlisted CP Limit ⁴	2,244	1,010	n/a	1,234
AFA Motherships	112,180	50,481	31,410	61,699
Excessive Harvesting Limit ⁵	196,315	n/a	n/a	n/a
Excessive Processing Limit ⁶	336,540	n/a	n/a	n/a
Aleutian Islands subarea ABC	43,092	n/a	n/a	n/a
Aleutian Islands subarea TAC	19,000	n/a	n/a	n/a
CDQ DFA	1,900	1,894	n/a	6
ICA	3,420	1,710	n/a	1,710
Aleut Corporation	13,680	13,633	n/a	47
Area harvest limit ⁷	n/a	n/a	n/a	n/a
541	12,928	n/a	n/a	n/a
542	6,464	n/a	n/a	n/a
543	2,155	n/a	n/a	n/a
Bogoslof District ICA ⁸	300	n/a	n/a	n/a

¹ Pursuant to § 679.20(a)(5)(i)(A), the annual Bering Sea subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (50,000 mt), is allocated as a DFA as follows: inshore sector–50 percent, catcher/processor sector (CPs)–40 percent, and mothership sector–10 percent. In the Bering Sea subarea, 45 percent of the DFA and CDQ DFA are allocated to the A season (January 20–June 10) and 55 percent of the DFA and CDQ DFA are allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (3,420 mt), is allocated to the Aleut Corporation for a directed pollock fishery. In the Aleutian Islands subarea, the A season is allocated up to 40 percent of the AI pollock ABC.

² In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector’s annual DFA may be taken from the SCA before noon, April 1. The SCA is defined at § 679.22(a)(7)(vii).

³ Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the DFA allocated to listed CPs shall be available for harvest only by eligible catcher vessels with a CP endorsement delivering to listed CPs, unless there is a cooperative contract for the year.

⁴ Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted CPs are limited to harvesting not more than 0.5 percent of the C/P sector’s allocation of pollock.

⁵ Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

⁶ Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30 percent of the sum of the non-CDQ pollock DFAs.

⁷ Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 no more than 30 percent, in Area 542 no more than 15 percent, and in Area 543 no more than 5 percent of the Aleutian Islands pollock ABC.

⁸ Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

Allocation of the Atka Mackerel TACs

Section 679.20(a)(8) allocates the Atka mackerel TACs to the Amendment 80 and BSAI trawl limited access sectors, after subtracting the CDQ reserves, ICAs for the BSAI trawl limited access sector and non-trawl gear sector, and the jig gear allocation (table 3). The percentage of the ITAC for Atka mackerel allocated to the Amendment 80 and BSAI trawl limited access sectors is listed in table 33 to 50 CFR part 679 and in § 679.91. Pursuant to § 679.20(a)(8)(i), up to 2 percent of the Eastern Aleutian district and BS subarea Atka mackerel TAC may be allocated to vessels using jig gear. The percent of this allocation is recommended annually by the Council based on several criteria, including the anticipated harvest capacity of the jig gear fleet. The Council recommended, and NMFS proposes, a 0.5 percent allocation of the Atka mackerel TAC in the Eastern Aleutian district and BS subarea to the jig sector gear in 2024 and 2025.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel TAC, after subtraction of the jig gear allocation, into two equal seasonal allowances. Section 679.23(e)(3) sets the first seasonal allowance for directed fishing with trawl gear from January 20 through June 10 (A season), and the second seasonal allowance from June 10 through December 31 (B season). Section 679.23(e)(4)(iii) applies Atka mackerel seasons to trawl CDQ Atka mackerel fishing. Within any fishing year, any under harvest or over harvest of a seasonal allowance may be added to or subtracted from a subsequent seasonal allowance (§ 679.20(a)(8)(ii)(B)). The ICA and jig gear allocations are not apportioned by season.

Sections 679.20(a)(8)(ii)(C)(1)(i) and (ii) limit Atka mackerel catch within waters 0 nautical miles (nmi) to 20 nmi of Steller sea lion sites listed in table 6 to 50 CFR part 679 and located west of 178° W longitude to no more than 60 percent of the annual TACs in Areas 542 and 543, and equally divides that annual harvest limit between the A and B seasons as defined at § 679.23(e)(3). Section 679.20(a)(8)(ii)(C)(2) requires that the annual TAC in Area 543 will be no more than 65 percent of the ABC in Area 543. Section 679.20(a)(8)(ii)(D) requires that any unharvested Atka mackerel A season allowance that is added to the B season be prohibited from being harvested within waters 0-20 nmi of Steller sea lion sites listed in table 6 to 50 CFR part 679 and located in Areas 541, 542, and 543.

Table 3 lists the proposed 2024 and 2025 Atka mackerel season allowances, area allowances, and the sector allocations. One Amendment 80 cooperative has been formed for the 2024 fishing year. Because all Amendment 80 vessels are part of the sole cooperative, no allocation to the Amendment 80 limited access sector is required for 2024. The 2025 allocations for Atka mackerel 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, 2024. NMFS will post the 2025 Amendment 80 cooperatives and Amendment 80 limited access sector allocations on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska> prior to the start of the fishing year on January 1, 2025, based on the harvest specifications effective on that date.

Table 3 – Proposed 2024 and 2025 Seasonal and Spatial Allowances, Gear Shares, CDQ Reserve, Incidental Catch Allowance (ICA), and Amendment 80 Allocations of the BSAI Atka Mackerel TAC

[Amounts are in metric tons]

Sector ¹	Season ^{2, 3, 4}	2024 and 2025 allocation by area		
		Eastern Aleutian District/Bering Sea	Central Aleutian District ⁵	Western Aleutian District ⁵
TAC	n/a	30,000	15,218	21,637
CDQ reserve	Total	3,210	1,628	2,315
	A	1,605	814	1,158
	Critical habitat ⁵	n/a	488	695
	B	1,605	814	1,158
	Critical habitat ⁵	n/a	488	695
non-CDQ TAC	n/a	26,790	13,590	19,322
ICA	Total	800	75	20
Jig ⁶	Total	130	-	-
BSAI trawl limited access	Total	2,586	1,351	-
	A	1,293	676	-
	Critical habitat ⁵	n/a	405	-
	B	1,293	676	-
	Critical habitat ⁵	n/a	405	-
Amendment 80 ⁷	Total	23,274	12,163	19,302
	A	11,637	6,082	9,651
	Critical habitat ⁵	n/a	3,649	5,791
	B	11,637	6,082	9,651
	Critical habitat ⁵	n/a	3,649	5,791

¹ Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, ICAs, and the jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see § 679.20(b)(1)(ii)(C)).

² Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

³ The seasonal allowances of Atka mackerel for the CDQ reserve, BSAI trawl limited access sector, and Amendment 80 sector are 50 percent in the A season and 50 percent in the B season.

⁴ Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10, and the B season from June 10 to December 31.

⁵ Section 679.20(a)(8)(ii)(C)(I)(i) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of Steller sea lion critical habitat; section 679.20(a)(8)(ii)(C)(I)(ii) equally divides the annual harvest limit between the A and B seasons as defined at § 679.23(e)(3); and § 679.20(a)(8)(ii)(C)(2) requires that the TAC in Area 543 shall be no more than 65 percent of ABC in Area 543.

⁶ Sections 679.2 and 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and Bering Sea subarea TAC be allocated to jig gear after subtraction of the CDQ reserve and ICA. The proposed amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

⁷ The 2025 allocations for Atka mackerel 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, 2024.

