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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111207737-2141-02]

RIN 0648-XC422

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2013 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 2013 total allowable catch (TAC) amounts for the Gulf of Alaska (GOA) pollock and Pacific cod fisheries. 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 amounts 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 1200 hrs, Alaska local time (A.l.t.), [INSERT DATE OF FILING IN THE FEDERAL REGISTER], until the effective date of the final 2013 and 2014 harvest specifications for GOA groundfish, unless otherwise modified or superseded through publication of a notification in the Federal Register.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., [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA-NMFS-2012-0252 by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0252](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0252), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
- Mail: Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.
- Fax: Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Fax comments to 907-586-7557.
- Hand delivery to the Federal Building: Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Deliver comments to 709 West 9<sup>th</sup> Street, Room 420A, Juneau, AK.

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 and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. 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.

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

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 2012 and 2013 harvest specifications for groundfish in the GOA (77 FR 15194, March 14, 2012) set the 2013 pollock TAC at 125,334 metric tons (mt) and the 2013 Pacific cod TAC at 68,250 mt in the GOA. In December 2012, the North Pacific Fishery Management Council (Council) recommended a 2013 pollock TAC of 121,046 mt for the GOA, which is less than the 125,334 mt established by the final 2012 and 2013 harvest specifications for groundfish in the GOA. The Council also recommended a 2013 Pacific cod TAC of 60,600 mt for the GOA, which is less than the 68,250 mt established by the final 2012 and 2013 harvest specifications for groundfish in the GOA. The Council’s recommended 2013 TACs, and the area and seasonal apportionments, are based on the Stock Assessment and Fishery Evaluation report (SAFE), dated November

2012, which NMFS has determined is the best available scientific information for these fisheries.

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 (ESA). Pollock and Pacific cod are a principal prey species for Steller sea lions in the GOA. The seasonal apportionment of pollock and Pacific cod harvest is 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. The regulations at § 679.20(a)(6)(ii) and § 679.20(a)(12)(i) specify how the Pacific cod TAC will be apportioned.

In accordance with § 679.25(a)(1)(iii) and (a)(2)(i)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that, based on the November 2012 SAFE report 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 2013 GOA pollock TAC to 121,046 mt and the 2013 GOA Pacific cod TAC to 60,600 mt. Therefore, Table 2 of the final 2012 and 2013 harvest specifications for groundfish in the GOA (77 FR 15194, March 14, 2012) is revised consistent with this adjustment.

Pursuant to § 679.20(a)(5)(iv), Table 4 of the final 2012 and 2013 harvest specifications for groundfish in the GOA (77 FR 15194, March 14, 2012) is revised for the 2013 TACs of pollock in the Central and Western Regulatory Area of the GOA.

Table 4—Final 2013 Distribution of Pollock in the Central and Western Regulatory Areas of the GOA; Seasonal Biomass Distribution, Area Apportionments; and Seasonal Allowances of Annual TAC (Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01)

Season <sup>1</sup>	Shumagin (Area 610)		Chirikof (Area 620)		Kodiak (Area 630)		Total <sup>2</sup>
A (Jan 20-Mar 10)	4,292	(16.06%)	16,433	(61.50%)	5,998	(22.45%)	26,722
B (Mar 10-May 31)	4,292	(16.06%)	19,811	(74.14%)	2,618	(9.80%)	26,722
C (Aug 25-Oct 1)	9,744	(36.47%)	7,600	(28.44%)	9,378	(35.10%)	26,722
D (Oct 1-Nov 1)	9,744	(36.47%)	7,600	(28.44%)	9,378	(35.10%)	26,722
Annual Total	28,072		51,444		27,372		106,887

<sup>1</sup> As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>2</sup> The WYK and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Note: Seasonal allowances may not total precisely to annual TAC total due to rounding down, rather than up).

Pursuant to § 679.20(a)(6)(ii) and § 679.20(a)(12)(i), Table 6 of the final 2012 and 2013 harvest specifications for groundfish in the GOA (77 FR 15194, March 14, 2012) is revised for the 2013 seasonal apportionments and allocation of Pacific cod TAC in the GOA consistent with this adjustment.

The proposed 2013 and 2014 harvest specifications for groundfish of the GOA were published in the Federal Register on December 5, 2012 (77 FR 72297). In accordance with the FMP, the annual jig sector allocations may increase to up to 6 percent of the annual Western and Central GOA Pacific cod TACs depending on the annual performance of the jig sector. NMFS has proposed increasing the jig sector's Pacific cod allocation in the Western GOA to 2.5 percent of the annual Pacific cod TAC. This includes a base allocation of 1.5 percent and an additional 1.0 percent because this sector harvested greater than 90 percent of its initial 2012 allocation in the Western GOA. NMFS also has proposed increasing the jig sector's Pacific cod allocation in the Central GOA to 2.0 percent of the annual Pacific cod TAC. This includes a base allocation of 1.0 percent and an additional 1.0 percent because this sector harvested greater than 90 percent of its initial 2012 allocation in the Central GOA. Therefore, as described in the proposed 2013 and 2014 harvest specifications for the GOA (December 5, 2012, 77 FR 72297), the final 2013 and 2014 Pacific cod sector allocations may be adjusted to incorporate the increased allocation to the jig sector. The proposed increased percentage allocations to the jig sectors in the Western and Central GOA are not included in the following table.

Table 6—Final 2013 Seasonal Apportionments and Allocation of Pacific Cod Total Allowable Catch Amounts in the GOA; Allocations for the Western GOA and Central GOA Sectors and the Eastern GOA Inshore and Offshore Processing Components  
(Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount)

Regulatory Area and Sector	Annual Allocation (mt)	A Season		B Season	
		Sector % of Annual Non-Jig TAC	Seasonal Allowances (mt)	Sector % of Annual Non-Jig TAC	Seasonal Allowances (mt)
Western GOA					
Jig (1.5 % of TAC)	318	N/A	191	N/A	127
Hook-and-line CV	292	0.70	146	0.70	146
Hook-and-line C/P	4,137	10.90	2,277	8.90	1,859
Trawl CV	8,022	27.70	5,787	10.70	2,235
Trawl C/P	501	0.90	188	1.50	313
All Pot CV and Pot C/P	7,939	19.80	4,137	18.20	3,802
Total	21,210	60.00	12,726	40.00	8,484
Central GOA					
Jig (1.0% of TAC)	370	N/A	443	N/A	148
Hook-and-line < 50 CV	5,344	9.32	3,375	5.29	1,935
Hook-and-line ≥ 50 CV	2,454	5.61	2,032	1.10	402
Hook-and-line C/P	1,868	4.11	1,488	1.00	365
Trawl CV	15,218	21.14	7,657	20.45	7,484
Trawl C/P	1,536	2.00	726	2.19	803
All Pot CV and Pot C/P	10,176	17.83	6,459	9.97	3,651
Total	36,966	60.00	22,180	40.00	14,786
Eastern GOA		Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	
	2,424		2,182		242

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

## 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 allow for harvests that exceed the appropriate allocations for 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 27, 2012, and additional time for prior public comment would result in conservation concerns for the ESA-listed Steller sea lions.

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.

Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].



This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: December 28, 2012

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Lindsay Fullenkamp,  
Acting Deputy Director,  
Office of Sustainable Fisheries,  
National Marine Fisheries Service.

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