

Dated: December 27, 2021.

**Karen Abrams,**  
 Acting Director, Office of Sustainable  
 Fisheries, National Marine Fisheries Service.  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 210210-0018]

RTID 0648-XB679

**Fisheries of the Exclusive Economic Zone off Alaska; Inseason Adjustment to the 2022 Gulf of Alaska Pollock 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 2022 total allowable catch (TAC) amounts for the Gulf of Alaska (GOA) pollock and Pacific cod fishery. This action is necessary because NMFS has determined these TACs are incorrectly specified, and will ensure the GOA pollock and Pacific cod TACs are the appropriate amount based on the best available scientific information for pollock and Pacific cod in the GOA. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

**DATES:** Effective 0001 hours, Alaska local time (A.l.t.), January 1, 2022, until the effective date of the final 2022 and 2023 harvest specifications for GOA groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.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., January 14, 2022.

**ADDRESSES:** Submit your comments, identified by NOAA-NMFS-2020-0140 by any of the following methods:

- **Federal e-Rulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov) and enter NOAA-NMFS-2020-0140. Click the “Comment” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Records. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

**Instructions:** NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record, and NMFS will post the comments for public viewing on [www.regulations.gov](http://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).

**FOR FURTHER INFORMATION CONTACT:** Krista Milani, 907-581-2062.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 part 600 and 50 CFR part 679.

The final 2021 and 2022 harvest specifications for groundfish in the GOA (86 FR 10184, February 19, 2021) set the 2022 pollock TAC at 99,784 metric tons (mt) in the GOA. In December 2021, the Council recommended a 2022 pollock TAC of 141,117 mt for the GOA, which is greater than the 99,784 mt established by the final 2021 and 2022 harvest specifications for groundfish in the GOA. The Council’s recommended 2022 TAC, and the area and seasonal apportionments, is based on the Stock

Assessment and Fishery Evaluation report (SAFE), dated November 2021.

The final 2021 and 2022 harvest specifications for groundfish in the GOA (86 FR 10184, February 19, 2021) set the 2022 Pacific cod TAC at 27,961 mt in the GOA. In December 2021, the Council recommended a 2022 Pacific cod TAC of 24,111 mt for the GOA, which is less than the 27,961 mt established by the final 2021 and 2022 harvest specifications for groundfish in the GOA. The Council’s recommended 2022 TAC, and the area and seasonal apportionments, is based on the SAFE, dated November 2021.

Steller sea lions occur in the same location as the pollock and Pacific cod fisheries and are listed as endangered under the Endangered Species Act. Pollock and Pacific cod are principal prey species for Steller sea lions in the GOA. The seasonal apportionment of pollock and Pacific cod harvests are necessary to ensure the groundfish fisheries are not likely to cause jeopardy of extinction or adverse modification of critical habitat for Steller sea lions. The regulations at § 679.20(a)(5)(iv) specify how the pollock TAC will be apportioned and the regulations at § 679.20(a)(6)(ii) and (a)(12)(i) specify how the Pacific cod TAC will be apportioned.

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 best available scientific information for this fishery, the current GOA pollock and Pacific cod TACs are incorrectly specified. Consequently, pursuant to § 679.25(a)(1)(iii), the Regional Administrator is adjusting the 2022 GOA pollock TAC to 141,117 mt and the 2022 Pacific cod TAC to 24,111 mt. Therefore, Tables 4 and 6 of the final 2021 and 2022 harvest specifications for groundfish in the GOA (86 FR 10184, February 19, 2021) are revised consistent with this adjustment.

Pursuant to § 679.20(a)(5)(iv), Table 4 of the final 2021 and 2022 harvest specifications for groundfish in the GOA (86 FR 10184, February 19, 2021) is revised for the 2022 TACs of pollock in the Central and Western Regulatory Area of the GOA.

**TABLE 4—FINAL 2022 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA; AREA APPORTIONMENTS;<sup>1</sup> AND SEASONAL ALLOWANCES OF ANNUAL TAC**

[Values are rounded to the nearest metric ton]

Season <sup>2</sup>	Shumigan (area 610)	Chirikof (area 620)	Kodiak (area 630)	Total <sup>3</sup>
A (January 20–May 31) .....	1,132	52,304	8,080	61,516

TABLE 4—FINAL 2022 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA; AREA APPORTIONMENTS;<sup>1</sup> AND SEASONAL ALLOWANCES OF ANNUAL TAC—Continued

[Values are rounded to the nearest metric ton]

Season <sup>2</sup>	Shumigan (area 610)	Chirikof (area 620)	Kodiak (area 630)	Total <sup>3</sup>
B (September 1–November 1) .....	22,582	16,946	21,988	61,516
Annual Total .....	23,714	69,250	30,068	123,032

<sup>1</sup> Area apportionments and seasonal allowances may not total precisely due to rounding.

