

or fishing for halibut using pot gear, is prohibited at all times in the area defined in Figure 10 to this part as the Pribilof Islands Habitat Conservation Zone.

\* \* \* \* \*

■ 10. In § 679.24, add paragraph (b)(1)(iv) to read as follows:

**§ 679.24 Gear limitations.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iv) While fishing for IFQ or CDQ halibut in the BSAI.

\* \* \* \* \*

■ 11. In § 679.25:

■ a. Revise paragraph (a)(1) introductory text;

■ b. Add paragraph (a)(1)(v); and

■ c. Revise paragraphs (a)(2)(i) introductory text and (a)(2)(iii)(C).

The additions and revisions read as follows:

**§ 679.25 Inseason adjustments.**

(a) \* \* \*

(1) *Types of adjustments.* Inseason adjustments for directed fishing for groundfish or fishing for IFQ or CDQ halibut issued by NMFS under this section include:

\* \* \* \* \*

(v) Inseason closures of an area, district, or portions thereof, of harvest of specified halibut fisheries.

(2) \* \* \*

(i) Any inseason adjustment taken under paragraph (a)(1)(i), (ii), (iii), or (iv) of this section must be based on a determination that such adjustments are necessary to prevent:

\* \* \* \* \*

(iii) \* \* \*

(C) Closure of a management area or portion thereof, or gear type, or season to all groundfish or halibut fishing; or

\* \* \* \* \*

■ 12. In § 679.28:

■ a. Remove and reserve paragraph (f)(4)(ii);

■ b. In paragraph (f)(6)(iv), remove “or”;

■ c. In paragraph (f)(6)(v), remove the period and add a semicolon in its place; and

■ d. Add paragraphs (f)(6)(vi) through (ix).

The revisions read as follows:

**§ 679.28 Equipment and operational requirements.**

\* \* \* \* \*

(f) \* \* \*

(6) \* \* \*

(vi) You operate an Amendment 80 catcher/processor (see § 679.5(s));

(vii) You are fishing for IFQ sablefish in the Bering Sea or Aleutian Islands (see § 679.42(k));

(viii) You are fishing for IFQ sablefish in the GOA using longline pot gear (see § 679.42(l)) or fishing for IFQ or CDQ halibut or CDQ sablefish in the BSAI using pot gear (see § 679.42(m)); or

(ix) You are required under the Crab Rationalization Program regulations at 50 CFR 680.23(d).

\* \* \* \* \*

■ 13. In § 679.42, revise paragraphs (b)(1)(i) and (k)(1) and (2) and add paragraph (m) to read as follows:

**§ 679.42 Limitations on use of QS and IFQ.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) *IFQ halibut.* IFQ halibut must not be harvested with trawl gear in any IFQ regulatory area.

\* \* \* \* \*

(k) \* \* \*

(1) *Bering Sea or Aleutian Islands.* Any vessel operator who fishes for IFQ sablefish in the Bering Sea or Aleutian Islands must possess a transmitting VMS transmitter while fishing for IFQ sablefish. The operator of the vessel must comply with VMS requirements at § 679.28(f)(3) through (5).

(2) *Gulf of Alaska.* A vessel operator using longline pot gear to fish for IFQ sablefish in the Gulf of Alaska must possess a transmitting VMS transmitter while fishing for sablefish. The operator of the vessel must comply with VMS requirements at § 679.28(f)(3) through (5).

\* \* \* \* \*

(m) *BSAI halibut and sablefish pot gear requirements.* Additional regulations that implement specific requirements for any vessel operator who fishes for IFQ or CDQ halibut or IFQ or CDQ sablefish in the BSAI using pot gear are set out under § 300.61 of this title and §§ 679.2, 679.5, 679.7, 679.20, 679.22, 679.24, 679.25, 679.28, 679.42, and 679.51.

