



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 230306-0065; RTID 0648-XD597]

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2024 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific cod Total Allowable Catch Amounts

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

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: NMFS is adjusting the 2024 total allowable catch (TAC) amounts for the Bering Sea and Aleutian Islands (BSAI) pollock, Atka mackerel, and Pacific cod fisheries. This action is necessary because NMFS has determined these TACs are incorrectly specified, and will ensure the BSAI pollock, Atka mackerel, and Pacific cod TACs are the appropriate amounts based on the best scientific information available. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 0001 hours, Alaska local time (A.l.t.), January 1, 2024, until the effective date of the final 2024 and 2025 harvest specifications for BSAI groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., [*insert date 15 days after date of publication in the Federal Register*].

ADDRESSES: You may submit comments on this document, identified by docket number NOAA-NMFS-2022-0094, by any 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- 2022-0094 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. 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 will generally be posted 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 will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Adam Zaleski, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR parts 600 and 679.

The final 2023 and 2024 harvest specifications for groundfish in the BSAI (88 FR 14926, March 10, 2023) set the 2024 Aleutian Islands (AI) pollock TAC at 19,000 metric tons (mt), the 2024 Bering Sea (BS) pollock TAC at 1,302,000 mt, the 2024 BSAI Atka

mackerel TAC at 66,855 mt, the 2024 BS Pacific cod TAC at 123,295 mt, and the 2024 AI Pacific cod TAC at 8,425 mt. In December 2023, the Council recommended a 2024 BS pollock TAC of 1,300,000 mt, which is less than the 1,302,000 mt TAC established by the final 2023 and 2024 harvest specifications for groundfish in the BSAI. The Council also recommended a 2024 BSAI Atka mackerel TAC of 72,987 mt, which is more than the 66,855 mt TAC established by the final 2023 and 2024 harvest specifications for groundfish in the BSAI. Furthermore, the Council recommended a 2024 BS Pacific cod TAC of 147,753 mt, and an AI Pacific cod TAC of 8,080 mt, which is more than the BS Pacific cod TAC of 123,295 mt, and less than the AI Pacific cod TAC of 8,425 mt established by the final 2023 and 2024 harvest specifications for groundfish in the BSAI. The Council's recommended 2024 TACs, and the area and seasonal apportionments, are based on the Stock Assessment and Fishery Evaluation report (SAFE), dated November 2023, which NMFS has determined is the best scientific information available for these fisheries.

Steller sea lions occur in the same location as the pollock, Atka mackerel, and Pacific cod fisheries and are listed as endangered under the Endangered Species Act (ESA). Pollock, Atka mackerel, and Pacific cod are a principal prey species for Steller sea lions in the BSAI. The seasonal apportionment of pollock, Atka mackerel, and Pacific cod harvest is necessary to ensure the groundfish fisheries are not likely to cause jeopardy of extinction or adverse modification of critical habitat for Steller sea lions. NMFS published regulations and the revised harvest limit amounts for pollock, Atka mackerel, and Pacific cod fisheries to implement Steller sea lion protection measures to insure that groundfish fisheries of the BSAI are not likely to jeopardize the continued existence of the western distinct population segment of Steller sea lions or destroy or adversely modify their designated critical habitat (79 FR 70286, November 25, 2014).

In accordance with § 679.25(a)(1)(iii), (a)(2)(i)(B), and (a)(2)(iv), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that, based on the November 2023 SAFE report for this fishery, the current BSAI pollock, Atka mackerel, and Pacific cod TACs are incorrectly specified. Pursuant to § 679.25(a)(1)(iii), the Regional Administrator is adjusting the 2024 BS pollock TAC to 1,300,000 mt, the 2024 BSAI Atka mackerel TAC to 72,987 mt, the 2024 BS Pacific cod TAC to 147,753 mt, and the 2024 AI Pacific cod TAC to 8,080 mt. Therefore, table 2 of the final 2023 and 2024 harvest specifications for groundfish in the BSAI (88 FR 14926, March 10, 2023) is revised consistent with this adjustment.