Allocation of the Pacific Cod TAC

The Council separated the BSAI OFL, ABC, and TAC into BS and AI subarea OFLs, ABCs, and TACs for Pacific cod in 2014 (79 FR 12108, March 4, 2014). Section 679.20(b)(1)(ii)(C) allocates 10.7 percent of the BS TAC and the AI TAC to the CDQ

Program. After CDQ allocations have been deducted from the respective BS and AI Pacific cod TACs, the remaining BS and AI Pacific cod TACs are combined for calculating further BSAI Pacific cod sector allocations and seasonal allowances. If the non-CDQ Pacific cod TAC is or will be reached in either the BS or the AI subareas, NMFS will prohibit directed fishing for non-CDQ Pacific cod in that subarea, as provided in § 679.20(d)(1)(iii).

Section 679.20(a)(7)(ii) allocates to the non-CDQ sectors the combined BSAI Pacific cod TAC, after subtracting 10.7 percent for the CDQ Program, as follows: 1.4 percent to vessels using jig gear, 2.0 percent to hook-and-line or pot CVs less than 60 feet (ft) (18.3 meters (m)) length overall (LOA), 0.2 percent to hook-and-line CVs greater than or equal to 60 ft (18.3 m) LOA, 48.7 percent to hook-and-line CPs, 8.4 percent to pot CVs greater than or equal to 60 ft (18.3 m) LOA, 1.5 percent to pot CPs, 2.3 percent to AFA trawl CPs, 13.4 percent to the Amendment 80 sector, and 22.1 percent to trawl CVs. The BSAI ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of BSAI Pacific cod TAC allocated to the hook-and-line and pot sectors. For 2024 and 2025, the Regional Administrator proposes a BSAI ICA of 500 mt, based on anticipated incidental catch by these sectors in other fisheries. During the fishing year, NMFS may reallocate unharvested Pacific cod among sectors, consistent with the reallocation hierarchy set forth at § 679.20(a)(7)(iii).

The BSAI ITAC allocation of Pacific cod to the Amendment 80 sector is established in table 33 to 50 CFR part 679 and § 679.91. One Amendment 80 cooperative has been formed for the 2024 fishing year. Because all Amendment 80 vessels are part of the sole cooperative, no allocation to the Amendment 80 limited access sector is required for 2024. The 2025 allocations for Pacific cod 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, 2024. NMFS will post the 2025

Amendment 80 cooperatives and Amendment 80 limited access fishery allocations on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska> prior to the start of the fishing year on January 1, 2025, based on the harvest specifications effective on that date.

The BSAI ITAC allocation of Pacific cod to the PCTC Program is established in § 679.131(b). Section 679.131(b)(1)(i) also requires NMFS to establish an ICA for incidental catch of Pacific cod by trawl CVs engaged in directed fishing for groundfish other than PCTC Program Pacific cod. In the annual harvest specification process, NMFS determines the Pacific cod trawl catcher vessel TAC and the annual apportionment of Pacific cod in the A and B seasons between the PCTC Program DFA and the ICA (§ 679.131(b)(2)) (Table 4 below). The allocations to PCTC Program cooperatives are not included in these proposed harvest specifications. PCTC Program cooperative applications are not due to NMFS until November 1, 2023; therefore, NMFS cannot calculate 2024 and 2025 allocations in conjunction with these proposed harvest specifications (§ 679.131(b)). After receiving the PCTC Program applications, NMFS will calculate the 2024 and 2025 allocations for PCTC Program cooperatives, as set forth in in § 679.131(b). NMFS will post the 2024 PCTC Program cooperative allocations on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports> prior to the start of the fishing year on January 1, 2024, based on the harvest specifications effective on that date. The 2025 allocations for Pacific cod for PCTC Program cooperatives will not be known until eligible participants apply for participation in the program by November 1, 2024.

The sector allocations of Pacific cod are apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7)(i)(B) (CDQ), 679.20(a)(7)(iv)(A) (non-CDQ), and 679.23(e)(5) (seasons)). Table 4 lists the non-CDQ sector and seasonal allowances. In accordance with § 679.20(a)(7)(iv)(B) and (C), any

unused portion of a non-CDQ Pacific cod seasonal allowance for any sector, except the jig sector, will become available at the beginning of that sector's next seasonal allowance. Section 679.20(a)(7)(i)(B) sets forth the CDQ Pacific cod gear allowances by season, and CDQ groups are prohibited from exceeding those seasonal allowances (§ 679.7(d)(6)).

Section 679.20(a)(7)(vii) requires that the Regional Administrator establish an Area 543 Pacific cod harvest limit based on Pacific cod abundance in Area 543 as determined by the annual stock assessment process. Based on the 2022 stock assessment, the Regional Administrator has preliminarily determined for 2024 and 2025 that the estimated amount of Pacific cod abundance in Area 543 is 15.7 percent of total AI abundance. To calculate the Area 543 Pacific cod harvest limit, NMFS first subtracts the State GHL Pacific cod amount from the AI Pacific cod ABC. Then NMFS determines the harvest limit in Area 543 by multiplying the percentage of Pacific cod estimated in Area 543 (15.7 percent) by the remaining ABC for AI Pacific cod. Based on these calculations, which rely on the 2022 stock assessment, the proposed Area 543 harvest limit is 1,323 mt. However, the final Area 543 harvest limit could change if the Pacific cod abundance in Area 543 changes based on the stock assessment in the final 2023 SAFE report.

Under the PCTC Program, PCTC cooperatives are required to collectively set aside up to twelve percent of the trawl CV A-season allocation for delivery to an AI shoreplant established through the process set forth at § 679.132 in years in which an AI community representative notifies NMFS of their intent to process Pacific cod in Adak or Atka. A notice of intent to process PCTC Program Pacific cod for 2024 must be submitted in writing to the Regional Administrator by a representative of the City of Adak or the City of Atka no later than October 15. A notice of intent was not received in 2023, and accordingly the set-aside will not be in effect for 2024. The 2025 set-aside will

be determined after the October 15, 2024 deadline in conjunction with the 2025 and 2026 harvest specifications process.

Based on the proposed 2024 and 2025 Pacific cod TACs, Table 4 lists the CDQ and non-CDQ TAC amounts, non-CDQ seasonal allowances by gear, the sector allocations of Pacific cod, and the seasons set forth at § 679.23(e)(5).

Table 4 – Proposed 2024 and 2025 Sector Allocations and Seasonal Allowances of the BSAI¹ Pacific Cod TAC

[Amounts are in metric tons]

Sector	Percent	2024 and 2025 share of gear sector total	2024 and 2025 share of sector total	2024 and 2025 seasonal allowances	
				Season	Amount
Total Bering Sea TAC	n/a	123,295	n/a	n/a	n/a
Bering Sea CDQ	n/a	13,193	n/a	See §679.20(a)(7)(i)(B)	n/a
Bering Sea non-CDQ TAC	n/a	110,102	n/a	n/a	n/a
Total Aleutian Islands TAC	n/a	8,425	n/a	n/a	n/a
Aleutian Islands CDQ	n/a	901	n/a	See §679.20(a)(7)(i)(B)	n/a
Aleutian Islands non-CDQ TAC	n/a	7,524	n/a	n/a	n/a
Western Aleutians Islands Limit	n/a	1,323	n/a	n/a	n/a
Total BSAI non-CDQ TAC ¹	100.0	117,626	n/a	n/a	n/a
Total hook-and-line/pot gear	60.8	71,517	n/a	n/a	n/a
Hook-and-line/pot ICA ²	n/a	n/a	500	n/a	n/a
Hook-and-line/pot sub-total	n/a	71,017	n/a	n/a	n/a
Hook-and-line catcher/processors	48.7	n/a	56,883	n/a	n/a
A-season				Jan-1-Jun 10	29,011
B-season				Jun 10-Dec 31	27,873
Hook-and-line catcher vessels ≥ 60 ft LOA	0.2	n/a	234	n/a	n/a
A-season				Jan 1-Jun 10	119
B-season				Jun 10-Dec 31	114
Pot catcher/processors	1.5	n/a	1,752	n/a	n/a
A-season				Jan 1-Jun 10	894
B-season				Sept 1-Dec 31	859
Pot catcher vessels ≥ 60 ft LOA	8.4	n/a	9,812	n/a	n/a
A-season				Jan 1-Jun 10	5,004
B-season				Sept-1-Dec 31	4,808
Catcher vessels < 60 ft LOA using hook-and-line or pot gear	2.0	n/a	2,336	n/a	n/a
Trawl catcher vessels ³	22.1	25,995	n/a	n/a	n/a
A-Season ICA				Jan 20-Apr 1	1,500
A-season PCTC				Jan 20-Apr 1	17,737
B-season ICA				Apr 1-Jun 10	700
B-season PCTC				Apr 1-Jun 10	2,159

