

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

Dated: November 13, 2023.

Kelly Denit,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[RTID 0648-XC971]

Fisheries Off West Coast States; West Coast Groundfish Fisheries; Amendment 31 to the Pacific Coast Groundfish Fishery Management Plan

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

ACTION: Notice of agency decision.

SUMMARY: NMFS announces the approval of Amendment 31 to the Pacific Fishery Management Council's (Council) Pacific Coast Groundfish Fishery Management Plan (FMP). Amendment 31 defines stocks that are in need of conservation and management, consistent with the provisions and guidelines of the Magnuson-Stevens Fishery Conservation and Management Act. Amendment 31 defines stocks for 14 species within the fishery management unit. These species were prioritized because they had stock assessments in 2021 or 2023. Amendment 31 is necessary for NMFS to make stock status determinations, which in turn will help prevent overfishing, rebuild overfished stocks, and achieve optimum yield. Amendment 31 is administrative in nature and does not change harvest levels or timing and location of fishing, nor does it revise the goals and objectives or the management frameworks of the Pacific Coast Groundfish Fishery Management Plan. **DATES:** The amendment was approved on November 8, 2023.

ADDRESSES: The amended FMP is available on the Council's website (<https://www.pcouncil.org>), as is the final supporting analysis.

FOR FURTHER INFORMATION CONTACT: Gretchen Hanshew (206) 526-6147, email at gretchen.hanshew@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) seaward of Washington, Oregon, and California

under the Pacific Coast Groundfish fishery management plan (FMP). The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that each regional fishery management council submit any FMP or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce (Secretary). The MSA also requires that NMFS, upon receiving an FMP or amendment, immediately publish a notice that the FMP or amendment is available for public review and comment.

The Notice of Availability (NOA) for Amendment 31 was published in the **Federal Register** on August 23, 2023 (88 FR 57400), with a 60-day comment period that ended on October 22, 2023. NMFS received three comments during the public comment period on the NOA, all in support of Amendment 31. NMFS' authority for this action is limited by the MSA to approval, disapproval, or partial approval of the amendment submitted by the Council. NMFS summarized and responded to these comments under Comments and Responses, below.

NMFS determined that Amendment 31 is consistent with the MSA and other applicable laws, and the Secretary of Commerce approved Amendment 31 on November 8, 2023. The August 23, 2023 NOA (88 FR 57400) contains additional information on this action. Amendment 31 is administrative in nature and has no implementing regulations; no changes to existing Federal regulations are necessary and none were proposed.

The Council recommended stock definitions for 14 species of Pacific Coast groundfish after NMFS was unable to make stock status determinations in 2021. NMFS was unable to make stock status determinations because the "stocks" for which the Council was expecting status determinations did not exist in the FMP. Currently, the FMP has a list of 80+ species to which it pertains, and does not describe whether each species is a single stock within the fishery management unit or if it is multiple (e.g., regional) stocks. The Council prioritized a sub-set of species for stock identification in Amendment 31. These species are black, canary, copper, quillback, squarespot, vermilion, and vermilion/sunset rockfishes; Dover, petrale, and rex soles; lingcod, Pacific spiny dogfish, sablefish, and shortspine thornyhead. These species were prioritized because they were subject to stock assessments in 2021 or were subject to stock assessments in 2023. The Council considered some of the biological, socioeconomic, and fishery management trade-offs that might be

expected from implementation of future management actions based on the alternative stock definitions. The Council recommended Amendment 31 at its June 20-27, 2023 meeting. Amendment 31 was transmitted to NMFS by the Council on August 14, 2023. A detailed description of Amendment 31 is included in the NOA (88 FR 57400, August 23, 2023).

Comments and Responses

NMFS received two comment letters with three comments during the 60-day public comment period on the NOA. The comments were all in favor of NMFS' approval of the amendment and included some specific rationale. The comments and NMFS's responses are presented below.

Comment 1: One commenter endorses Amendment 31 because it aims to reduce overfishing and rebuild stocks back to sustainable levels, which will help prevent food chain and food web imbalances.

Response: NMFS agrees that defining stocks with Amendment 31 will aid in preventing overfishing and rebuilding overfished stocks and that this may, in turn, also provide ecosystem benefits.

Comment 2: One commenter urges approval and effective implementation of Amendment 31 to prevent overfishing which would in turn increase marine ecosystems' resiliency to climate change stressors.

Response: NMFS agrees that Amendment 31 will lead to future management decisions that improve the long-term sustainability of the managed fisheries, which may improve resilience of marine ecosystems to non-fishing climate stressors. Effective implementation of stock definitions in Amendment 31 will come in future biennial harvest specifications and management measures actions, where the best scientific information will be used to inform management of the defined stocks within the context of the FMP and the mixed stock fishery.

Comment 3: One commenter expressed that Amendment 31 is warranted because the species that are the subject of Amendment 31 have already been verified as overfished stocks by governmental and nongovernmental organizations.

Response: NMFS agrees that the Amendment 31 stock definitions for the subject species are based on the best scientific information available, and that stocks are the unit at which NMFS may determine whether an overfished status is warranted. NMFS notes that the determination whether or not a stock is overfished is the sole responsibility of NMFS, based on best scientific

information available and the stocks' status determination criteria that are defined in the FMP.

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

Dated: November 9, 2023.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 230224-0053]

RTID 0648-XD210

Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" in the Western and Central Regulatory Areas of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of "other" rockfish in the Western and Central Regulatory Areas of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2023 total allowable catch of "other" rockfish in the Western and Central Regulatory Areas of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), November 13, 2023, through 2400 hours, A.l.t., December 31, 2023.

FOR FURTHER INFORMATION CONTACT:

Obren Davis, 907-586-7241.

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 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 parts 600 and 679.

The 2023 total allowable catch (TAC) of "other rockfish" in the Western and Central Regulatory Areas of the GOA is 940 metric tons (mt) as established by the final 2023 and 2024 harvest specifications for groundfish of the GOA (88 FR 13238, March 2, 2023).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2023 "other rockfish" TAC in the Western and Central Regulatory Areas of the GOA will soon be reached. Therefore, NMFS is requiring that "other rockfish" in the Western and Central Regulatory Areas of the GOA be treated as prohibited species in accordance with § 679.21(a), except "other rockfish" species in the Western and Central Regulatory Areas of the GOA caught by catcher vessels using hook-and-line, pot, or jig gear as described in § 679.20(j).

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 prohibiting retention of "other rockfish" in the Western and Central Regulatory Areas of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 9, 2023.

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: November 13, 2023.

Kelly Denit,

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

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