Pursuant to § 679.20(a)(5)(i) and (iii), table 5 of the final 2023 and 2024 harvest specifications for groundfish in the BSAI (88 FR 14926, March 10, 2023) is revised for the 2024 BS and AI allocations of pollock TAC to the directed pollock fisheries and to the Community Development Quota (CDQ) directed fishing allowances consistent with this adjustment.

Table 5 -- Final 2024 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 Allocations	2024 A season ¹		
		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea TAC ¹	1,300,000	n/a	n/a	n/a
CDQ DFA	130,000	58,500	36,400	71,500
ICA ¹	50,000	n/a	n/a	n/a
Total Bering Sea non- CDQ DFA	1,120,000	504,000	313,600	616,000
AFA Inshore	560,000	252,000	156,800	308,000
AFA Catcher/Processors ³	448,000	201,600	125,440	246,400
Catch by CPs	409,920	184,464	n/a	225,456
Catch by CVs ³	38,080	17,136	n/a	20,944
Unlisted CP Limit ⁴	2,240	1,008	n/a	1,232
AFA Motherships	112,000	50,400	31,360	61,600
Excessive Harvesting Limit ⁵	196,000	n/a	n/a	n/a
Excessive Processing Limit ⁶	336,000	n/a	n/a	n/a
Aleutian Islands subarea ABC	43,092	n/a	n/a	n/a
Aleutian Islands subarea TAC ¹	19,000	n/a	n/a	n/a
CDQ DFA	1,900	1,841	n/a	59

ICA	2,500	1,250	n/a	1,250
Aleut Corporation	14,600	14,146	n/a	454
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

¹Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the Initial Catch Allowance (ICA) (50,000 mt, 4.27 percent), is allocated as a DFA as follows: inshore sector – 50 percent, catcher/processor sector (CP) – 40 percent, and mothership sector – 10 percent. In the Bering Sea subarea, 45 percent of the DFAs are allocated to the A season (January 20–June 10) and 55 percent of the DFAs are allocated to the B season (June 10–November 1). When the AI Pollock Acceptable Biological Catch (ABC) equals or exceeds 19,000 mt, the annual TAC is equal to 19,000 mt (§ 679.20(a)(5)(iii)(B)(1)). Pursuant to § 679.20(a)(5)(iii)(B)(2), the Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated no more than 40 percent of the Aleutian Islands pollock ABC.

²In 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 Steller Sea Lion Conservation Area (SCA) before noon, April 1.

³Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the allocation 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 CP sector cooperative for the year.

⁴Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the American Fisheries Act (AFA) unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processor sector’s allocation of pollock.

⁵Pursuant 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.

⁶Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

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

⁸Pursuant 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.

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

Pursuant to § 679.20(a)(8), table 7 of the final 2023 and 2024 harvest specifications for groundfish in the BSAI (88 FR 14926, March 10, 2023) is revised for the 2024 seasonal and spatial allowances, gear shares, CDQ reserve, incidental catch allowance, jig, BSAI trawl limited access, and Amendment 80 allocations of the BSAI Atka mackerel TAC consistent with this adjustment.

Table 7 -- Final 2024 Seasonal and Spatial Allowances, Gear Shares, CDQ Reserve, Incidental Catch Allowance, and Amendment 80 Allocations of the BSAI Atka Mackerel TAC

[Amounts are in metric tons]

Sector ¹	Season ^{2,3,4}	2024 allocation by area		
		Eastern Aleutian District/Bering Sea	Central Aleutian District ⁵	Western Aleutian District
TAC	n/a	32,260	16,754	23,973
CDQ reserve	Total	3,452	1,793	2,565
	A	1,726	896	1,283

	Critical Habitat	n/a	538	770
	B	1,726	896	1,283
	Critical Habitat	n/a	538	770
Non-CDQ TAC	n/a	28,808	14,961	21,408
ICA	Total	800	75	20
Jig ⁶	Total	140	-	-
BSAI trawl limited access	Total	2,787	1,489	-
	A	1,393	744	-
	Critical Habitat	n/a	447	-
	B	1,393	744	-
	Critical Habitat	n/a	447	-
Amendment 80 sector	Total	25,081	13,398	21,388
	A	12,541	6,699	10,694
	Critical Habitat	n/a	4,019	6,416
	B	12,541	6,699	10,694
	Critical Habitat	n/a	4,019	6,416

¹ Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, ICAs, and jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the Initial Total Allowable Catch (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 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 protection areas; section 679.20(a)(8)(ii)(C)(I)(ii) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and section 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 Islands District and the Bering Sea subarea TAC be allocated to jig gear after subtracting the CDQ reserve and the ICA. NMFS sets the amount of this allocation for 2024 at 0.5 percent. The jig gear allocation is not apportioned by season.

