

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 141219999-5432-02]

RIN 0648-BE74

**Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures for the 2015 Tribal and Non-Tribal Fisheries for Pacific Whiting**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule for the 2015 Pacific whiting fishery under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP), the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and the Pacific Whiting Act of 2006. This final rule announces the 2015 U.S. Total Allowable Catch (TAC) of 325,072 metric tons, establishes the tribal allocation of 56,888 metric tons of Pacific whiting for 2015, authorizes NMFS to reapportion unused tribal allocation to the non-tribal sectors earlier in the fishing season, establishes a set-aside for research and bycatch of 1,500 metric tons, and announces the allocations of Pacific whiting to the non-tribal fishery for 2015. This rule will ensure that the 2015 Pacific whiting fishery is managed in accordance with the goals and objectives of the Magnuson-Stevens Act, the FMP, the Pacific Whiting Act of 2006, and other applicable laws.

**DATES:** Effective May 14, 2015.

**FOR FURTHER INFORMATION CONTACT:** Miako Ushio (West Coast Region, NMFS), phone: 206-526-4644, and email: [Miako.Ushio@noaa.gov](mailto:Miako.Ushio@noaa.gov).

**SUPPLEMENTARY INFORMATION:****Electronic Access**

This final rule is accessible via the Internet at the Office of the Federal Register Web site at <https://www.federalregister.gov>. Background information and documents are available at the NMFS West Coast Region Web site at [http://www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific\\_whiting.html](http://www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific_whiting.html) and at the Pacific Fishery

Management Council's Web site at <http://www.pcouncil.org/>.

The final environmental impact statement (FEIS) regarding Harvest Specifications and Management Measures for 2015-2016 and Biennial Periods Thereafter is available on the NOAA Fisheries West Coast Region Web site at:

[www.westcoast.fisheries.noaa.gov/publications/nepa/groundfish/groundfish\\_nepa\\_documents.html](http://www.westcoast.fisheries.noaa.gov/publications/nepa/groundfish/groundfish_nepa_documents.html) and copies are available from Donald McIsaac, Executive Director, Pacific Fishery Management Council (Council), 7700 NE Ambassador Place, Portland, OR 97220, phone: 503-820-2280.

**Background**

This final rule announces the TAC for Pacific whiting, expressed in metric tons (mt). This is the fourth year that the TAC for Pacific whiting has been determined under the terms of the Agreement with Canada on Pacific Hake/Whiting (the Agreement) and the Pacific Whiting Act of 2006 (the Whiting Act), 16 U.S.C. 7001-7010. The Agreement and the Whiting Act establish bilateral bodies to implement the terms of the Agreement, each with various responsibilities, including: The Joint Management Committee (JMC), which is the decision-making body; the Joint Technical Committee (JTC), which conducts the stock assessment; the Scientific Review Group (SRG), which reviews the stock assessment; and the Advisory Panel (AP), which provides stakeholder input to the JMC (The Agreement, Art. II-IV; 16 U.S.C. 7001-7005). The Agreement establishes a default harvest policy (F-40 percent with a 40/10 adjustment) and allocates 73.88 percent of the TAC to the United States and 26.12 percent of the TAC to Canada. The JMC is primarily responsible for developing a TAC recommendation to the Parties (United States and Canada). The Secretary of Commerce, in consultation with the Secretary of State, has the authority to accept or reject this recommendation.

*2015 Pacific Whiting Stock Assessment*

The JTC prepared the stock assessment document "Status of Pacific hake (whiting) stock in U.S. and Canadian waters in 2015," which was completed on March 4, 2015. The assessment presents a model that depends primarily upon 10 years of an acoustic survey biomass index and catches for information on the scale of the current Pacific whiting stock. No survey was conducted in 2014. Therefore the most recent survey information remains the survey conducted in 2013, which resulted in a

survey biomass estimate of approximately 2.4 million tons. The stock is estimated to be near its highest biomass level since the early 1990s as a result of an above average 2008 cohort and a very large 2010 cohort. Recruitment in 2011 is estimated to have been below average. Cohorts from the years 2012-2014 have not been observed long enough to estimate their size or even if they are likely to be above or below average. The spawning biomass in 2015 is estimated to have declined from 2014 due to fishing and natural mortality of the 2008 and 2010 cohorts which are now fully mature and no longer growing as rapidly as in previous years. The median of the estimated 2015 spawning biomass is over 70 percent of unfished equilibrium biomass, but is highly uncertain (with 95 percent confidence intervals from 34 percent to 150 percent).