C-season trawl catcher vessels				Jun 10-Nov 1	3,899
AFA trawl catcher/processors	2.3	2,705	n/a	n/a	n/a
A-season				Jan 20-Apr 1	2,029
B-season				Apr 1-Jun 10	676
C-season				Jun 10-Nov 1	-
Amendment 80	13.4	15,762	n/a	n/a	n/a
A-season				Jan 20-Apr 1	11,821
B-season				Apr 1-Jun 10	3,940
C-season				Jun 10-Dec 31	-
Jig	1.4	1,647	n/a	n/a	n/a
A-season				Jan 1-Apr 30	988
B-season				Apr 30-Aug 31	329
C-season				Aug 31-Dec 31	329

¹ The sector allocations and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after subtraction of the reserves for the CDQ Program. If the TAC for Pacific cod in either the BS or AI is or will be reached, then directed fishing will be prohibited for non-CDQ Pacific cod in that subarea, even if a BSAI allowance remains (§ 679.20(d)(1)(iii)).

² The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator proposes an ICA of 500 mt based on anticipated incidental catch by these sectors in other fisheries.

³ The A and B season trawl CV Pacific cod allocation will be allocated to the Pacific Cod Trawl Cooperative Program after subtraction of the A and B season ICAs (§ 679.131(b)(1)). The Regional Administrator proposes for the A and B seasons ICAs of 1,500 mt and 700 mt, respectively, to account for projected incidental catch of Pacific cod by trawl catcher vessels engaged in directed fishing for groundfish other than PCTC Program Pacific cod.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Sablefish Gear Allocation

Section 679.20(a)(4)(iii) and (iv) require allocation of sablefish TAC for the BS and AI between trawl gear and fixed gear. Gear allocations of the sablefish TAC for the BS are 50 percent for trawl gear and 50 percent for fixed gear. Gear allocations of the TAC for the AI are 25 percent for trawl gear and 75 percent for fixed gear. Section 679.20(b)(1)(ii)(B) requires that NMFS apportion 20 percent of the fixed gear allocation of sablefish TAC to the CDQ reserve for each subarea. Also, § 679.20(b)(1)(ii)(D)(I) requires that 7.5 percent of the trawl gear allocation of sablefish TAC from the nonspecified reserve, established under § 679.20(b)(1)(i), be apportioned to the CDQ reserve. The Council recommended that only trawl sablefish TAC be established biennially. The harvest specifications for the fixed gear sablefish Individual Fishing Quota (IFQ) fisheries are limited to the 2024 fishing year to ensure those fisheries are conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut

IFQ fisheries reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries remain closed at the beginning of each fishing year until the final harvest specifications for the sablefish IFQ fisheries are in effect. Table 5 lists the proposed 2024 and 2025 gear allocations of the sablefish TAC and CDQ reserve amounts.

Table 5 – Proposed 2024 and 2025 Gear Shares and CDQ Reserve of BSAI Sablefish TACS

[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2024 Share of TAC	2024 ITAC ¹	2024 CDQ reserve	2025 Share of TAC	2025 ITAC	2025 CDQ reserve
Bering Sea							
Trawl gear	50	4,838	4,112	363	4,838	4,112	363
Fixed gear ²	50	4,838	n/a	968	n/a	n/a	n/a
TOTAL	100	9,676	4,112	1,330	4,838	4,112	363
Aleutian Islands							
Trawl gear	25	2,448	2,081	184	2,448	2,081	184
Fixed gear ²	75	7,345	n/a	1,469	n/a	n/a	n/a
TOTAL	100	9,793	2,081	1,653	2,448	2,081	184

¹ For the sablefish TAC allocated to vessels using trawl gear, 15 percent of TAC is apportioned to the nonspecified reserve (§ 679.20(b)(1)(i)). The ITAC for vessels using trawl gear is the remainder of the TAC after the subtraction of this reserve. In the BS and AI, 7.5 percent of the trawl gear allocation of TAC is assigned from the nonspecified reserve to the CDQ reserve (§ 679.20(b)(1)(ii)(D)(1)).

² For the sablefish TAC allocated to vessels using fixed gear, 20 percent of the allocated TAC for the BS and AI is reserved for use by CDQ participants (§ 679.20(b)(1)(ii)(B)). The ITAC for vessels using fixed gear is the remainder of the TAC after the subtraction of the CDQ reserve. The Council recommended that specifications for the fixed gear sablefish IFQ fisheries be limited to 1 year.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Allocation of the AI Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs

Section 679.20(a)(10)(i) and (ii) require that NMFS allocate AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs between the Amendment 80 sector and the BSAI trawl limited access sector, after subtracting 10.7 percent for the CDQ reserves and amounts for ICAs for the BSAI trawl limited access sector and vessels using non-trawl gear. The allocation of the ITACs for AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole to the Amendment 80 sector is established in accordance with tables 33 and 34 to 50 CFR part 679 and in § 679.91.

One Amendment 80 cooperative has been formed for the 2024 fishing year.

Because all Amendment 80 vessels are part of the sole cooperative, no allocation to the

Amendment 80 limited access sector is required for 2024. The 2025 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, 2024. NMFS will post the 2025 Amendment 80 cooperatives and Amendment 80 limited access sector allocations on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska> prior to the start of the fishing year on January 1, 2025, based on the harvest specifications effective on that date. Table 6 lists the proposed 2024 and 2025 allocations of the AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs.

Table 6 – Proposed 2024 and 2025 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	2024 and 2025 allocations					
	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
TAC	8,013	5,551	13,000	35,500	66,000	230,656
CDQ	857	594	1,391	3,799	7,062	24,680
ICA	100	60	10	3,000	6,000	4,000
BSAI trawl limited access	706	490	232	-	-	45,733
Amendment 80 ¹	6,350	4,407	11,367	28,702	52,938	156,243

¹ The 2025 allocations 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, 2024.

Section 679.2 defines the ABC surplus for flathead sole, rock sole, and yellowfin sole as the difference between the annual ABC and TAC for each species. Section 679.20(b)(1)(iii) establishes ABC reserves for flathead sole, rock sole, and yellowfin sole. The ABC surpluses and the ABC reserves are necessary to mitigate the operational variability, environmental conditions, and economic factors that may constrain the CDQ groups and the Amendment 80 cooperatives from fully harvesting their allocations and to

improve the likelihood of achieving and maintaining, on a continuing basis, the optimum yield in the BSAI groundfish fisheries. NMFS, after consultation with the Council, may set the ABC reserve at or below the ABC surplus for each species, thus maintaining the TAC at or below ABC limits. An amount equal to 10.7 percent of the ABC reserves will be allocated as CDQ ABC reserves for flathead sole, rock sole, and yellowfin sole.

