

analyses, identified by NOAA–NMFS–2021–0076, are available from <https://www.regulations.gov/search/docket?filter=NOAA-NMFS-2021-0076>, or from Sarah Malloy, Acting Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT:

Keith Kamikawa, NMFS PIR Office of Sustainable Fisheries, 808–725–5177.

SUPPLEMENTARY INFORMATION: In a final rule published on December 29, 2021, NMFS specified a 2022 limit of 2,000 t of longline-caught bigeye tuna for each of the U.S. Pacific Island territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (86 FR 73990). NMFS allows each territory to allocate up to 1,500 t of the 2,000 t limit to U.S. longline fishing vessels identified in a valid specified fishing agreement, but the overall allocation limit among all territories may not exceed 3,000 t.

On March 29, 2022, NMFS determined that the U.S. longline fishery exceeded by 196 t the 3,554 t 2021 U.S. bigeye tuna catch limit in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPO) as established in regulations at 50 CFR 300.224. Western and Central Pacific Fisheries Commission (WCPFC) Conservation and Management Measure (CMM) 2021–01, Paragraph 37, states that where the limit has been exceeded, any average of the limit shall be deducted from the catch limit for the following year. In accordance with U.S. obligations as a WCPFC member, NMFS must reduce the 2022 U.S. bigeye tuna limit by the amount of the overage of 196 t. NMFS has prepared a separate regulatory package that would revise the 2022 U.S. bigeye tuna limit to 3,358 t (87 FR 55768, September 12, 2022). Although the revised limit is not yet effective, NMFS is basing its decisions for attributing bigeye catch under valid specified fishing agreements with U.S. participating territories pursuant to 50 CFR 665.819(c)(9)(i) on this 3,358 t limit to ensure compliance with CMM 2021–01.

On June 24, 2022, the Western Pacific Fishery Management Council (Council), through its Executive Director, sent NMFS a specified fishing agreement between American Samoa and Hawaii Longline Association (HLA), dated May 12, 2021. Later that same day, the Council sent NMFS a specified fishing agreement between the CNMI and HLA, dated May 7, 2021. These agreements each include an allocation of 1,500 t of

bigeye tuna catch to U.S. vessels identified in the agreements for both 2021 and 2022. The 2022 agreement between American Samoa and HLA includes an amendment that provides an initial allocation of 1,300 t followed by a subsequent allocation, upon notification by HLA to American Samoa at a later date, of any unallocated portion of American Samoa's 1,500 t allocation limit. On July 20, 2022 and July 21, 2022, respectively, NMFS reviewed the American Samoa–HLA agreement and the CNMI–HLA agreement and determined that they are consistent with 50 CFR 665.819(c), the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific, the Magnuson-Stevens Fishery Conservation and Management Act, implementing regulations, and other applicable laws.

Pursuant to regulations at 50 CFR 665.819(c)(9)(i), NMFS began attributing bigeye tuna catches to American Samoa and the American Samoa–HLA agreement on August 25, 2022, 7 days before we projected the annual U.S. WCPO limit would be reached (87 FR 52704, August 29, 2022). We attributed catch first to the American Samoa limit and agreement because that agreement was received first from the Council for the year 2022.

Based on logbook data, we now forecast that the fishery will reach the American Samoa 1,300 t initial limit by November 28, 2022. In accordance with regulations at 50 CFR 665.819(c)(9)(ii), NMFS will begin attributing 2022 bigeye tuna catch to the CNMI and the CNMI–HLA agreement on November 21, 2022, 7 days prior to November 28, 2022.

If NMFS determines the fishery will reach the 1,500 t allocation limit for the CNMI–HLA agreement, we would restrict retention of bigeye tuna caught by vessels identified in the CNMI agreement. If at that time, HLA and American Samoa seek to resume attribution to American Samoa for up to the total of 1,500 t under their agreement, NMFS will determine if American Samoa's overall 2022 2,000 t limit can still accommodate any or all of that amount.

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

Dated: December 2, 2022.

Jennifer M. Wallace,

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. 220216–0049; RTID 0648–XC594]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from catcher vessels using trawl gear to catcher/processors using trawl gear and from vessels using jig gear to catcher vessels greater than or equal to 50 feet (15.2 meters (m)) length overall using hook-and-line gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to allow the 2022 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective December 6, 2022, through 2400 hours, Alaska local time (A.l.t.), December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management 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 2022 Pacific cod TAC specified for catcher vessels using trawl gear in the Central Regulatory Area of the GOA is 6,099 metric tons (mt), as established by the final 2022 and 2023 harvest specifications for groundfish in the GOA (87 FR 11599, March 2, 2022).

The 2022 Pacific cod TAC specified for catcher/processors using trawl gear in the Central Regulatory Area of the GOA is 616 mt, as established by the final 2022 and 2023 harvest specifications for groundfish in the GOA (87 FR 11599, March 2, 2022).

The 2022 Pacific cod TAC specified for vessels using jig gear in the Central Regulatory Area of the GOA is 148 mt, as established by the final 2022 and

2023 harvest specifications for groundfish in the GOA (87 FR 11599, March 2, 2022).

The 2022 Pacific cod TAC specified for catcher vessels greater than or equal to 50 feet (15.2 m) length overall using hook-and-line gear in the Central Regulatory Area of the GOA is 984 mt, as established by the final 2022 and 2023 harvest specifications for groundfish in the GOA (87 FR 11599, March 2, 2022).

The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that catcher vessels using trawl gear will not be able to harvest 400 mt of the 2022 Pacific cod TAC allocated to those vessels under § 679.20(a)(12)(i)(B)(4), and vessels using jig gear will not be able to harvest 35 mt of the 2022 Pacific cod TAC allocated to those vessels under § 679.20(a)(12)(i)(B).

Therefore, in accordance with § 679.20(a)(12)(ii)(B), NMFS apportions 400 mt of Pacific cod from catcher vessels using trawl gear to the annual amount specified for catcher/processors using trawl gear and 35 mt of Pacific

cod from vessels using jig gear to the annual amounts specified for catcher vessels greater than or equal to 50 feet (15.2 m) length overall using hook-and-line gear.

The harvest specifications for 2022 Pacific cod included in the final 2022 and 2023 harvest specifications for groundfish in the Central Regulatory Area of the GOA (87 FR 11599, March 2, 2022) is revised as follows: 5,699 mt to catcher vessels using trawl gear, 1,016 mt to catcher/processors using trawl gear, 113 mt to vessels using jig gear, and 1,019 mt to catcher vessels greater than or equal to 50 feet (15.2 m) length overall using hook-and-line gear.

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. This requirement is 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 originally specified apportionment of the Pacific cod TAC. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 1, 2022.

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: December 2, 2022.

Jennifer M. Wallace,

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

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