As with past estimates, there is a high level of uncertainty. However, both age-composition data from the aggregated fisheries (1975-2014) and the acoustic survey indicate a strong 2008 cohort (age-6 whiting), and an exceptionally strong 2010 cohort (age-4 whiting) contributing to recent increases in the survey index. Coast-wide catches in recent years have depended on the 2008 and 2010 year-classes, with the 2008 cohort being 70 percent of the 2011 catch and 33 percent of the 2012 catch, while the 2010 cohort accounted for 40 percent of the 2012 catch, 70 percent of the 2013 catch, and 64 percent of the 2014 catch. This is despite the fact that catches in Canada have had relatively small proportions of these two cohorts.

The JTC provided tables showing catch alternatives for 2015. Using the default F-40 percent harvest rate identified in the Agreement (Paragraph 1 of Article III), the coastwide TAC for 2015 would be 804,576 mt. The stock assessment model predicts that the probability of the spawning stock biomass dropping below 40 percent under the default harvest rate catch scenario, is 21 percent, and the probability of dropping below 10 percent of unfished biomass in 2015 is less than 1 percent. Spawning biomass in 2016 is likely to be less than in 2015 under any catch level. This is because the dominant 2010 cohort is projected to lose biomass due to natural mortality occurring at a faster rate than biomass will increase due to growth. Until cohorts are five or six years old, the model's ability to resolve cohort strength is poor. For many of the recent above average cohorts (2005, 2006, and 2008), the size of the year class was overestimated when it was age two, compared to updated estimates as the

cohort aged and more observations have been made in the fishery and survey. Given this trend and an uncertain 2010 year class, additional forecast decision tables were presented last year and a conservative estimate of the 2010 year class (the lowest 10 percent of the model-estimated recruitment) was used to set the 2014 coastwide TAC. Survey and fishery dependent data from 2013 indicate a strong likelihood that the 2010 year class is of above average size, but there is still some uncertainty about how much above average.

The SRG met in Vancouver, B.C., on February 24–27, 2015, to review the draft stock assessment document prepared by the JTC. The SRG noted that there was no acoustic survey in 2014 and that the 2015 assessment base model has the same structure as the 2014 model, with the addition of new catch and age composition data for 2014 and minor refinements to catch estimates for earlier years in the time series. They also noted that uncertainty in current stock status and projections is likely underestimated.

The SRG noted that the 2013 survey biomass estimate (age 2+) in the base assessment model included biomass extrapolated outside the surveyed area as approximately 32 percent of its total, much greater than the 12 percent in the 2012 survey estimate. Sensitivity analyses conducted by the survey team showed that the 2013 survey biomass estimate was highly sensitive to changes in the area of extrapolation. Therefore, the SRG requested the inclusion of additional analysis results in which the extrapolated biomass in the 2012 and 2013 surveys was removed. The SRG believed that the two analyses (the base model and the alternative analysis with 2012 and 2013 extrapolated biomass removed) likely bracketed the range of uncertainty due to extrapolation. Applying the default harvest rate to the sensitivity analysis with zero extrapolated biomass would bring the coastwide catch down from 804,576 mt to 628,361 mt.

The base assessment model forecasts that catches of 730,000 mt in 2015 and 650,000 mt in 2016 could be achievable when fishing at the F<sub>40</sub> target fishing intensity, with an equal probability of being above or below the target fishing intensity. In contrast, the sensitivity analysis recommended by the SRG using un-extrapolated 2012 and 2013 survey index values forecasts that slightly lower catches of 580,000 mt in 2015 and 520,000 mt in 2016 may be achievable when fishing at the same F<sub>40</sub> target. The 2015 median stock biomass estimate is well above the B<sub>40</sub> (target) biomass threshold, and fishing

intensity is well below the F<sub>40</sub> target, in both the base and alternative models. The SRG concluded that the coastal Pacific whiting stock is not overfished and that overfishing is not occurring in either scenario.