Section 679.31(b)(4) establishes the annual allocations of CDQ ABC reserves among the CDQ groups. The Amendment 80 ABC reserves are the ABC reserves minus the CDQ ABC reserves. Section 679.91(i)(2) establishes each Amendment 80 cooperative ABC reserves to be the ratio of each cooperatives' quota share units and the total Amendment 80 quota share units, multiplied by the Amendment 80 ABC reserve for each respective species. Table 7 lists the proposed 2024 and 2025 ABC surplus and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole.

Table 7 – Proposed 2024 and 2025¹ 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	Flathead sole	Rock sole	Yellowfin sole
ABC	66,927	119,969	462,890
TAC	35,500	66,000	230,656
ABC surplus	31,427	53,969	232,234
ABC reserve	31,427	53,969	232,234
CDQ ABC reserve	3,363	5,775	24,849
Amendment 80 ABC reserve	28,064	48,194	207,385

¹ The 2025 allocations 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, 2024.

Proposed PSC Limits for Halibut, Salmon, Crab, and Herring

Section 679.21(b), (e), (f), and (g) set forth the BSAI PSC limits. Pursuant to § 679.21(b)(1), the annual BSAI halibut PSC limits total 3,515 mt. Section 679.21(b)(1) allocates 315 mt of the halibut PSC limit as the PSQ reserve for use by the groundfish CDQ Program, 1,745 mt of the halibut PSC limit for the Amendment 80 sector, 745 mt of the halibut PSC limit for the BSAI trawl limited access sector, and 710 mt of the halibut PSC limit for the BSAI non-trawl sector.

Under Amendment 123 and its implementing regulations, the annual BSAI halibut PSC limit for the CDQ Program (315 mt), BSAI trawl limited access sector (745 mt), and BSAI non-trawl sector (710 mt) will total 1,770 mt (these individual halibut PSC limits are unchanged). An additional amount of BSAI halibut PSC limit for the Amendment 80 sector will be determined annually based on the most recent halibut abundance estimates from the IPHC setline survey index and the NMFS AFSC Eastern Bering Sea shelf trawl survey index. The 2023 AFSC Eastern Bering Sea shelf trawl survey index estimate of halibut abundance is 170,238 mt and is above the threshold level of 150,000 mt. The IPHC setline survey index is unknown at this time but will be available by December 2023. NMFS will calculate the Amendment 80 sector halibut PSC limit and the total halibut PSC limit in the final 2024 and 2025 harvest specifications.

Section 679.21(b)(1)(iii)(A) and (B) require apportionment of the BSAI non-trawl halibut PSC limit into PSC allowances among six fishery categories, and §§ 679.21(b)(1)(ii)(A) and (B), (e)(3)(i)(B), and (e)(3)(iv) require apportionment of the BSAI trawl limited access sector's halibut and crab PSC limits into PSC allowances among seven fishery categories. Tables 10 and 11 list the proposed fishery PSC allowances for the BSAI trawl limited access sector fisheries, and Table 12 lists the proposed fishery PSC allowances for the non-trawl fisheries.

Pursuant to Section 3.6 of the FMP, the Council recommends, and NMFS proposes, that certain specified non-trawl fisheries be exempt from the halibut PSC limit. As in past years, after consultation with the Council, NMFS proposes to exempt the pot gear fishery, the jig gear fishery, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions because (1) the pot gear fisheries have low halibut bycatch mortality; (2) NMFS estimates halibut mortality for the jig gear fleet to be negligible because of the small size of the fishery and the selectivity of the gear; and (3) the sablefish and halibut IFQ fisheries have low halibut bycatch mortality because the

IFQ Program requires legal-size halibut to be retained by vessels using fixed gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)).

As of November 8, 2023, total groundfish catch for the pot gear fishery in the BSAI was 18,036 mt, with an associated halibut bycatch mortality of 9 mt. The 2023 jig gear fishery harvested less than 1 mt of groundfish. Most vessels in the jig gear fleet are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. As mentioned above, NMFS estimates a negligible amount of halibut bycatch mortality because of the selective nature of jig gear and the low mortality rate of halibut caught with jig gear and released.

Under § 679.21(f)(2), NMFS annually allocates portions of either 33,318, 45,000, 47,591, or 60,000 Chinook salmon PSC limits among the AFA sectors, depending on past bycatch performance, on whether Chinook salmon bycatch incentive plan agreements (IPA) are formed, and on whether NMFS determines it is a low Chinook salmon abundance year. NMFS will determine that it is a low Chinook salmon abundance year when abundance of Chinook salmon in western Alaska is less than or equal to 250,000 Chinook salmon. The State provides to NMFS an estimate of Chinook salmon abundance using the 3-System Index for western Alaska, based on the Kuskokwim, Unalakleet, and Upper Yukon aggregate stock grouping.

If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6), and if it is not a low Chinook salmon abundance year, then NMFS will allocate a portion of the 60,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(A). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), and if it is not a low abundance year, then NMFS will allocate a portion of the 47,591 Chinook salmon PSC

limit to that sector as specified in § 679.21(f)(3)(iii)(C). If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6) in a low abundance year, then NMFS will allocate a portion of the 45,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(B). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), and if in a low abundance year, then NMFS will allocate a portion of the 33,318 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(D).

NMFS has determined that 2023 was a low Chinook salmon abundance year, based on the State's estimate that Chinook salmon abundance in western Alaska is less than 250,000 Chinook salmon. Therefore, in 2024, the Chinook salmon PSC limit is 45,000 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(B).

The AFA sector Chinook salmon PSC allocations are also seasonally apportioned with 70 percent of the allocation for the A season pollock fishery, and 30 percent of the allocation for the B season pollock fishery (§§ 679.21(f)(3)(i) and 679.23(e)(2)). In 2024, the Chinook salmon bycatch performance standard under § 679.21(f)(6) is 33,318 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(D). If a sector exceeds its Chinook salmon bycatch performance standard in any three of seven consecutive years, that sector's allocation is reduced to the amount allocated under the Chinook salmon bycatch performance standard at § 679.21(f)(3)(iii)(C)-(D). NMFS publishes the approved IPAs and the Chinook salmon PSC allocations and reports at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska>.

Section 679.21(g)(2)(i) specifies 700 fish as the 2024 and 2025 Chinook salmon PSC limit for the AI pollock fishery. Section 679.21(g)(2)(ii) allocates 7.5 percent, or 53 Chinook salmon, as the AI PSQ reserve for the CDQ Program, and allocates the remaining 647 Chinook salmon to the non-CDQ fisheries.

Section 679.21(f)(14)(i) specifies 42,000 fish as the 2024 and 2025 non-Chinook salmon PSC limit for vessels using trawl gear from August 15 through October 14 in the Catcher Vessel Operational Area (CVOA). Section 679.21(f)(14)(ii) allocates 10.7 percent, or 4,494 non-Chinook salmon, in the CVOA as the PSQ reserve for the CDQ Program and allocates the remaining 37,506 non-Chinook salmon in the CVOA to the non-CDQ fisheries. Section 679.21(f)(14)(iv) exempts from closures in the Chum Salmon Savings Area trawl vessels participating in directed fishing for pollock and operating under an IPA approved by NMFS.

PSC limits for crab and herring are specified annually based on abundance and spawning biomass.

Based on the most recent (2023) survey data, the red king crab mature female abundance is estimated at 11.054 million red king crabs, and the effective spawning biomass is estimated at 20.055 million lbs (9,320 mt). Based on the criteria set out at § 679.21(e)(1)(i), the calculated 2024 and 2025 PSC limit of red king crab in Zone 1 for trawl gear is 97,000 animals. This limit derives from the mature female abundance estimate above 8.4 million mature red king crab and an effective spawning biomass between 14.5 and 55 million lbs.

