

on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined “unmitigable adverse impact” in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Subsistence activities in Unalaska have historically included the harvest of pinnipeds and sea otters. However, subsistence harvests of marine mammals declined between 1994 and 2008 (the last year for which data are available) (ADF&G 2022). Additionally, a ban on firearm discharge within the city limits of the City of Unalaska means that current subsistence harvesting typically occurs from skiffs in areas outside of Dutch Harbor and Iliuliuk Bay, including Wide Bay, Kalekta Bay, Bishop Point, Wislow Island, and Beaver Inlet. The planned activity would not impact these areas.

Any impacts to marine mammals from the planned activity are likely to be short-term and temporary, and limited to the area around the blasting site. While a limited number of individuals may experience PTS, there are no expected impacts to the availability of marine mammals for subsistence uses due to the blasting activity.

Based on the description of the specified activity, and the mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from USACE’s construction activities.

### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with NMFS Alaska Regional Office.

There are two marine mammal species (western DPS Steller sea lion and humpback whale (Mexico and Western North Pacific DPSs)) with confirmed occurrence in the project area that are listed as endangered under the ESA. The NMFS Alaska Regional Office Protected Resources Division issued a Biological Opinion on November 16, 2023 under section 7 of the ESA, on the issuance of an IHA to USACE under section 101(a)(5)(D) of the MMPA by the NMFS Permits and Conservation Division. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of Western DPS Steller sea lions or humpback whales from either the Mexico or Western North Pacific DPSs, and is not likely to destroy or adversely modify humpback whale critical habitat.

### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

### Authorization

As a result of these determinations, NMFS has issued an IHA to the USACE for conducting confined blasting in Iliuliuk Bay, Unalaska between January 1, 2024 and December 31, 2024, incorporating the previously mentioned mitigation, monitoring, and reporting requirements. The IHA can be found at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-us-army-corps-engineers-unalaska-dutch-harbor-channel>.

Dated: November 20, 2023.

**Kimberly Damon-Randall,**  
Director, Office of Protected Resources,  
National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XD512]

### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Cost Recovery Fee Notice for the Western Alaska Community Development Quota and Trawl Limited Access Privilege Programs

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

**ACTION:** Notice of standard prices and fee percentage.

**SUMMARY:** NMFS publishes standard prices and fee percentages for cost recovery for the Amendment 80 Program, the American Fisheries Act (AFA) Program, the Aleutian Islands Pollock (AIP) Program, and the Western Alaska Community Development Quota (CDQ) Program in the Bering Sea Aleutian Islands (BSAI) management area. The fee percentages for 2023 are 1.37 percent for the Amendment 80 Program, 0.26 percent for the AFA inshore cooperatives, 0 percent for the AIP program, and 1.07 percent for the CDQ Program. This notice is intended to provide the 2023 standard prices and fee percentages to calculate the required payment for cost recovery fees due by December 31, 2023.

**DATES:** The standard prices and fee percentages are valid on November 24, 2023.

**FOR FURTHER INFORMATION CONTACT:** Charmaine Weeks, Fee Coordinator, 907–586–7231.

### SUPPLEMENTARY INFORMATION:

#### Background

Section 304(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes and requires that NMFS collect cost recovery fees for limited access privilege programs and the CDQ Program. Cost recovery fees include NMFS’ actual costs directly related to its management, data collection, and enforcement of the programs. Section 304(d) of the Magnuson-Stevens Act mandates that cost recovery fees not exceed 3 percent of the annual ex-vessel value of fish harvested under any program subject to a cost recovery fee and that the fee be collected either at the time of landing, filing of a landing report, or sale of such fish during a fishing season or in the last quarter of

the calendar year in which the fish is harvested.

NMFS manages the Amendment 80 Program, AFA Program, and AIP Program as limited access privilege programs. On January 5, 2016, NMFS published a final rule to implement cost recovery for these three limited access privilege programs and the CDQ program (81 FR 150). The designated representative (for the purposes of cost recovery) for each program is responsible for submitting the fee payment to NMFS on or before December 31 of the year in which the landings were made. The total dollar amount of the fee due is determined by multiplying the NMFS published fee

percentage by the ex-vessel value of all landings under the program made during the fishing year. NMFS publishes this notice of the fee percentages for the Amendment 80, AFA, AIP, and CDQ programs in the **Federal Register** by December 1 each year.

#### Standard Prices

The fee liability is based on the ex-vessel value of fish harvested in each program. For purposes of calculating cost recovery fees, NMFS uses a standard ex-vessel price (standard price) for each species. A standard price is determined using information on landings purchased (volume) and ex-vessel value paid (value). For most

groundfish species, NMFS annually summarizes volume and value information for landings of all fishery species subject to cost recovery to estimate a standard price for each species. The standard prices are described in U.S. dollars per pound for landings made during the year. The standard prices for all species in the Amendment 80, AFA, AIP, and CDQ programs are provided in Table 1. Each landing made under each program is multiplied by the appropriate standard price to arrive at an ex-vessel value for each landing. These values are summed together to arrive at the ex-vessel value of each program (fishery value).

