



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 240304-0068; RTID 0648-XD774]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of the Aleut Corporation and the Community Development Quota (CDQ) pollock directed fishing allowance (DFA) from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to provide the opportunity for the harvest of the 2024 total allowable catch (TAC) of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI).

DATES: Effective 1200 hours, Alaska local time (A.l.t.), [*insert date of publication in the Federal Register*], through 2400 hours, A.l.t., December 31, 2024.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan 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 (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at

subpart H of 50 CFR parts 600 and 679.

In the Aleutian Islands subarea, the portion of the 2024 pollock TAC allocated to the Aleut Corporation and CDQ DFA is 13,680 metric tons (mt) and 1,900 mt, respectively, as established by the final 2024 and 2025 harvest specifications for groundfish in the BSAI (89 FR 17287, March 11, 2024).

As of March 8, 2024, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 11,680 mt of the Aleut Corporation’s DFA and 1,900 mt of pollock CDQ DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 11,680 mt of the Aleut Corporation’s DFA and 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the Bering Sea subarea allocations. The 1,900 mt of pollock CDQ DFA is added to the 2024 Bering Sea CDQ DFA. The 11,680 mt of pollock Aleut Corporation’s DFA is apportioned to the American Fisheries Act (AFA) inshore sector (50 percent), AFA catcher/processor (CP) sector (40 percent), and the AFA mothership sector (10 percent). The 2024 Bering Sea subarea pollock incidental catch allowance remains at 50,000 mt. As a result, the 2024 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2024 and 2025 harvest specifications for groundfish in the BSAI (89 FR 17287, March 11, 2024) are revised as follows: 0 mt to CDQ DFA and 2,000 mt to the Aleut Corporation’s DFA. Furthermore, pursuant to § 679.20(a)(5), table 4 is revised to make 2024 pollock allocations consistent with this reallocation. This reallocation results in an adjustment to the 2024 CDQ pollock allocation established at § 679.20(a)(5).

Table 4 -- 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		2024 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea TAC ¹	1,313,580	n/a	n/a	n/a
CDQ DFA	131,900	59,355	36,932	72,545
ICA ¹	50,000	n/a	n/a	n/a

Total Bering Sea non-CDQ DFA	1,131,680	509,256	316,870	622,424
AFA Inshore	565,840	254,628	158,435	311,212
AFA	452,672	203,702	126,748	248,970
Catcher/Processors ³				
Catch by CPs	414,195	186,388	n/a	227,807
Catch by CVs ³	38,477	17,315	n/a	21,162
Unlisted CP Limit ⁴	2,263	1,019	n/a	1,245
AFA Motherships	113,168	50,926	31,687	62,242
Excessive Harvesting Limit ⁵	198,044	n/a	n/a	n/a
Excessive Processing Limit ⁶	339,504	n/a	n/a	n/a
Aleutian Islands subarea ABC	42,654	n/a	n/a	n/a
Aleutian Islands subarea TAC ¹	5,420	n/a	n/a	n/a
CDQ DFA	-	-	n/a	-
ICA	3,420	1,710	n/a	1,710
Aleut Corporation	2,000	2,000	n/a	-
Area harvest limit ⁷	n/a	n/a	n/a	n/a
541	12,796	n/a	n/a	n/a
542	6,398	n/a	n/a	n/a
543	2,133	n/a	n/a	n/a
Bogoslof District ICA ⁸	250	n/a	n/a	n/a

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

¹ Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (50,000 mt; 3.85 percent), is allocated as a DFA as follows: inshore sector – 50 percent, CP – 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). When the Aleutian Islands (AI) pollock 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 AI 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 pollock directed fishery. In the AI subarea, the A season is allocated no more than 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 12 p.m., A.l.t., 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 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 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 CP 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 30.0 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 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 AI 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.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the reallocation of Aleutian Islands pollock. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 11, 2024.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: March 12, 2024.

Everett Wayne Baxter,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.