Section 679.21(e)(3)(ii)(B)(2) establishes criteria under which NMFS must specify, after consultation with the Council, an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS) if the State has established a GHL fishery for red king crab in the Bristol Bay area in the previous year. The regulations limit the RKCSS red king crab bycatch limit to 25 percent of the red king crab PSC limit, based on the need to optimize the groundfish harvest relative to red king crab bycatch. In October 2023, the Council recommended, and NMFS proposes, that the RKCSS red king crab bycatch limit for 2024 and 2025 be equal to 25 percent of the red king crab PSC limit (Table 9).

Based on the most recent (2023) survey data from the NMFS annual bottom trawl survey, Tanner crab (*Chionoecetes bairdi*) abundance is estimated at 730 million animals. Pursuant to criteria set out at § 679.21(e)(1)(ii), the calculated 2024 and 2025 *C. bairdi* crab PSC limit for trawl gear is 980,000 animals in Zone 1, and 2,970,000 animals in Zone 2. The limit in Zone 1 is based on the total abundance of *C. bairdi* (estimated at 730 million animals), which is greater than 400 million animals. The limit in Zone 2 is based on the total abundance of *C. bairdi* (estimated at 730 million animals), which is greater than 400 million animals.

Pursuant to § 679.21(e)(1)(iii), the PSC limit for trawl gear for snow crab (*C. opilio*) is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit in the *C. opilio* bycatch limitation zone (COBLZ) is set at 0.1133 percent of the Bering Sea abundance index minus 150,000 crabs, unless a minimum or maximum PSC limit applies. Based on the most recent (2023) survey estimate of 1.142 billion animals, the calculated *C. opilio* crab PSC limit is 1,143,886 animals. Because 0.1133 percent multiplied by the total abundance is less than 4.5 million animals, the minimum PSC limit applies, and the PSC limit will be 4.350 million animals.

Pursuant to § 679.21(e)(1)(v), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern Bering Sea herring biomass. Due to the lack of new information as of October 2023 regarding herring PSC limits and apportionments, the Council recommended, and NMFS proposes, basing the proposed 2024 and 2025 herring PSC limits and apportionments on the 2022 survey data. Based on the 2022 survey data, the best current estimate of 2024 and 2025 herring biomass is 344,379 mt. This amount was developed by the Alaska Department of Fish and Game based on biomass for spawning aggregations. Therefore, the herring PSC limit proposed for 2024 and 2025 is 3,444 mt for all trawl gear as listed

in Tables 8 and 9. The Council and NMFS will reconsider the proposed herring PSC limit if updated survey data and information on biomass becomes available.

Section 679.21(e)(3)(i)(A)(I) allocates 10.7 percent of each trawl gear PSC limit specified for crab as a PSQ reserve for use by the groundfish CDQ Program. Section 679.21(e)(3)(i)(A) requires that crab PSQ reserves be subtracted from the total trawl PSC limits. The crab and halibut PSC limits assigned to the Amendment 80 and BSAI trawl limited access sectors are listed in table 35 to 50 CFR part 679. The resulting proposed 2024 and 2025 allocations of crab and halibut PSC limits to CDQ PSQ, the Amendment 80 sector, and the BSAI trawl limited access sector are listed in table 8. Pursuant to §§ 679.21(b)(1)(i), 679.21(e)(3)(vi), and 679.91(d) through (f), crab and halibut trawl PSC limits assigned to the Amendment 80 sector are then further allocated to Amendment 80 cooperatives as cooperative quotas. Crab and halibut PSC cooperative quotas assigned to Amendment 80 cooperatives are not allocated to specific fishery categories.

One Amendment 80 cooperative has been formed for the 2024 fishing year. Because all Amendment 80 vessels are part of the sole cooperative, no PSC limit allocation to the Amendment 80 limited access sector is required for 2024. The 2025 PSC limit allocations 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, 2024. NMFS will post the 2025 Amendment 80 cooperatives and Amendment 80 limited access sector allocations on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska> prior to the start of the fishing year on January 1, 2025, based on the harvest specifications effective on that date.

The BSAI ITAC allocation of halibut and crab PSC limits to the PCTC Program is established in § 679.131(c) and (d). The halibut PSC apportioned to the trawl CV

sector is 98 percent of the halibut PSC limit apportioned to the BSAI trawl limited access sector's Pacific cod fishery category, and the remaining 2 percent is apportioned to the AFA CP sector. The trawl CV sector apportionment is further allocated to the A and B seasons (95 percent) and the C season (5 percent). The allocation to the A and B season is subject to reductions consistent with § 679.131(c)(1)(iii). The crab PSC apportioned to the trawl CV sector is 90.6 percent of the crab PSC limit apportioned to the BSAI trawl limited access sector's Pacific cod fishery category, and the remaining 9.4 percent is apportioned to the AFA CP sector. The trawl CV sector apportionment is further allocated to the A and B seasons (95 percent) and the C season (5 percent), and the A and B season limit is reduced by 35 percent to determine the overall PCTC Program crab PSC limit.

The halibut and crab PSC limit allocations to PCTC Program cooperatives are not included in these proposed harvest specifications. PCTC Program cooperative applications are not due to NMFS until November 1, 2023; therefore, NMFS cannot calculate 2024 allocations in conjunction with these proposed harvest specifications (§ 679.131(c) and (d)). After receiving the PCTC Program cooperative applications, NMFS will calculate the 2024 halibut and crab PSC limits for PCTC Program cooperatives, as set forth in in § 679.131(c) and (d) and post them on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports> prior to the start of the fishing year on January 1, 2024, based on the harvest specifications effective on that date. The 2025 allocations of halibut and crab PSC limits for PCTC Program cooperatives will not be known until eligible participants apply for participation in the program by November 1, 2024.

Section 679.21(b)(2) and (e)(5) authorize NMFS, after consulting with the Council, to establish seasonal apportionments of halibut and crab PSC amounts for the BSAI non-trawl, BSAI trawl limited access, and Amendment 80 limited access sectors to

maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors considered are (1) seasonal distribution of prohibited species; (2) seasonal distribution of target groundfish species relative to prohibited species distribution; (3) prohibited species bycatch needs on a seasonal basis relevant to prohibited species biomass and expected catches of target groundfish species; (4) expected variations in bycatch rates throughout the year; (5) expected changes in directed groundfish fishing seasons; (6) expected start of fishing effort; and (7) economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry. Based on this criteria, the Council recommended, and NMFS proposes, the seasonal PSC apportionments in Tables 10, 11, and 12 to maximize harvest among gear types, fisheries, and seasons, while minimizing bycatch of PSC.

Table 8 – Proposed 2024 and 2025 Apportionment of Prohibited Species Catch Allowances to Non-Trawl Gear, the CDQ Program, Amendment 80, and the BSAI Trawl Limited Access Sectors

PSC species, areas, and zones ¹	Total PSC ⁴	Non-trawl PSC	CDQ PSQ reserve ²	Trawl PSC remaining after CDQ PSQ	Amendment 80 sector ^{3,4}	BSAI trawl limited access sector	BSAI PSC limits not allocated ²
Halibut mortality (mt) BSAI	3,515	710	315	n/a	1,745	745	n/a
Herring (mt) BSAI	3,444	n/a	n/a	n/a	n/a	n/a	n/a
Red king crab (animals) Zone 1	97,000	n/a	10,379	86,621	43,293	26,489	16,839
<i>C. opilio</i> (animals) COBLZ	4,350,000	n/a	465,450	3,884,550	1,909,256	1,248,494	726,799
<i>C. bairdi</i> crab (animals) Zone 1	980,000	n/a	104,860	875,140	368,521	411,228	95,390
<i>C. bairdi</i> crab (animals) Zone 2	2,970,000	n/a	317,790	2,652,210	627,778	1,241,500	782,932

¹ Refer to § 679.2 for definitions of areas and zones.