The AP met on March 17, 2015, and recommended a 2015 TAC to the JMC on March 18, 2015. At its March 18–19, 2015, meeting, the JMC reviewed the advice of the JTC, the SRG, and the AP, and agreed on a TAC recommendation for transmittal to the Parties. Paragraph 1 of Article III of the Agreement directs the default harvest rate to be used unless scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource. The JMC noted that there is still some uncertainty about the strength of the 2010 year class, acknowledged the overall stock is dominated by the 2010 year class, and that there is currently no evidence of large recruitments in more recent year classes. Because of these factors, the JMC did not apply the default harvest rate under the Agreement to determine a TAC for 2015. Instead, the JMC recommended an unadjusted TAC of 383,365 mt for 2015, which is less than half of what the TAC would be by using the default harvest rate. This conservative approach that focused on uncertainty of the 2010 year class strength, coupled with no evidence of large recruitments in more recent year classes, was endorsed by the AP. Both the United States and Canada caught less than their individual TAC in 2014. Therefore, the equivalent of 15 percent of the 2014 TAC is added to each Party's TAC in accordance with Article II of the Agreement, resulting in a 2015 adjusted coastwide TAC of 440,000 mt.

The recommendation for an unadjusted 2015 United States TAC of 283,230 mt, plus 41,842 mt carryover of uncaught quota from 2014 (equivalent to 15 percent of the 2014 TAC) results in an adjusted United States TAC of 325,072 mt for 2015 (73.88 percent of the coastwide TAC). This recommendation is consistent with the best available science, provisions of the Agreement, and the Whiting Act. The recommendation was transmitted via letter to the Parties on March 19, 2015. NMFS, under delegation of authority from the Secretary of Commerce, approved the adjusted TAC recommendation of 325,072 mt for U.S. fisheries on April 2, 2015.

#### *Tribal Fishery Allocation and Reapportionment*

This final rule establishes the tribal allocation of Pacific whiting for 2015 and modifies the timing of potential

reapportionment from the tribal to the non-tribal sectors. NMFS issued a proposed rule regarding this allocation and change to management of the 2015 tribal Pacific whiting fishery on March 10, 2015 (80 FR 12611). This action finalizes the tribal allocation and reapportionment management measures.

Since 1996, NMFS has been allocating a portion of the U.S. TAC of Pacific whiting to the tribal fishery using the process described in § 660.50(d)(1). According to § 660.55(b), the tribal allocation is subtracted from the total U.S. Pacific whiting TAC. The tribal Pacific whiting fishery is managed separately from the non-tribal Pacific whiting fishery, and is not governed by limited entry or open access regulations or allocations.

The proposed rule described the tribal allocation as 17.5 percent of the U.S. TAC, and projected a range of potential tribal allocations for 2015 based on a range of U.S. TACs over the last 10 years, 2005 through 2014 (plus or minus 25 percent to capture variability in stock abundance). As described in the proposed rule, the resulting range of potential tribal allocations was 17,842 mt to 63,635 mt.

As described earlier in this preamble, the U.S. TAC for 2015 is 325,072 mt. Applying the approach described in the proposed rule, NMFS is establishing the 2015 tribal allocation of 56,888 mt (17.5 percent of the U.S. TAC) at § 660.50(f)(4) by this final rule. While the total amount of Pacific whiting to which the Tribes are entitled under their treaty right has not yet been determined, and new scientific information or discussions with the relevant parties may impact that decision, the best available scientific information to date suggests that 56,888 mt is within the likely range of potential treaty right amounts.

As with prior tribal Pacific whiting allocations, this final rule is not intended to establish precedent for future Pacific whiting seasons, or for the determination of the total amount of whiting to which the Tribes are entitled under their treaty right. Rather, this rule adopts an interim allocation, pending the determination of the total treaty amount. That amount will be based on further development of scientific information and additional coordination and discussion with and among the coastal tribes and States of Washington and Oregon.