(1) *Applicability.* Any vessel operator who fishes for IFQ or CDQ halibut or IFQ or CDQ sablefish with pot gear in the BSAI must comply with the requirements of paragraph (m) of this section. The IFQ regulatory areas in the BSAI include 4B, 4C, 4D, and 4E and the portion of Area 4A in the Bering Sea Aleutian Islands west of 170°00' W long.

(2) *General.* To use pot gear to fish for IFQ or CDQ halibut or IFQ or CDQ sablefish in the BSAI, a vessel operator must:

(i) Retain IFQ or CDQ halibut caught in pot gear if sufficient halibut IFQ or CDQ is held by persons on board the vessel as specified in paragraph (m)(3) of this section; and

(ii) Comply with other requirements as specified in paragraph (m)(4) of this section.

(3) *Retention of halibut.* A vessel operator who fishes for IFQ or CDQ halibut or IFQ or CDQ sablefish using pot gear must retain IFQ or CDQ halibut if:

(i) The IFQ or CDQ halibut is caught in any IFQ regulatory area in the BSAI in accordance with paragraph (m) of this section; and

(ii) An IFQ or CDQ permit holder on board the vessel has unused halibut IFQ or CDQ for the IFQ regulatory area fished and IFQ vessel category.

(4) *Other requirements.* A vessel operator who fishes for IFQ or CDQ halibut or IFQ or CDQ sablefish using pot gear in the BSAI must:

(i) Complete a longline and pot gear Daily Fishing Logbook (DFL) or Daily Cumulative Production Logbook (DCPL) as specified in § 679.5(c); and

(ii) Possess a transmitting VMS transmitter and comply with the VMS requirements at § 679.28(f)(3) through (5).

(iii) Report pot gear information required when submitting a PNOL as described in § 679.5.

**§ 679.51 [Amended]**

■ 14. In § 679.51(a)(1)(i) introductory text, remove the phrase “with hook-and-line gear”.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 180713633–9174–02; RTID 0648–XY061]

**Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod 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 reallocating the projected unused amount of Pacific cod total allowable catch (TAC) from trawl catcher vessels and American Fisheries Act (AFA) trawl catcher/processors to catcher vessels less than 60 feet (18.3 meters) length overall (LOA) using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management

area. This action is necessary to allow the 2019 TAC of Pacific cod to be harvested.

**DATES:** Effective January 7, 2020, through 2400 hours, Alaska local time (A.l.t.), December 31, 2020.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands (BSAI) according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 2019 Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI is 32,160 metric tons (mt) as established by the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019), and two reallocations (84 FR 43727, August 21, 2019 and 84 FR 59968, November 7, 2019).

The 2019 Pacific cod TAC specified for AFA trawl catcher/processors in the BSAI is 3,711 mt as established by the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019).

The 2019 Pacific cod TAC allocated to catcher vessels less than 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line or pot gear in the BSAI is 8,800 mt as established by the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000,

March 13, 2019) and three reallocations (84 FR 2068, February 6, 2019, 84 FR 43727, August 21, 2019, and 84 FR 59968, November 7, 2019).

The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that catcher vessels using trawl gear will not be able to harvest 470 mt of the 2019 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(9) and AFA trawl catcher/processors will not be able to harvest 530 mt of the 2019 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(7).

Therefore, in accordance with § 679.20(a)(7)(iii)(A), NMFS reallocates 470 mt from the trawl catcher vessel apportionment and 530 mt from AFA trawl catcher/processor allocation to the annual amount specified for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

The harvest specifications for Pacific cod included in final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019) and three reallocations (84 FR 2068, February 6, 2019, 84 FR 43727, August 21, 2019, 84 FR 59968, and November 7, 2019) are revised as follows: 31,690 mt to catcher vessels using trawl gear, 3,181 mt to AFA trawl catcher/processors, and 9,800 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment

pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is 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 delay the reallocations of Pacific cod to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. Since the fishery is currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 17, 2019.

The AA 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.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: December 20, 2019.

**Alan D. Risenhoover,**

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

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