² The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

³ The Amendment 80 program reduced apportionment of the trawl PSC limits for crab below the total PSC limit. These reductions are not apportioned to other gear types or sectors.

⁴ Under Amendment 123 and its implementing regulations, the BSAI halibut PSC limit for the Amendment 80 sector will be determined annually based on the most recent halibut abundance estimates from the IPHC setline survey index and the NMFS AFSC Eastern Bering Sea shelf trawl survey index. NMFS will update the halibut PSC limit for the Amendment 80 sector, as well as the total halibut PSC limit, in the final harvest specifications.

Table 9 – Proposed 2024 and 2025 Herring and Red King Crab Savings Subarea Prohibited Species Catch Allowances for All Trawl Sectors

Fishery categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole	200	n/a
Rock sole/flathead sole/Alaska plaice/other flatfish ¹	99	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	10	n/a
Rockfish	10	n/a
Pacific cod	18	n/a
Midwater trawl pollock	3,066	n/a
Pollock/Atka mackerel/other species ^{2,3}	41	n/a
2024 Red king crab savings subarea non-pelagic trawl gear ⁴	n/a	24,250
Total trawl PSC	3,444	97,000

¹“Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

²Pollock other than midwater trawl pollock, Atka mackerel, and “other species” fishery category.

³“Other species” for PSC monitoring includes skates, sharks, and octopuses.

⁴In October 2023, the Council recommended, and NMFS proposes, that the red king crab bycatch limit within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(2)).

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

Table 10 – Proposed 2024 Prohibited Species Bycatch Allowances for the BSAI Trawl Limited Access Sectors and Pacific Cod Trawl Cooperative Program

BSAI trawl limited access sector fisheries	Prohibited species and area ¹				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ	<i>C. bairdi</i> (animals)	
				Zone 1	Zone 2
Yellowfin sole	265	23,337	1,192,179	346,228	1,185,500
Rock sole/flathead sole/other flatfish ²	-	-	-	-	-
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	-	-	-	-	-
Rockfish, April 15-December 31	5	-	1,006	-	1,000
Total Pacific cod ³	300	2,955	50,281	60,000	50,000
AFA CP Pacific cod	6	278	4,726	5,640	4,700
PCTC Program Pacific cod, A and B Season	244	1,653	28,130	33,567	27,973
Trawl CV Pacific cod, C Season	15	134	2,278	2,718	2,265
PCTC Program unallocated reduction	35	890	15,147	18,075	15,062
Pollock/Atka mackerel/other species ⁴	175	197	5,028	5,000	5,000
Total BSAI trawl limited access sector PSC	745	26,489	1,248,494	411,228	1,241,500

¹ Refer to § 679.2 for definitions of areas and zones.

² “Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

³ With the implementation of the PCTC Program, the BSAI trawl limited access sector Pacific cod fishery category PSC limits are further apportioned between AFA CPs, PCTC A and B-season, and open access C season (§ 679.131(c) and (d)). In the first year of the Program, 2024, NMFS will apply a 12.5 percent reduction to the A and B season trawl CV sector halibut PSC limit and a 35 percent reduction to the A and B season trawl CV sector crab PSC limit. The proposed 2024 PCTC Program A and B season halibut and crab PSC limits include these reductions. In the second year of the Program and every year thereafter, NMFS will apply a 25 percent and 35 percent reduction to the A and B season trawl CV sector halibut and crab PSC limit, respectively. Any amount of the PCTC Program PSC limit remaining after the B season may be reapportioned to the trawl CV limited access fishery in the open access C season. Because the annual halibut PSC limit for the PCTC Program is not a fixed amount established in regulation and, instead, is determined annually through the harvest specification process, NMFS must apply the reductions to the A and B season apportionment of the trawl CV sector apportionment to implement the overall PSC reductions under the PCTC Program.

⁴“Other species” for PSC monitoring includes skates, sharks, and octopuses.

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

Table 11 – Proposed 2025 Prohibited Species Bycatch Allowances for the BSAI Trawl Limited Access Sectors and Pacific Cod Trawl Cooperative Program

BSAI trawl limited access sector fisheries	Prohibited species and area ¹				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ	<i>C. bairdi</i> (animals)	
				Zone 1	Zone 2
Yellowfin sole	265	23,337	1,192,179	346,228	1,185,500
Rock sole/flathead sole/other flatfish ²	-	-	-	-	-
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	-	-	-	-	-
Rockfish April 15-December 31	5	-	1,006	-	1,000
Total Pacific cod ³	300	2,955	50,281	60,000	50,000
AFA CP Pacific cod	6	278	4,726	5,640	4,700
PCTC Program Pacific cod, A and B Season	209	1,653	28,130	33,567	27,973
Trawl CV Pacific cod, C Season	15	134	2,278	2,718	2,265
PCTC Program unallocated reduction	70	890	15,147	18,075	15,062
Pollock/Atka mackerel/other species ⁴	175	197	5,028	5,000	5,000
Total BSAI trawl limited access sector PSC	745	26,489	1,248,494	411,228	1,241,500

¹ Refer to § 679.2 for definitions of areas and zones.

² “Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

³ With the implementation of the PCTC Program, the BSAI trawl limited access sector Pacific cod fishery category PSC limits are further apportioned between AFA CPs, PCTC A and B-season, and open access C season (§ 679.131(c) and (d)). In the second year of the PCTC Program, 2025, and every year thereafter, NMFS will apply a 25 and 35 percent reduction to the A and B season trawl CV sector halibut and crab PSC limit, respectively. The proposed 2025 PCTC Program A and B season halibut and crab PSC limits include these reductions. Any amount of the PCTC Program PSC limit remaining after the B season may be reapportioned to the trawl CV limited access fishery in the open access C season. Because the annual halibut PSC limit for the PCTC Program is not a fixed amount established in regulation and, instead, is determined annually through the harvest specification process, NMFS must apply the reductions to the A and B season apportionment of the trawl CV sector apportionment to implement the overall PSC reductions under the PCTC Program.

⁴“Other species” for PSC monitoring includes skates, sharks, and octopuses.

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

Table 12 – Proposed 2024 and 2025 Halibut Prohibited Species Bycatch Allowances for Non-Trawl Fisheries

Halibut mortality (mt) BSAI				
Non-trawl fisheries	Seasons	Catcher/processor	Catcher vessel	All Non-Trawl
Pacific cod	Annual Pacific cod	648	13	661
	January 1-June 10	388	9	n/a
	June 10-August 15	162	2	n/a
	August 15-December 31	98	2	n/a
Non-Pacific cod non-trawl-Total	May 1-December 31	n/a	n/a	49
Groundfish pot and jig	n/a	n/a	n/a	Exempt
Sablefish hook-and-line	n/a	n/a	n/a	Exempt
Total for all non-trawl PSC	n/a	n/a	n/a	710

Halibut Discard Mortality Rates (DMRs)

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, DMRs, and estimates of groundfish catch to project when a fishery’s halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut incidental catch rates are based on observed estimates of halibut incidental catch in the groundfish fishery. DMRs are estimates of the proportion of incidentally caught halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best scientific information available in conjunction with the annual BSAI stock assessment process. The DMR methodology and findings are included as an appendix to the annual BSAI groundfish SAFE report.