This final rule would also revise the regulation authorizing NMFS to reapportion unused allocation from the tribal sector to the non-tribal sectors. The change would allow NMFS to take reapportionment action earlier in the

fishing season than was previously allowed. As described in the proposed rule (March 10, 2015, 80 FR 12611), NMFS is revising regulations at § 660.131(h) to allow, in specific circumstances, reapportionment of Pacific whiting from the tribal fishery to the non-tribal Pacific whiting fisheries prior to September 15. In some years, the participating tribes may determine, prior to September 15, that they will not use a portion of the tribal allocation. Regulations at § 660.131(h) are revised by this final rule to allow NMFS to reapportion whiting earlier under these circumstances.

#### *Harvest Guidelines and Allocations*

This final rule establishes the fishery harvest guideline (HG) and allocates it between the three sectors of the Pacific whiting fishery. The fishery harvest guideline, sometimes called the non-tribal allocation, was not included in the tribal whiting proposed rule published on March 10, 2015 (80 FR 12611), for two reasons related to timing and process. First, a recommendation on the coastwide TAC for Pacific whiting for 2015, under the terms of the Agreement with Canada, was not available until March 29, 2015. This recommendation for a U.S. TAC was approved by NMFS, under delegation of authority from the Secretary of Commerce, on April 2, 2015. Second, the fishery harvest guideline is established following deductions from the U.S. TAC for the tribal allocation (56,888 mt), mortality in scientific research activities, and fishing mortality in non-groundfish fisheries (1,500 mt). The Council establishes the amounts deducted from the U.S. TAC for scientific research and non-groundfish fisheries on an annual basis at its April meeting, based on estimates of scientific research catch and estimated bycatch mortality in non-groundfish fisheries. For 2015, the Council recommended and the West Coast Region approves a research and bycatch set-aside of 1,500 mt. These amounts are not set until the TAC is available. The fishery HG is therefore being finalized with this rule.

The 2015 fishery harvest guideline (HG), sometimes referred to as the non-tribal allocation, for Pacific whiting is 266,684 mt. This amount was determined by deducting from the total U.S. TAC of 325,072 mt, the 56,888 mt tribal allocation, along with 1,500 mt for scientific research catch and fishing mortality in non-groundfish fisheries. Regulations at § 660.55(i)(2) allocate the fishery HG among the non-tribal catcher/processor, mothership, and shorebased sectors of the Pacific whiting fishery. The Catcher/Processor Coop

Program is allocated 34 percent (90,673 mt for 2015), the Mothership Coop Program is allocated 24 percent (64,004 mt for 2015), and the Shorebased IFQ Program is allocated 42 percent (112,007 mt for 2015). The fishery south of 42° N. lat. may not take more than 5,600 mt (5 percent of the Shorebased IFQ Program allocation) prior to the start of the primary Pacific whiting season north of 42° N. lat.

The 2015 allocations of canary rockfish, darkblotched rockfish, Pacific ocean perch and widow rockfish to the Pacific whiting fishery were published in a final rule on March 10, 2015 (80 FR 12567). The allocations to the Pacific whiting fishery for these species are described in the footnotes to Table 1.b to Part 660, Subpart C and are not changed via this rulemaking.

#### *Comments and Responses*

On March 10, 2015, NMFS issued a proposed rule for the allocation and management of the 2015 tribal Pacific whiting fishery. The comment period on the proposed rule closed on April 9, 2015. Two comment letters were received: Department of the Interior submitted a letter of “no comments” and a member of the public submitted a comment letter supporting the proposed action. Specifically, they spoke in favor of the proposed tribal allocation and suggested that the proposed action mitigates potential negative effects to non-tribal industry from that tribal allocation.

#### **Classification**

The Annual Specifications and Management Measures for the 2015 Tribal and non-Tribal Fisheries for Pacific Whiting are issued under the authority of the Magnuson-Stevens Act, and the Pacific Whiting Act of 2006, and are in accordance with 50 CFR part 660, subparts C through G, the regulations implementing the FMP. NMFS has determined that this rule is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making the final determination, took into account the data, views, and comments received during the comment period.

