



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305-0066; RTID 0648-XG085]

Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is exchanging unused yellowfin sole and flathead sole Community Development Quota (CDQ) for rock sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands (BSAI) management area. This action is necessary to allow the CDQ fishery to optimize their total rock sole harvest in the BSAI.

DATES: Effective [*Insert date of publication in the Federal Register*], through December 31, 2026.

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

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

The 2026 flathead sole, rock sole, and yellowfin sole CDQ allocations of the TACs specified for these species in the BSAI are 3,852 metric tons (mt), 8,025 mt, and

15,515 mt, respectively, as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026). The 2026 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 5,532 mt, 8,905 mt, and 13,122 mt, respectively, as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026).

The Norton Sound Economic Development Corporation (NSEDC) has requested that NMFS exchange 200 mt of flathead sole TAC and 700 mt of yellowfin sole TAC allocated to the CDQ sector for 900 mt of rock sole CDQ ABC reserves pursuant to §§ 679.31(d) and 679.4(p). NMFS approves the completed Flatfish Exchange Application submitted by NSEDC, which meets all the criteria specified at § 679.4(p)(3). Specifically, NSEDC has sufficient CDQ ABC reserves of rock sole and is exchanging an equal amount of unused flathead sole and yellowfin sole TACs allocated to the CDQ sector. Approval will not cause harvest to exceed an ABC or ABC reserve for any of these species, NSEDC has not received at least three approved flatfish exchanges, and NMFS can approve the exchange before the end of the calendar year in which it would be effective. Therefore, NMFS exchanges 200 mt of flathead sole TAC and 700 mt of yellowfin sole TAC allocated to the CDQ sector for 900 mt of rock sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 13 and 15 of the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026) are revised as follows:

Table 13 -- Final 2026 CDQ Reserves, ICAs, and Amendment 80 Sector and BSAI Trawl Limited Access Sector Allocations of the Aleutian Islands Pacific Ocean Perch and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs (values are rounded to the nearest metric ton)

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	EAI	CAI	WAI	BSAI	BSAI	BSAI
TAC	6,144	5,441	12,000	35,800	75,900	144,300
CDQ	657	582	1,284	3,652	8,925	14,815
ICA	100	60	10	2,000	3,000	2,000
BSAI trawl limited access	539	480	214	n/a	n/a	15,936
Amendment 80	4,848	4,319	10,492	30,148	63,975	111,549

Note: Sector apportionments may not total precisely due to rounding. The 2026 CDQ reserves, ICAs, and allocations for BSAI flathead sole, rock sole, and yellowfin sole are effective from 1200 hours, A.l.t., March 18, 2026, through 2400 hours, A.l.t., December 31, 2026.

Table 15 -- Final 2026 and 2027 ABC Surplus, ABC Reserves, CDQ ABC Reserves, and Amendment 80 ABC Reserves in the BSAI for Flathead Sole, Rock Sole, and Yellowfin Sole (values are rounded to the nearest metric ton)

Sector	2026 Flathead sole	2026 Rock sole	2026 Yellowfin sole	2027 Flathead sole ¹	2027 Rock sole ¹	2027 Yellowfin sole ¹
ABC	87,700	158,225	267,639	87,700	158,225	267,639
TAC	35,800	75,900	144,300	36,000	75,000	145,000
ABC surplus	51,900	82,325	123,339	51,700	83,225	122,639
ABC reserve	51,900	82,325	123,339	51,700	83,225	122,639
CDQ ABC reserve	5,732	8,005	13,822	5,532	8,905	13,122
Amendment 80 ABC reserve	46,168	74,320	109,517	46,168	74,320	109,517

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

¹ The 2026 ABC surpluses and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole are effective from 1200 hours, A.l.t., March 18, 2026, through 2400 hours, A.l.t., December 31, 2026. The 2027 ABC surpluses and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole are effective from 0001 hours, A.l.t., January 1, 2027, through 1200 hours, A.l.t., March 18, 2027. The 2027 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, 2026.

Fishermen are reminded that all actions and closures remain in full force and effect. This reallocation does not rescind or modify closures to directed fishing or actions prohibiting retention of a groundfish species.

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) of the Magnuson-Stevens Act, 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 not allow for the ongoing harvest of rock sole in the BSAI by the CDQ sector. NMFS was unable to publish a notice providing time for public comment because the NSEDC Flatfish Exchange Application was received on September 18, 2026, and this is the most recent, relevant data on flathead sole, rock sole, and yellowfin. Without this inseason adjustment, NMFS could not allow the CDQ fishery for rock sole in the BSAI to be harvested in an expedient manner.

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

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

Dated: September 29, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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