TABLE 1—STANDARD EX-VESSEL PRICES BY SPECIES FOR THE 2023 FISHING YEAR

Species	Gear type	Reporting period	Standard ex-vessel price per pound (\$)
Arrowtooth flounder .....	All .....	January to December .....	0.24
Atka mackerel .....	All .....	January to December .....	0.24
Flathead sole .....	All .....	January to December .....	0.18
Greenland turbot .....	All .....	January to December .....	0.62
CDQ halibut .....	Fixed gear .....	January to December .....	5.25
Pacific cod .....	Fixed gear .....	January to December .....	0.53
	Trawl gear .....	January to December .....	0.42
Pacific ocean perch .....	All .....	January to December .....	0.18
Pollock .....	All .....	January to December .....	0.20
Rock sole .....	All .....	January to March .....	0.23
	All .....	April to December .....	0.19
Sablefish .....	Fixed gear .....	January to December .....	1.38
	Trawl gear .....	January to December .....	0.56
Yellowfin sole .....	All .....	January to December .....	0.18

#### Fee Percentage

Annually, NMFS calculates the applicable fee percentage for each of the four programs according to the factors and methods described at 50 CFR 679 under §§ 679.33(c)(2) for CDQ, 679.66(c)(2) for AFA, 679.67(c)(2) for AIP, and 679.95(c)(2) for Amendment 80. NMFS determines the fee percentage that applies to landings made during the year by dividing the total costs directly related to the management, data collection, and enforcement of each program (direct program costs) during the year by the fishery value. NMFS captures direct program costs through an established accounting system that allows staff to track labor, travel, contracts, rent, and procurement costs. For 2023, the direct program costs for each program were tracked from October 1, 2022 to September 30, 2023 (the end of the fiscal year). The 2023 fee percentages for the Amendment 80 and CDQ Programs are more than the fee percentages calculated for them in 2022. The 2023 fee percentage for the AFA

Program is less than the fee percentage calculated for it in 2022. The 2023 percentage for the AIP Program is zero because there was no AIP fishery in 2023, thus no associated harvest.

NMFS will provide an annual report that summarizes direct program costs for each of the programs in early 2024. NMFS calculates the values for each fishery as described earlier under the Standard Prices section of this notice.

#### *Amendment 80 Program Standard Prices and Fee Percentage*

The Amendment 80 Program allocates total allowable catches (TACs) of groundfish species, other than Bering Sea pollock, to identified trawl catcher/processors fishing in the BSAI. The Amendment 80 Program allocates a portion of the BSAI TACs of six species: Atka mackerel, Pacific cod, flathead sole, rock sole, yellowfin sole, and Aleutian Islands Pacific ocean perch. In recent years, participants in the Amendment 80 sector have established a cooperative to harvest these allocations. Each Amendment 80

cooperative is responsible for payment of the cost recovery fee for fish landed under the Amendment 80 Program. Cost recovery requirements for the Amendment 80 Program are at § 679.95.

For Amendment 80 species other than rock sole, NMFS annually summarizes volume and value information for landings of all fishery species subject to cost recovery in order to estimate a standard price for each fishery species. Regulations specify that for rock sole, NMFS shall calculate a separate standard price for two periods, January 1 through March 31 and April 1 through October 31, which has historically accounted for a substantial difference in estimated rock sole prices during the first quarter of the year relative to the remainder of the year. The volume and value information are obtained from the First Wholesale Volume and Value Report submitted by catcher/processors that harvested Amendment 80 or CDQ species, and the Pacific Cod Ex-Vessel Volume and Value Report submitted by shoreside processors and motherships

that processed landings of BSAI or CDQ Pacific cod.

Using the fee percentage formula described generally above, the estimated percentage of direct program costs to fishery value for the 2023 calendar year is 1.37 percent for the Amendment 80 Program. For 2023, NMFS applied the fee percentage to each Amendment 80 species landing that was debited from an Amendment 80 cooperative quota allocation between January 1 and December 31 to calculate the Amendment 80 fee liability for each Amendment 80 cooperative. The 2023 fee payments must be submitted to NMFS on or before December 31, 2023. Payment must be made in accordance with the payment methods set forth in § 679.95(a)(3)(iv).

#### *AFA Standard Price and Fee Percentages*

The AFA Program allocates the Bering Sea directed pollock fishery TAC to three sectors: catcher/processor, mothership, and inshore. Each sector has established cooperatives to harvest the sector's exclusive allocation. In 2023, each cooperative for the inshore sector is responsible for paying the fee for Bering Sea pollock landed under the AFA Program. Cost recovery requirements for the AFA sectors are found at § 679.66.