NMFS has determined that the tribal Pacific whiting fishery conducted off the coast of the State of Washington is consistent, to the maximum extent practicable, with the approved coastal zone management program of the States of Washington and Oregon. NMFS has also determined that the Pacific whiting fishery, both tribal and non-tribal, is consistent, to the maximum extent practicable, with approved coastal zone management programs for the States of

Washington and Oregon. NMFS sent letters to the State of Washington and the State of Oregon describing its determination of consistency dated February 3, 2015. The State of Washington responded indicating agreement with the determination, and Oregon did not respond to the letters; therefore, consistency is inferred.

Pursuant to 5 U.S.C. 553(b)(B), the NMFS Assistant Administrator finds good cause to waive prior public notice and comment and delay in effectiveness those provisions of this final rule that were not included in 80 FR 12611, e.g., the U.S. TAC, as delaying this rule would be contrary to the public interest. The annual harvest specifications for Pacific whiting must be implemented by the start of the primary Pacific whiting season, which begins on May 15, 2015, or the primary Pacific whiting season will effectively remain closed.

Every year, NMFS conducts a Pacific whiting stock assessment in which U.S. and Canadian scientists cooperate. The 2015 stock assessment for Pacific whiting was prepared in early 2015, and included updated total catch, length and age data from the U.S. and Canadian fisheries from 2014, and biomass indices from the 2013 Joint U.S.-Canadian acoustic/midwater trawl surveys. Because of this late availability of the most recent data for the assessment, and the need for time to conduct the treaty process for determining the TAC using the most recent assessment, it would not be possible to allow for notice and comment before the start of the primary Pacific whiting season on May 15.

A delay in implementing the Pacific whiting harvest specifications to allow for notice and comment would be contrary to the public interest because it would require either a shorter primary whiting season or development of a TAC without the most recent data. A shorter season could prevent the tribal and non-tribal fisheries from attaining their 2015 allocations, which would result in unnecessary short-term adverse economic effects for the Pacific whiting fishing vessels and the associated fishing communities. A TAC determined without the most recent data could fail to account for significant fluctuations in the biomass of this relatively short-lived species. To prevent these adverse effects and to allow the Pacific whiting season to commence, it is in the public interest to waive prior notice and comment.

In addition, pursuant to 5 U.S.C. 553(d)(3), the NMFS Assistant Administrator finds good cause to waive the 30-day delay in effectiveness. Waiving the 30-day delay in

effectiveness will not have a negative impact on any entities, as there are no new compliance requirements or other burdens placed on the fishing community with this rule. Failure to make this final rule effective at the start of the fishing year will undermine the intent of the rule, which is to promote the optimal utilization and conservation of Pacific whiting. Making this rule effective immediately would also serve the best interests of the public because it will allow for the longest possible Pacific whiting fishing season and therefore the best possible economic outcome for those whose livelihoods depend on this fishery. Because the 30-day delay in effectiveness would potentially cause significant financial harm without providing any corresponding benefits, this final rule is effective upon publication in the **Federal Register**.

The preamble to the proposed rule and this final rule serve as the small entity compliance guide required by Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. This action does not require any additional compliance from small entities that is not described in the preamble. Copies of this final rule are available from NMFS at the following Web site: [http://www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific\\_whiting.html](http://www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific_whiting.html)

The Office of Management and Budget has determined that this final rule is not significant for purposes of Executive Order 12866.

When an agency proposes regulations, the Regulatory Flexibility Act (RFA) requires the agency to prepare and make available for public comment an Initial Regulatory Flexibility Analysis (IRFA) document that describes the impact on small businesses, non-profit enterprises, local governments, and other small entities. The IRFA is to aid the agency in considering all reasonable regulatory alternatives that would minimize the economic impact on affected small entities. After the public comment period, the agency prepares a Final Regulatory Flexibility Analysis (FRFA) that takes into consideration any new information and public comments. This FRFA incorporates the IRFA and a summary of the analyses completed to support the action. NMFS published a proposed rule on March 10, 2015 (80 FR 12611) for the allocation and management of the 2015 tribal Pacific whiting fishery. The comment period on the proposed rule closed on April 9, 2015, and neither for the two comments received by NMFS related to the IRFA.

