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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 260504-0123]

RTID 0648-XG149

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2026 Tribal Fishery Allocations for Pacific Whiting; Reapportionment Between Tribal and Non-Tribal Sectors

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

ACTION: Inseason reapportionment of Tribal Pacific whiting allocation.

SUMMARY: This document announces the reapportionment of 29,130 metric tons of Pacific whiting from the Tribal allocation to the non-Tribal commercial fishery sectors via automatic actions on September 14, and 23, and October 5, 2026. This reapportionment is to allow full utilization of the Pacific whiting resource.

DATES: The reapportionment actions of Pacific whiting went into effect at 4:30 p.m. (16:30) on September 14, 3:30 p.m. (15:30) on September 23, and 3:45 p.m. (15:45) on October 5, 2026 (all local time) and are effective through December 31, 2026. Comments will be accepted through [*insert date 15 days after date of publication in the FEDERAL REGISTER*].

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2026-3037 by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2026-3037 in the Search box. Click on the “Comment” icon, complete the required fields, and

enter or attach your comments.

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. 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). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic Access

This notice is accessible online at the Office of the Federal Register's Website at *https://www.federalregister.gov.* Background information and documents are available at the NMFS West Coast Region website at *https://www.fisheries.noaa.gov/region/west-coast*.

FOR FURTHER INFORMATION CONTACT: Colin Sayre, West Coast Region, NMFS, (206) 526-4656, *Colin.Sayre@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The coastwide Pacific whiting stock is managed jointly under the terms of the Agreement Between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting of 2003 (Agreement). Four Washington coastal treaty Indian Tribes—the Makah Indian Tribe, the Quileute Indian Tribe, the Quinault Indian Nation, and the Hoh Indian Tribe (collectively, the Treaty Tribes)—can participate in the Tribal Pacific whiting fishery. The U.S. Total Allowable Catch (TAC) of Pacific whiting is allocated to the Pacific Coast treaty Tribes (Tribal fishery) and to three non-Tribal commercial sectors: the catcher/processor cooperative (C/P Co-op), the

mothership cooperative (MS Co-op), and the Shorebased Individual Fishery Quota (IFQ) Program. For 2026, a U.S. TAC of 280,744 metric tons (mt) of Pacific whiting was established under the terms of the Agreement, of this U.S. TAC, 49,130 mt was allocated to the Tribal fishery for 2026. Background on the Agreement, annual stock assessment, and the establishment of the 2026 TAC for Pacific whiting was provided in the final rule for the 2026 Pacific whiting harvest specifications, published May 11, 2026 (91 FR 25511).

Pacific Whiting Reapportionment

Regulations at 50 CFR 660.131(h) contain provisions that allow the Regional Administrator to reapportion Pacific whiting from the Tribal allocation, specified at 50 CFR 660.50, that will not be harvested by the end of the fishing year to other sectors. This notice announces the reapportionment of a total of 29,130 mt of Pacific whiting from the Tribal allocation to the non-Tribal commercial sectors. For 2026, the Pacific Coast treaty Tribes were allocated 49,130 mt of Pacific whiting. The best available information in September 2026, indicated that at least 9,565 mt of the Tribal allocation would not be harvested by December 31, 2026. NMFS took action to reapportion 9,565 mt to the non-Tribal sectors on September 14, 2026, effective at 4:30 p.m. (16:30) local time, leaving 39,956 mt of the original 49,130 mt Tribal Pacific whiting allocation for 2026. On September 23, best available information indicated that an additional amount of 9,565 mt of the revised 39,956 mt Tribal allocation would not be harvested by December 31, and were reapportioned to the non-Tribal fishery effective at 3:30 p.m. (15:30) local time on September 23, 2026, leaving a revised 2026 Tribal allocation of 30,000 mt. Best available information on October 5, 2026, indicated an additional 10,000 mt of the revised Tribal allocation would not be harvested by December 31. NMFS took action to transfer this amount to the non-Tribal fishery through a third reapportionment, effective at 3:45 p.m. (15:45) local time, October 5, 2026, leaving a revised Tribal allocation of

20,000 mt for 2026.

Consistent with 50 CFR 660.131(h)(5) and the NMFS Endangered Species Act Section 7(a)(2) biological opinion on the effects of the Pacific Coast Groundfish Fishery Management Plan on listed salmonids (F/WCR-2017-7552), NMFS considered the number and bycatch rate of Chinook salmon taken by the Pacific whiting fishery sectors prior to each reapportionment action. Based on the best available information in September and October of 2026, NMFS determined there is low risk that the reapportionment will cause the Pacific whiting sector fisheries to exceed both the guideline limit of 11,000 and reserve of 3,500 Chinook salmon under current regulations and practices. As of October 21, 2026, incidental take of Chinook salmon by the non-Tribal sectors is 33 percent of the guideline limit. NMFS will continue to monitor Chinook salmon bycatch as part of inseason management.

To allow for increased utilization of the resource, NMFS reapportioned a total of 29,130 mt from the 2026 Tribal allocation to the Shorebased IFQ Program, C/P Co-op, and MS Co-op in proportion to each sector's original allocation. Recent conversations between NMFS and Tribal fishery managers indicate that reapportioning 29,130 mt, leaving a Tribal allocation of 20,000 mt, will not limit Tribal harvest opportunities for the remainder of 2026 and is expected to allow for greater attainment of the U.S. TAC. NMFS provided notice of the reapportionment actions on September 14, September 23, and October 5, 2026, via public notices and emails sent directly to fishing businesses and individuals. Reapportionment actions were effective the same day as the notices and remain effective through December 31, 2026.

The specific amounts of Pacific whiting available for 2026 before and after the reapportionment are described in table 1 below.

Table 1 -- 2026 Pacific Whiting Allocations

Sector	Initial 2026 Allocation (mt)	Final 2026 Allocation (mt)

Tribal	49,130	20,000
C/P Coop	78,493	88,397
MS Coop	55,407	62,398
Shorebased IFQ Program	96,962	109,197

Classification

NOAA's Assistant Administrator for Fisheries (AA) finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment pursuant to 5 U.S.C. 553(b)(B), because such notification would be impracticable and contrary to the public interest. As previously noted, NMFS provided actual notice of the reapportionment to fishery participants at the time of the action. Prior notice and opportunity for public comment on this reapportionment was impracticable because NMFS had insufficient time to provide prior notice between the time information became available regarding progress of the fishery necessary to make this determination, and the time at which management actions were implemented in order to allow fishery participants access to available fish during the remainder of the Pacific whiting fishing season. For the same reasons, the AA also finds good cause to waive the 30-day delay in effectiveness for these actions, required under 5 U.S.C. 553(d)(3).

These actions are authorized by 50 CFR 660.55(i), 660.60(d), and 660.131(h) and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq*. and 16 U.S.C. 7001 *et seq.*

Dated: November 18, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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