<sup>2</sup> As established by § 679.23(d)(2)(i) through (ii), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>3</sup> The West Yakutat and Southeast Outside District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Pursuant to § 679.20(a)(6)(ii) and 2022 harvest specifications for February 19, 2021) is revised for the (a)(12)(i), Table 6 of the final 2021 and groundfish in the GOA (86 FR 10184, 2022 TACs of Pacific cod in the GOA.

TABLE 6—FINAL 2022 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH (TAC) AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest metric ton]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
<b>Western GOA:</b>					
Jig (3.5% of TAC) .....	244	N/A	146	N/A	97
Hook-and-line CV .....	94	0.70	47	0.70	47
Hook-and-line CP .....	1,330	10.90	732	8.90	598
Trawl CV .....	2,579	31.54	2,118	10.70	461
Trawl CP .....	161	0.90	60	1.50	101
All Pot CV and Pot CP .....	2,552	19.80	1,330	18.20	1,222
Total .....	6,959	63.84	4,433	36.16	2,526
<b>Central GOA:</b>					
Jig (1.0% of TAC) .....	148	N/A	89	N/A	59
Hook-and-line < 50 CV .....	2,142	9.32	1,366	5.29	775
Hook-and-line ≥ 50 CV .....	984	5.61	823	1.10	161
Hook-and-line CP .....	749	4.11	602	1.00	146
Trawl CV <sup>1</sup> .....	6,099	21.14	3,710	20.45	2,389
Trawl CP .....	616	2.00	294	2.19	322
All Pot CV and Pot CP .....	4,078	17.83	2,615	9.97	1,463
Total .....	14,814	64.16	9,498	35.84	5,316
<b>Eastern GOA:</b>					
		Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	
	2,338	.....	2,104	.....	234

<sup>1</sup> Trawl catcher vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 564 mt, of the annual Central GOA TAC (see Table 28c to 50 CFR part 679), which is deducted from the Trawl CV B season allowance (see Table 13. Final 2022 Apportionments of Rockfish Secondary Species in the Central GOA and Table 28c to 50 CFR part 679).

**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 allocation for pollock and Pacific cod 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 23, 2021.

Without this inseason adjustment, NMFS could not allow the fishery for Pollock and Pacific cod in the GOA 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 January 14, 2022.

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

Dated: December 27, 2021.

**Karen Abrams,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 211221-0266]

RIN 0648-BL04

#### Fisheries of the Exclusive Economic Zone off Alaska; Reclassifying Sculpin Species in the Groundfish Fisheries of the Bering Sea and Aleutian Islands and the Gulf of Alaska; Correcting Amendment

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** The National Marine Fisheries Service is correcting regulations published in a final rule on July 10, 2020, which reclassified sculpins as Ecosystem Component (EC) category, non-target species in both the Bering Sea/Aleutian Islands (BSAI) (Amendment 121) and Gulf of Alaska (Amendment 110) Groundfish Fishery Management Plans (FMPs). In the implementing regulations, footnotes requiring the full retention of all rockfish species by catcher vessels (CVs) using hook-and-line, pot, or jig gear in the BSAI (Amendment 119) and Gulf of Alaska (Amendment 107) were unintentionally omitted from Tables 10 and 11 to 50 CFR part 679. This correcting amendment is therefore necessary to restore the footnotes as published in the final rule implementing Amendments 119 and 107 and to make other minor corrections.

**DATES:** Effective December 30, 2021.

**FOR FURTHER INFORMATION CONTACT:** Mason Smith, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

#### Need for Correction

The National Marine Fisheries Service (NMFS) published a rule reclassifying sculpins as EC category, non-target species in both the BSAI (Amendment 121) and Gulf of Alaska (Amendment 110) Groundfish FMPs in the **Federal Register** on July 10, 2020 (85 FR 41427).