In 2016, the DMR estimation methodology underwent revisions per the Council’s directive. An interagency halibut working group (IPHC, Council, and NMFS staff) developed improved estimation methods that have undergone review by the Plan Team, SSC, and the Council. A summary of the revised methodology is included in the BSAI proposed 2017 and 2018 harvest specifications (81 FR 87863, December 6, 2016), and

the comprehensive discussion of the working group’s statistical methodology is available from the Council (see **ADDRESSES**). The DMR working group’s revised methodology is intended to improve estimation accuracy, transparency, and transferability used for calculating DMRs. The working group will continue to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of data used for calculating the DMRs). The methodology will continue to ensure that NMFS is using DMRs that more accurately reflect halibut mortality, which will inform the different sectors of their estimated halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

At the October 2023 meeting, the SSC, AP, and Council recommended halibut DMRs derived from the revised methodology, and NMFS proposes DMRs calculated under the revised methodology. The proposed 2024 and 2025 DMRs use an updated 2-year reference period, except pot gear uses an updated 4-year reference period.

Comparing the proposed 2024 and 2025 DMRs to the final DMRs from the 2023 and 2024 harvest specifications, the DMR for pelagic trawl gear remained at 100 percent, the DMR for motherships and CPs using non-pelagic trawl gear remained at 85 percent, the DMR for CVs using non-pelagic trawl gear increased to 63 percent from 62 percent, the DMR for CPs using hook-and-line gear decreased to 7 percent from 9 percent, the DMR for CVs using hook-and-line gear decreased to 7 percent from 9 percent, and the DMR for pot gear remained at 26 percent. Table 13 lists the proposed 2024 and 2025 DMRs.

Table 13 – Proposed 2024 and 2025 Pacific Halibut Discard Mortality Rates (DMR) for the BSAI

Gear	Sector	Halibut discard mortality rate (percent)
Pelagic trawl	All	100
Non-pelagic trawl	Mothership and catcher/processor	85
Non-pelagic trawl	Catcher vessel	63
Hook-and-line	Catcher vessel	7
Hook-and-line	Catcher/processor	7
Pot	All	26

Listed AFA CP Sideboard Limits

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of listed AFA CPs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA fishery and from fishery cooperatives in the directed pollock fishery. These restrictions are set as sideboard limits on catch. On February 8, 2019, NMFS published a final rule (84 FR 2723) that implemented regulations to prohibit non-exempt AFA CPs from directed fishing for all groundfish species or species groups subject to sideboard limits (see § 679.20(d)(1)(iv)(D) and table 54 to 50 CFR part 679). NMFS proposes to exempt AFA CPs from a yellowfin sole sideboard limit pursuant to § 679.64(a)(1)(v) because the proposed 2024 and 2025 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Section 679.64(a)(2) and tables 40 and 41 to 50 CFR part 679 establish a formula for calculating PSC sideboard limits for halibut and crab caught by listed AFA CPs. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). PSC species listed in table 14 that are caught by listed AFA CPs participating in any groundfish fishery other than pollock will accrue against the proposed 2024 and 2025 PSC sideboard limits for the listed AFA CPs. Section 679.21(b)(4)(iii), (e)(3)(v), and (e)(7) authorize NMFS to close directed fishing for groundfish other than pollock for listed AFA CPs once a proposed 2024 or 2025 PSC sideboard limit listed in table 14 is reached. Pursuant to § 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by listed AFA CPs while fishing for pollock will accrue against the PSC allowances annually specified for the pollock/Atka mackerel/“other species” fishery categories, according to § 679.21(b)(1)(ii)(B) and (e)(3)(iv).

Table 14 – Proposed 2024 and 2025 BSAI American Fisheries Act Listed Catcher/Processor Prohibited Species Sideboard Limits

PSC species and area ¹	Ratio of PSC to total PSC	Proposed 2024 and 2025 PSC available to trawl vessels after subtraction of PSQ ²	Proposed 2024 and 2025 CP sideboard limit ²
Halibut mortality BSAI	n/a	n/a	286
Red king crab Zone 1	0.007	86,621	606
<i>C. opilio</i> (COBLZ)	0.153	3,884,550	594,336
<i>C. bairdi</i> Zone 1	0.140	875,140	122,520
<i>C. bairdi</i> Zone 2	0.050	2,652,210	132,611

¹ Refer to § 679.2 for definitions of areas.

² Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

AFA CV Sideboard Limits

The Regional Administrator is responsible for restricting the ability of listed AFA CVs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the pollock directed fishery. These restrictions are set out as sideboard limits on catch. Section 679.64(b)(3) and (b)(4) and tables 40 and 41 to 50 CFR part 679 establish formulas for setting AFA CV groundfish and halibut and crab PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002), Amendment 80 (72 FR 52668, September 14, 2007), and Amendment 122 (88 FR 53704, August 8, 2023). NMFS proposes to exempt AFA CVs from a yellowfin sole sideboard limit pursuant to § 679.64(b)(6) because the proposed 2024 and 2025 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

On February 8, 2019, NMFS published a final rule (84 FR 2723) that implemented regulations to prohibit non-exempt AFA CVs from directed fishing for a majority of the groundfish species or species groups subject to sideboard limits (see § 679.20(d)(1)(iv)(D) and table 55 to 50 CFR part 679). The only remaining sideboard

limit for non-exempt AFA CVs is for Pacific cod. Pursuant to Amendment 122 to the FMP, the Pacific cod sideboard limit is no longer necessary in the A and B seasons because directed fishing in the BSAI for Pacific cod by trawl CVs is now managed under the PCTC Program, and accordingly the sideboard limit is in effect in the C season only (§ 679.64(b)(3)(ii)). Table 15 lists the proposed 2024 and 2025 AFA CV Pacific cod sideboard limits.

Table 15 – Proposed 2024 and 2025 BSAI Pacific Cod Sideboard Limits for American Fisheries Act Catcher Vessels (CVs)

[Amounts are in metric tons]

Fishery by area/gear/season	Ratio of 1997 AFA CV catch to TAC	2024 and 2025 initial TAC for C Season	2024 and 2025 AFA catcher vessel sideboard limits
Pacific cod BSAI	n/a	n/a	n/a
Trawl gear CV	n/a	n/a	n/a
C Season (Jun 10-Nov 1)	0.8609	3,899	3,357

Note: As proposed, § 679.64(b)(6) would exempt AFA CVs from a yellowfin sole sideboard limit because the proposed 2024 and 2025 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Halibut and crab PSC limits listed in table 16 that are caught by AFA CVs participating in any groundfish fishery other than pollock will accrue against the 2024 and 2025 PSC sideboard limits for the AFA CVs. Section 679.21(b)(4)(iii), (e)(3)(v), and (e)(7) authorize NMFS to close directed fishing for groundfish other than pollock for AFA CVs once a proposed 2024 or 2025 PSC sideboard limit listed in Table 16 is reached. Pursuant to § 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by AFA CVs while fishing for pollock will accrue against the PSC allowances annually specified for the pollock/Atka mackerel/“other species” fishery categories under § 679.21(b)(1)(ii)(B) and (e)(3)(iv).

Table 16 – Proposed 2024 and 2025 American Fisheries Act Catcher Vessel Prohibited Species Catch Sideboard Limits for the BSAI¹

PSC species and area ¹	Target fishery category ²	AFA catcher vessel PSC sideboard limit ratio	Proposed 2024 and 2025 PSC limit after subtraction of PSQ reserves ³	Proposed 2024 and 2025 AFA catcher vessel PSC sideboard limit ³
Halibut	Pacific cod trawl	n/a	n/a	N/A
	Pacific cod hook-and-line or pot	n/a	n/a	2

	Yellowfin sole total	n/a	n/a	101
	Rock sole/flathead sole/Alaska plaice/other flatfish ⁴	n/a	n/a	228
	Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	n/a	n/a	-
	Rockfish	n/a	n/a	2
	Pollock/Atka mackerel/other species ⁵	n/a	n/a	5
Red king crab Zone 1	n/a	0.2990	86,621	25,900
<i>C. opilio</i> COBLZ	n/a	0.1680	3,884,550	652,604
<i>C. bairdi</i> Zone 1	n/a	0.3300	875,140	288,796
<i>C. bairdi</i> Zone 2	n/a	0.1860	2,652,210	493,311

¹ Refer to § 679.2 for definitions of areas and zones.