NMFS calculates the standard price for pollock using the most recent annual value information reported to the Alaska Department of Fish and Game for the Commercial Operator's Annual Report and compiled in the Alaska Commercial Fisheries Entry Commission Gross Earnings data. Due to the time required to compile the data, there is a 1-year delay between the gross earnings data year and the fishing year to which it is applied. For example, NMFS used 2022 gross earnings data to calculate the standard price for 2023 pollock landings.

Under the fee percentage formula described above, the estimated percentage of direct program costs to fishery value for the 2023 calendar year is 0.26 percent for the AFA inshore sector. To calculate the 2023 fee liabilities, NMFS applied the respective fee percentages to the landings of Bering Sea pollock debited from each cooperative's fishery allocation that occurred between January 1 and December 31. The 2023 fee payments must be submitted to NMFS on or before December 31, 2023. Payment must be made in accordance with the payment methods set forth in § 679.66(a)(4)(iv).

#### *AIP Program Standard Price and Fee Percentage*

The AIP Program allocates the Aleutian Islands directed pollock fishery TAC to the Aleut Corporation, consistent with the Consolidated Appropriations Act of 2004 (Pub. L. 108–109) and implementing regulations. Annually, prior to the start of the pollock season, the Aleut Corporation provides NMFS with the identity of its designated representative for harvesting the Aleutian Islands directed pollock fishery TAC. The same individual is responsible for the submission of all cost recovery fees for pollock landed under the AIP Program. Cost recovery requirements for the AIP Program are at § 679.67.

NMFS calculates the standard price for pollock using the most recent annual value information reported to the Alaska Department of Fish and Game for the Commercial Operator's Annual Report and compiled in the Alaska Commercial Fisheries Entry Commission Gross Earnings data for Aleutian Islands pollock. As explained above, due to the time required to compile the data, there is a 1-year delay between the gross earnings data year and the fishing year to which it is applied.

For the 2023 fishing year, the Aleut Corporation did not select any participants to harvest or process the Aleutian Islands directed pollock fishery TAC, and most of that TAC was reallocated to the Bering Sea directed pollock fishery TAC. Since there was no fishery for the AIP Program in 2023, the fee percentage is zero.

#### *CDQ Standard Price and Fee Percentage*

The CDQ Program was implemented in 1992 to provide access to BSAI fishery resources to villages located in Western Alaska. Section 305(i) of the Magnuson-Stevens Act identifies 65 villages eligible to participate in the CDQ Program and the six CDQ groups to represent these villages. CDQ groups receive exclusive harvesting privileges of the TACs for a broad range of crab species, groundfish species, and halibut. NMFS implemented a CDQ cost recovery program for the BSAI crab fisheries in 2005 (70 FR 10174, March 2, 2005) and published the cost recovery fee percentage for the 2022/2023 crab fishing year on August 3, 2023 (88 FR 51301). This notice provides the cost recovery fee percentage for the CDQ Program with respect to groundfish and halibut. Each CDQ group is subject to cost recovery fee requirements and the designated representative of each CDQ group is responsible for submitting payment for their CDQ group. Cost

recovery requirements for the CDQ Program are at § 679.33.

For most CDQ groundfish species, NMFS annually summarizes volume and value information for landings of all fishery species subject to cost recovery in order to estimate a standard price for each fishery species. The volume and value information are obtained from the First Wholesale Volume and Value Report and the Pacific Cod Ex-Vessel Volume and Value Report. For CDQ halibut and fixed-gear sablefish, NMFS calculates the standard prices using information from the Individual Fishing Quota (IFQ) Ex-Vessel Volume and Value Report, which collects information on both IFQ and CDQ volume and value.

Using the fee percentage formula described above, the estimated percentage of direct program costs to fishery value for the 2023 calendar year is 1.07 percent for the CDQ Program. For 2023, NMFS applied the calculated CDQ fee percentage to all CDQ groundfish and halibut landings made between January 1 and December 31 to calculate the CDQ fee liability for each CDQ group. The 2023 fee payments must be submitted to NMFS on or before December 31, 2023. Payment must be made in accordance with the payment methods set forth in § 679.33(a)(3)(iv).

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

Dated: November 20, 2023.

**Kelly Denit,**

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

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

[RTID 0648–XD553]

### **Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting**

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The Mid-Atlantic and New England Fishery Management Councils (Councils) will hold a public meeting of their joint Northeast Trawl Advisory Panel (NTAP).

**DATES:** The meeting will be held on Thursday, December 14, 2023, from 12 p.m. to 2 p.m. EDT. For agenda details, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The meeting will be held via webinar. Connection information