This rule became effective on August 10, 2020. NMFS has identified footnote errors in that final rule within Table 10 to 50 CFR part 679 (Gulf of Alaska Retainable Percentages) and Table 11 to 50 CFR part 679 (BSAI Retainable Percentage). These tables, associated errors, and corrections to each table are discussed below.

#### *Corrections to Table 10 to 50 CFR Part 679—Gulf of Alaska Retainable Percentages*

Table 10 describes the maximum retainable amount (MRA) of groundfish in the Gulf of Alaska when NMFS prohibits directed fishing for those species. This table was modified in a rule published on July 10, 2020 (85 FR 41427), which reclassified sculpins in the Gulf of Alaska (Amendment 110) Groundfish FMP as EC category, non-target species. However, the implementing regulations unintentionally omitted footnotes from Table 10, which were added to Table 10 a few months prior in the final rule implementing Amendment 107 to the Gulf of Alaska Groundfish FMP.

The final rule implementing Amendment 107 was published on February 20, 2020 (85 FR 9687) and required the full retention of rockfish that are caught by CVs using hook-and-line, pot, or jig gear. Since the majority of rockfish do not survive capture, this amendment was intended to decrease waste in the fishery. In addition, Amendment 107 was intended to improve identification of rockfish species by vessels using electronic monitoring, reduce overall enforcement burden, and promote consistency between State and Federal fisheries. This correcting amendment is therefore necessary to restore the footnotes in Table 10, as published in the final rule implementing Amendment 107. This correcting amendment makes the following corrections to Table 10:

- In the Notes to Table 10 to 50 CFR part 679, the following statement is restored under note 1 (Shortraker/rougheye rockfish): “Catcher vessels using hook-and-line, pot, or jig gear are required to retain all rockfish. See § 679.20(j);” and

- In the Notes to Table 10 to 50 CFR part 679, the following statement is restored under note 7 (Aggregated rockfish): “Catcher vessels using hook-and-line, pot, or jig gear are required to retain all rockfish. See § 679.20(j).”

In addition, after reviewing Table 10, NMFS determined that there are two minor additional errors that need to be corrected in Table 10:

- In Table 10 to 50 CFR part 679, amend note in header to read as: “for

DSR caught on catcher vessels in the SEO, see § 679.20 (j);” and

- In Table 10 to 50 CFR part 679, the reference to note 9 is removed from the “n/a” in the cell at the intersection of the Pacific cod basis species row and the Pacific cod incidental catch species column.

#### *Corrections to Table 11 to 50 CFR Part 679—BSAI Retainable Percentages*

Table 11 describes the MRA of groundfish in the BSAI when NMFS prohibits directed fishing of those species. This table was modified in a rule published on July 10, 2020 (85 FR 41427), which reclassified sculpins in the BSAI (Amendment 121) Groundfish FMP as EC category, non-target species. However, the implementing regulations unintentionally omitted footnotes from Table 11, which were added to Table 11 a few months prior in the final rule implementing Amendment 119 to the BSAI Groundfish FMP.

Amendment 119 was implemented in a rule published on February 20, 2020 (85 FR 9687) and required the full retention of rockfish that are caught by CVs using hook-and-line, pot, or jig gear. Since the majority of rockfish do not survive capture, this amendment was intended to decrease waste in the fishery. In addition, Amendment 119 was intended to improve identification of rockfish species by vessels using electronic monitoring, reduce overall enforcement burden, and promote consistency between State and Federal fisheries. This correcting amendment is therefore necessary to restore the footnotes in Table 11, as published in the final rule implementing Amendment 119. This correcting amendment makes the following corrections in Table 11:

- In Table 11 to 50 CFR part 679, a reference to footnote 9 is restored to the Shortraker/rougheye column header;
- In Table 11 to 50 CFR part 679, the following statement is restored to footnote 6: “Catcher vessels using hook-and-line, pot, or jig gear are required to retain all rockfish. See § 679.20(j); and
- In Table 11 to 50 CFR part 679, the following statement is restored to footnote 9: “Catcher vessels using hook-and-line, pot, or jig gear are required to retain all rockfish. See § 679.20(j).”

#### Classification

The NOAA Assistant Administrator (AA) for Fisheries finds there is good cause to waive the requirement to provide prior notice and opportunity for public comment on this action pursuant to the authority set forth at 5 U.S.C. 553(b)(B), as such requirement is unnecessary and contrary to the public interest. This correcting amendment