² Target fishery categories are defined at § 679.21(b)(1)(ii)(B) and (e)(3)(iv).

³ Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

⁴ "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

⁵ "Other species" for PSC monitoring includes skates, sharks, and octopuses.

Classification

NMFS is issuing this proposed rule pursuant to section 305(d) of the Magnuson-Stevens Act. Through previous actions, the FMP and regulations authorize NMFS to take this action (50 CFR part 679). The NMFS Assistant Administrator has preliminarily determined that the proposed harvest specifications are consistent with the FMP, the Magnuson-Stevens Act, and other applicable laws, subject to further review and consideration after public comment.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866 because it only implements annual catch limits.

NMFS prepared an EIS for the Alaska groundfish harvest specifications and alternative harvest strategies (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the ROD for the Final EIS. A SIR is being prepared for the final 2024 and 2025 harvest specifications to provide a subsequent assessment of the action and to address the need to prepare a Supplemental EIS (40 CFR 1501.11(b) and 1502.9(d)(1)). Copies of the Final EIS, ROD, and annual SIRs for this action are available from NMFS (see **ADDRESSES**). The Final

EIS analyzes the environmental, social, and economic consequences of alternative harvest strategies on resources in the action area. Based on the analysis in the Final EIS, NMFS concluded that the preferred alternative (Alternative 2) provides the best balance among relevant environmental, social, and economic considerations and allows for continued management of the groundfish fisheries based on the most recent, best scientific information.

Initial Regulatory Flexibility Analysis

This Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by Section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 603), to describe the economic impact this proposed rule, if adopted, would have on small entities. The IRFA describes (1) the action; (2) the reasons why this proposed rule is proposed; (3) the objectives and legal basis for this proposed rule; (4) the estimated number and description of directly regulated small entities to which this proposed rule would apply; (5) the recordkeeping, reporting, and other compliance requirements of this proposed rule; and (6) the relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule. The IRFA also describes significant alternatives to this proposed rule that would accomplish the stated objectives of the Magnuson-Stevens Act, and any other applicable statutes, and that would minimize any significant economic impact of this proposed rule on small entities. The description of the proposed action, its purpose, and the legal basis are explained earlier in the preamble and are not repeated here.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates) and has combined annual

receipts not in excess of \$11 million for all its affiliated operations worldwide. A shoreside and mothership processor primarily involved in seafood processing (NAICS code 311710) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual employment, counting all individuals employed on a full-time, part-time, or other basis, not in excess of 750 employees for all its affiliated operations worldwide.

Number and Description of Small Entities Regulated by This Proposed Rule

The entities directly regulated by the groundfish harvest specifications include: (1) entities operating vessels with groundfish Federal fisheries permits (FFPs) catching FMP groundfish in Federal waters (including those receiving direction allocations of groundfish); (2) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the State-waters parallel fisheries; and (3) all entities operating vessels fishing for halibut inside 3 nmi of the shore (whether or not they have FFPs). In 2022 (the most recent year of complete data), there were 135 individual CVs and CPs with gross revenues less than or equal to \$11 million as well as 6 CDQ groups. This represents the potential suite of directly regulated small entities. This includes an estimated 130 small CV and 2 small CP entities in the BSAI groundfish sector. The determination of entity size is based on vessel revenues and affiliated group revenues. This determination also includes an assessment of fisheries cooperative affiliations, although actual vessel ownership affiliations have not been completely established. However, the estimate of these 130 CVs may be an overstatement of the number of small entities. This latter group of vessels had average gross revenues that varied by gear type. Average gross revenues for hook-and-line CVs, pot gear CVs, and trawl gear CVs are estimated to be \$800,000, \$1.5 million, and \$2.7 million, respectively. Average gross revenues for CP entities are confidential. There are three AFA cooperative affiliated

motherships, which appear to fall under the 750-worker threshold and are therefore small entities. The average gross revenues for the AFA motherships are confidential.

Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities

The action under consideration is the proposed 2024 and 2025 harvest specifications, apportionments, and prohibited species catch limits for the groundfish fishery of the BSAI. This action is necessary to establish harvest limits for groundfish during the 2024 and 2025 fishing years and is taken in accordance with the FMP prepared by the Council pursuant to the Magnuson-Stevens Act. The establishment of the proposed harvest specifications is governed by the Council and NMFS's harvest strategy to govern the catch of groundfish in the BSAI. This strategy was selected from among five alternatives, with the preferred alternative harvest strategy being one in which the TACs fall within the range of ABCs recommended by the SSC. Under the preferred harvest strategy, TACs are set to a level that falls within the range of ABCs recommended by the SSC, and the sum of the TACs must achieve the OY specified in the FMP. While the specific numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

The TACs associated with the preferred harvest strategy are those recommended by the Council in October 2023. OFLs and ABCs for the species were based on recommendations prepared by the Council's Plan Team in September 2023, and reviewed by the Council's SSC in October 2023. The Council based its TAC recommendations on those of its AP, which were consistent with the SSC's OFL and ABC recommendations. The sum of all TACs remains within the OY for the BSAI consistent with § 679.20(a)(1)(i)(A). Because setting all TACs equal to ABCs would cause the sum of TACs to exceed an OY of 2 million mt, TACs for some species or species groups are lower than the ABCs recommended by the Plan Team and the SSC.

The proposed 2024 and 2025 OFLs and ABCs are based on the best available biological information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods to calculate stock biomass. The proposed 2024 and 2025 TACs are based on the best available biological and socioeconomic information. The proposed 2024 and 2025 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2022 SAFE report, which is the most recently completed SAFE report.

Under this action, the proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs are within the range of proposed ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs and overfishing levels). For some species and species groups in the BSAI, the Council recommended, and NMFS proposes, proposed TACs equal to proposed ABCs, which is intended to maximize harvest opportunities in the BSAI. However, NMFS cannot set TACs for all species in the BSAI equal to their ABCs due to the constraining OY limit of 2 million mt. For this reason, some proposed TACs are less than the proposed ABCs. The specific reductions were reviewed and recommended by the Council's AP, and the Council in turn adopted the AP's TAC recommendations in making its own recommendations for the proposed 2024 and 2025 TACs.

Based upon the best scientific data available, and in consideration of the objectives of this action, it appears that there are no significant alternatives to the proposed rule that have the potential to accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that have the potential to minimize any significant adverse economic impact of the proposed rule on small entities. This action is economically beneficial to entities operating in the BSAI, including small entities. The action proposes TACs for commercially-valuable species in the BSAI and allows for the continued prosecution of the fishery, thereby creating the opportunity for

fishery revenue. After public process during which the Council solicited input from stakeholders, the Council recommended the proposed harvest specifications, which NMFS determines would best accomplish the stated objectives articulated in the preamble for this proposed rule, and in applicable statutes, and would minimize to the extent practicable adverse economic impacts on the universe of directly regulated small entities.

This action does not modify recordkeeping or reporting requirements, or duplicate, overlap, or conflict with any Federal rules.

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

Adverse impacts on marine mammals or endangered or threatened species resulting from fishing activities conducted under these harvest specifications are discussed in the Final EIS and its accompanying annual SIRs (see **ADDRESSES**).

Authority: 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: November 30, 2023.

Samuel D. Rauch, III

Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service.