

to waive the 30-day delay in effectiveness of this action.

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

Dated: April 1, 2021.

**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. 210217-0022]

RTID 0648-XA986

#### Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

**ACTION:** Temporary rule.

**SUMMARY:** NMFS is reallocating the projected unused amounts of the Community Development Quota (CDQ) and Aleut Corporation pollock directed fishing allowance (DFA) from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to

provide opportunity for harvest of the 2021 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI).

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), April 6, 2021 through 2400 hours, A.l.t., December 31, 2021.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone 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 (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens 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.

In the Aleutian Islands subarea, the portion of the 2021 pollock total allowable catch (TAC) allocated to CDQ groups is 1,900 mt and the Aleut Corporation DFA is 14,600 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

As of March 26, 2021, the Administrator, Alaska Region, NMFS,

(Regional Administrator) has determined that 1,900 mt of CDQ pollock and 12,600 mt of the Aleut Corporation pollock DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 1,900 mt of CDQ pollock and 12,600 mt of the Aleut Corporation pollock DFA from the Aleutian Islands subarea to the Bering Sea subarea. The 1,900 mt of 2021 Aleutian Islands CDQ pollock is added to the 2021 Bering Sea CDQ pollock. The 12,600 mt of 2021 Aleutian Islands Aleut Corporation pollock DFA is added to the 2021 Bering Sea pollock DFA. The 2021 Bering Sea subarea pollock incidental catch allowance remains at 49,500 mt. As a result, the 2021 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021) are revised as follows: 0 mt for AI CDQ pollock and 2,000 mt for the Aleut Corporation pollock DFA. Furthermore, pursuant to § 679.20(a)(5), Table 4 of the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021), is revised to make 2021 pollock allocations consistent with this reallocation. This reallocation results in an adjustment to the 2021 CDQ and Aleut Corporation pollock allocations established at § 679.20(a)(5).

TABLE 4—FINAL 2021 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>

[Amounts are in metric tons]

Area and sector	2021 Allocations	2021 A season <sup>1</sup>		2021 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bering Sea subarea TAC <sup>1</sup>	1,389,500	n/a	n/a	n/a
CDQ DFA	139,400	62,730	39,032	76,670
ICA <sup>1</sup>	49,500	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,200,600	540,270	336,168	660,330
AFA Inshore	600,300	270,135	168,084	330,165
AFA Catcher/Processors <sup>3</sup>	480,240	216,108	134,467	264,132
Catch by CPs	439,420	197,739	n/a	241,681
Catch by CVs <sup>3</sup>	40,820	18,369	n/a	22,451
Unlisted CP Limit <sup>4</sup>	2,401	1,081	n/a	1,321
AFA Motherships	120,060	54,027	33,617	66,033
Excessive Harvesting Limit <sup>5</sup>	210,105	n/a	n/a	n/a
Excessive Processing Limit <sup>6</sup>	360,180	n/a	n/a	n/a
Aleutian Islands subarea ABC	51,241	n/a	n/a	n/a
Aleutian Islands subarea TAC <sup>1</sup>	4,500	n/a	n/a	n/a
CDQ DFA			n/a	
ICA	2,500	1,250	n/a	1,250
Aleut Corporation	2,000	2,000	n/a	
Area harvest limit <sup>7</sup>	n/a	n/a	n/a	n/a
541	15,372	n/a	n/a	n/a
542	7,686	n/a	n/a	n/a
543	2,562	n/a	n/a	n/a

TABLE 4—FINAL 2021 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>—Continued

[Amounts are in metric tons]

Area and sector	2021 Allocations	2021 A season <sup>1</sup>		2021 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bogoslof District ICA <sup>8</sup>	250	n/a	n/a	n/a

<sup>1</sup> Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (4 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (CP)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) through (iii), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated up to 40 percent of the Aleutian Islands pollock ABC.

<sup>2</sup> In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before noon, April 1.

<sup>3</sup> Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the DFA allocated to listed CPs shall be available for harvest only by eligible catcher vessels with a CP endorsement delivering to listed CPs, unless there is a CP sector cooperative for the year.

<sup>4</sup> Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processor sector's allocation of pollock.

<sup>5</sup> Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

<sup>6</sup> Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

<sup>7</sup> Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

<sup>8</sup> Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

## 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 delay the reallocation of Aleutian Islands pollock. Since the pollock fishery opened January 20, 2021, it is important to immediately inform the industry as to the Bering Sea subarea CDQ pollock and the Bering Sea subarea Aleut Corporation pollock DFA. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest

increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 26, 2021.

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

Dated: April 1, 2021.

**Jennifer M. Wallace,**  
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Fisheries, National Marine Fisheries Service.  
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