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

Pursuant to § 679.20(a)(7), table 9 of the final 2023 and 2024 harvest

specifications for groundfish in the BSAI (87 FR 76435, March 10, 2023) is revised for the 2024 gear shares and seasonal allowances of the BSAI Pacific cod TAC consistent with this adjustment.

Table 9 -- Final 2024 Sector Allocations and Seasonal Allowances of the BSAI Pacific Cod TAC

[Amounts are in metric tons]

Sector	Percent	2023	2024	2024	
				Season	Amount
Total Bering Sea TAC	n/a	147,753	n/a	n/a	n/a
Bering Sea CDQ	n/a	15,810	n/a	See §679.20(a)(7)(i)(B)	n/a
Bering Sea non-CDQ TAC	n/a	131,943	n/a	n/a	n/a
Total Aleutian Islands TAC	n/a	8,080	n/a	n/a	n/a
Aleutian Islands CDQ	n/a	865	n/a	See §679.20(a)(7)(i)(B)	n/a

Aleutian Islands non-CDQ TAC	n/a	7,215	n/a	n/a	n/a
Western Aleutians Islands Limit	n/a	2,233	n/a	n/a	n/a
Total BSAI non-CDQ TAC ¹	100.0	139,159	n/a	n/a	n/a
Total hook-and-line/pot gear	60.8	84,609	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	84,109	n/a	n/a	n/a
Hook-and-line catcher/processors	48.7	n/a	67,370	n/a	n/a
A-season				Jan-1-Jun 10	34,359
B-season				Jun 10-Dec 31	33,011
Hook-and-line catcher vessels ≥ 60 ft Length Overall (LOA)	0.2	n/a	277	n/a	n/a
A-season				Jan 1-Jun 10	141
B-season				Jun 10-Dec 31	136
Pot catcher/processors	1.5	n/a	2,075	n/a	n/a
A-season				Jan 1-Jun 10	1,058
B-season				Sept 1-Dec 31	1,017
Pot catcher vessels ≥ 60 ft LOA	8.4	n/a	11,620	n/a	n/a
A-season				Jan 1-Jun 10	5,926
B-season				Sept-1-Dec 31	5,694
Catcher vessels < 60 ft LOA using hook-and-line or pot gear	2.0	n/a	2,767	n/a	n/a
Trawl catcher vessels ³	22.1	30,754	n/a	n/a	n/a
A-Season ICA				Jan 20-Apr 1	1,500
A-season PCTC				Jan 20-Apr 1	21,258
B-season ICA				Apr 1-Jun 10	700
B-season PCTC				Apr 1-Jun 10	2,683
C-season trawl catcher vessels				Jun 10-Nov 1	4,613
AFA trawl catcher/processors	2.3	3,201	n/a	n/a	n/a
A-season				Jan 20-Apr 1	2,400
B-season				Apr 1-Jun 10	800
C-season				Jun 10-Nov 1	-
Amendment 80	13.4	18,647	n/a	n/a	n/a
A-season				Jan 20-Apr 1	13,985
B-season				Apr 1-Jun 10	4,662
C-season				Jun 10-Dec 31	-
Jig	1.4	1,948	n/a	n/a	n/a
A-season				Jan 1-Apr 30	1,169
B-season				Apr 30-Aug 31	390
C-season				Aug 31-Dec 31	390

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 approves 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 approves 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 Pacific Cod Trawl Cooperative (PCTC) Program Pacific cod.

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

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would allow for harvests that exceed the appropriate allocations for pollock, Atka mackerel, and Pacific cod in the BSAI based on the best scientific information available. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 14, 2023.

Without this inseason adjustment, NMFS could not allow the fishery for pollock, Atka mackerel, and Pacific cod in the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until [*insert date 15 days after date of publication in the Federal Register*].

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

Dated: December 19, 2023.

Everett Wayne Baxter,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.