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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RIN 0648-BO62

Fisheries of the Exclusive Economic Zone off Alaska; Amendment 128 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 116 to the FMP for the Groundfish fisheries of the Gulf of Alaska; Small Sablefish Release

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

ACTION: Notice of availability; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) submitted amendment 128 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and amendment 116 to the FMP for Groundfish fisheries of the Gulf of Alaska (GOA FMP) to the Secretary of Commerce for review. If approved, these amendments would increase operational flexibility to allow vessels fishing for sablefish with fixed gear under the Individual Fishing Quota (IFQ) Program or Western Alaska Community Development (CDQ) Program to release sablefish and would revise the annual allocation process to account for sablefish discards. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the BSAI and GOA FMPs, and other applicable laws.

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

ADDRESSES: A plain language summary of this proposed action is available at *https://www.regulations.gov/docket/NOAA-NMFS-2026-2542*. You may submit comments on this document, identified by NOAA-NMFS-2026-2542, by either of the following methods:

- *Electronic Submission*: Submit electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA-NMFS-2026-2542 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), 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.

Electronic copies of amendment 128 to the BSAI FMP, amendment 116 to the GOA FMP, the Draft Environmental Assessment/Regulatory Impact Analysis for Proposed Amendment 128 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Proposed Amendment 116 to the Fishery Management Plan for Groundfish fisheries of the Gulf of Alaska Release of IFQ/CDQ Sablefish (referred to as the "Analysis"), and the draft finding of no significant impact prepared for this action are available from *https://www.regulations.gov* with a search for

0648-BO62 or from the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/region/alaska*.

FOR FURTHER INFORMATION CONTACT: Mason Smith, 907-586-7228, *mason.smith@noaa.gov*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires that each regional fishery management council submit any FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, after a council's transmittal of an FMP amendment, immediately publish a notice in the Federal Register announcing that the amendment is available for public review and comment. This notice announces that proposed amendment 128 to the BSAI FMP and proposed amendment 116 to the GOA FMP are available for public review and comment.

Sablefish (*Anoplopoma fimbria*) is managed as a groundfish species under the BSAI FMP and GOA FMP. The Council prepared, and the Secretary of Commerce (Secretary) approved, the BSAI FMP and GOA FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq*. Regulations governing U.S. fisheries and implementing the BSAI FMP and GOA FMP appear at 50 CFR parts 600 and 679.

The directed sablefish fishery in Alaska is managed under the IFQ Program established in 1995 (58 FR 59375, November 9, 1993). The IFQ Program allocates a specific portion of the non-trawl total allowable catch (TAC) to individual fishermen or groups, known as quota share owners. Fishermen are then issued individual quotas, dictating the amount of sablefish they are allowed to catch over the fishing season. Issuance of quota shares under the IFQ Program was originally based on participation in the fisheries during historical qualifying periods. However, quota share is transferable and new fishery participants can purchase quota share or lease IFQ. Quota shares and the resulting IFQ are designated for specific geographic IFQ regulatory areas and vessel

categories, which authorize harvest by vessels of different size categories or harvesting and processing activity as specified in regulations at § 679.40(a)(5). This system aims to prevent overfishing, reduce bycatch, and provide economic stability for fishermen.

The CDQ Program is an economic development program associated with federally managed fisheries in the BSAI management area (57 FR 54936, November 23, 1992). The purposes of the CDQ Program are 1) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the BSAI management area; 2) to support economic development in western Alaska; 3) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and 4) to achieve sustainable and diversified local economies in western Alaska (16 U.S.C. 1855(i)(1)(A)). The CDQ Program consists of six different non-profit managing organizations (CDQ groups) representing different geographical regions in Alaska. The CDQ Program receives annual allocations of TAC for a variety of commercially valuable species in the BSAI groundfish, crab, and halibut fisheries, which are in turn allocated among the CDQ groups. Each year, prior to establishing the IFQ allocations, NMFS allocates a percentage of the fixed gear TAC in the BSAI to the CDQ Program for use in each subarea.

Beginning in 2014, there have been several years with record-breaking year classes of Alaska sablefish. By 2017, these fish had grown large enough to be caught by the commercial fleet as an overwhelming number of small fish. Juvenile sablefish tend to be smaller in size and yield a lower commercial value by weight than large fish, particularly under current market conditions. Because of the lower prices resulting from large catches of small sablefish, stakeholders appealed for management action to provide relief from the prohibition on discarding sablefish in the fixed gear sablefish IFQ fleet. Sections 3.7.1.7 of the BSAI and GOA FMPs prohibit discarding of sablefish by persons holding sablefish IFQs and those fishing under the CDQ Program.

The Council recommended amendment 128 to the BSAI FMP and amendment 116 to the GOA FMP in April 2025. These amendments would 1) revise retention requirements to allow discards of small sablefish by catcher vessels (CVs) in the IFQ and CDQ programs as authorized in regulations, 2) revise retention requirements to allow discards of sablefish by catcher/processors (C/Ps) in the CDQ Program, 3) require all sablefish discarded by vessels in the IFQ and CDQ Programs to be carefully released as specified in regulation, 4) revise the methods for determining annual IFQs to account for a sablefish discard allowance (SDA) for the BSAI and an SDA for the GOA, and 5) make non-substantive technical edits to revise the use of "freezer longliner" language to refer to category A quota shares and C/Ps to increase alignment with Federal regulations. As a housekeeping measure, Amendment 116 would additionally remove unnecessary language referring to the CDQ Program in the GOA FMP.

These amendments would modify the sablefish discard prohibition to allow discards of small sablefish by CVs using fixed gear. These amendments would allow C/Ps participating in the fixed gear sablefish CDQ fishery to discard sablefish by excluding them from the revised prohibition on discarding, while retaining the status quo for C/Ps participating in the fixed gear sablefish IFQ fishery to continue to discard sablefish. These amendments would establish an SDA for the BSAI and an SDA for the GOA to account for projected discard mortality of sablefish by fixed gear vessels engaged in fishing for sablefish in the IFQ and CDQ programs. Annually, the SDA would be deducted from the fixed gear TAC after any CDQ adjustments, as described in regulations, and prior to deriving sablefish IFQ. A discard mortality rate (DMR) would be recommended by the Council's Scientific and Statistical Committee and would be used to account for discard mortality towards the SDA throughout the fishery season. DMRs are estimates of the proportion of sablefish bycatch that do not survive after being

returned to the sea. The cumulative sablefish mortality that accrues to the SDA is the product of a DMR multiplied by the estimated number of discarded sablefish.

These amendments are expected to have a positive impact on private sector harvesters participating in the fixed gear IFQ or CDQ sablefish fisheries due to the increased flexibility in retaining higher value fish. Because the fixed gear sablefish TAC has historically been fully allocated to the IFQ and CDQ sablefish fisheries due to the full retention requirements, the proportional SDA deductions from the regulatory area TACs would be necessary to provide a buffer mechanism to avoid exceeding the TACs. It is necessary to establish a separate SDA to account for vessel level discard estimates because accounting for discards against IFQ permits issued is not possible.

These amendments would make housekeeping changes to revise the use of "Freezer Longliner" language to refer instead to category A quota shares and C/Ps, and update initial issuance language from the 1990s. These non-substantive technical changes would update language used in the FMP to increase alignment with Federal regulations. Currently, the BSAI and GOA FMPs define "Freezer Longliner" as, "any vessel engaged in fishing in the fixed gear fishery which, during a given trip, utilizes freezer capacity and delivers some or all of its groundfish catch in a frozen state," and designates vessel categories, transfer provisions, and use and ownership provisions based on that term. To align with Federal regulations and common usage, the term "Freezer Longliner" would be expanded to include the term "Catcher/processor," which is defined in regulations as a vessel that is used for catching fish and processing that fish (50 CFR 679.2). Additionally, for these vessels, the designation of vessel categories, transfer provisions, and use and ownership provisions will be specified as "category A quota shares," which authorize an IFQ permit holder to harvest and process IFQ species on a vessel of any length (50 CFR 679.40(a)(5)(ii)(A)).

NMFS is soliciting public comments on the proposed amendment 128 to the BSAI FMP and proposed amendment 116 to the GOA FMP through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement amendments 128 and 116, following NMFS's evaluation of the proposed rule under the Magnuson-Stevens Act.

Respondents do not need to submit the same comments on amendment 128 to the BSAI FMP and amendment 116 to the GOA FMP and the proposed rule. All relevant written comments received by the end of the comment period for this notice will be considered by NMFS in the approval/disapproval decision for amendment 128 to the BSAI FMP and amendment 116 to the GOA FMP and also considered in the decision on the proposed rule and addressed in the response to comments in the final decision on the proposed rule. Comments received after the end of the comment period for this rule will not be considered in the approval/disapproval decision on amendment 128 to the BSAI FMP and amendment 116 to the GOA FMP. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period (see **DATES**).

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

Dated: November 4, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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