An IRFA was prepared and summarized in the Classification section of the preamble to the proposed rule. The description of this action, its purpose, and its legal basis are described in the preamble to the proposed rule and are not repeated here. The FRFA describes the impacts on small entities, which are defined in the IRFA for this action and not repeated here. Analytical requirements for the FRFA are described in Regulatory Flexibility Act, section 604(a)(1) through (5), and summarized below. The FRFA must contain: (1) A succinct statement of the need for, and objectives of, the rule; (2) A summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) A description and an estimate of the number of small entities to which the rule will apply, or an explanation of why no such estimate is available; (4) A description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (5) A description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

This final rule establishes the initial 2015 Pacific whiting allocations for the tribal fishery, the fishery HG, the allocations for the non-tribal sectors (catcher/processor, mothership, and shoreside), and the amount of Pacific whiting deducted from the TAC for scientific research and fishing mortality in non-groundfish fisheries. The amount of Pacific whiting allocated to these sectors is based on the U.S. TAC. From the U.S. TAC, the tribal allocation and small amounts of whiting that account for scientific research catch and for fishing mortality in non-groundfish fisheries are deducted. The remainder is the fishery HG. This fishery HG is then allocated among the other three sectors as follows: 34 percent for the C/P Coop Program; 24 percent for the MS Coop

Program; and 42 percent for the Shorebased IFQ Program.

There are four tribes that can participate in the tribal whiting fishery: The Hoh, Makah, Quileute, and Quinault. The current tribal fleet is composed of 5 trawlers but in recent years, there have been fewer vessels actually fishing. Based on groundfish ex-vessel revenues and on tribal enrollments (the population size of each tribe), the four tribes and their fleets are considered "small" entities. This rule would impact vessels in the non-tribal fishery that fish for Pacific whiting. Currently, there are three non-tribal sectors in the Pacific whiting fishery: Shorebased Individual Fishing Quota (IFQ) Program—Trawl Fishery; Mothership Coop (MS) Program—Whiting At-sea Trawl Fishery; and C/P Coop Program—Whiting At-sea Trawl Fishery.

Currently, the Shorebased IFQ Program is composed of 149 quota share (QS) permits/accounts, 152 vessel accounts, and 43 first receivers. The MS Program is currently composed of a single coop, with six mothership processor permits, and 34 Mothership/Catcher-Vessel (MS/CV) endorsed permits, with three permits each having two catch history assignments. The C/P Program is composed of 10 C/P permits owned by three companies that have formed a single coop.

Many companies participate in two sectors and some participate in all three sectors. After accounting for cross participation, multiple QS account holders, and for affiliation through ownership, NMFS estimates that there are 103 non-tribal entities directly affected by these proposed regulations, 89 of which are considered to be "small" businesses. These numbers do not include affiliation via the two coops. All of the 34 mothership catch history assignments are associated with a single Mothership Coop and all ten of the C/P permits, these coops are considered large entities. These coops are considered large entities from several perspectives. They have participants that are large entities, whiting coop revenues exceed or have exceeded the \$20.5 million, or coop members are connected to American Fishing Act permits or coops where the NMFS Alaska Region has determined they are all large entities (79 FR 54597 (September 12, 2014)). Therefore, there are 17 large entities and 89 small entities affected by this rule.

There are no significant alternatives to the rule that accomplish the stated objectives of applicable statutes and that minimize any of the significant economic impact of the proposed rule

on small entities. NMFS believes this rule will not adversely affect small entities. There are no significant alternatives to the rule that accomplish the stated objectives of applicable statutes and the treaties with the affected tribes that minimize any of the significant economic impact of the proposed rule on small entities.

For the years 2010 to 2014, the total Pacific whiting fishery (tribal and non-tribal) averaged harvests of approximately 183,000 mt annually, worth over \$43 million in ex-vessel revenues. As the U.S. Pacific whiting TAC has been highly variable during this time, so have harvests. In the past five years, harvests have ranged from 160,000 mt (2012) to 264,000 mt (2014). Ex-vessel revenues have also varied. Annual ex-vessel revenues have ranged from \$30 million (2010) to \$65 million (2013). Total Pacific whiting harvest in 2013 was approximately 233,000 mt worth \$65 million, at an ex-vessel price of \$280 per mt. Ex-vessel revenues in 2014 were over \$64 million with a harvest of approximately 264,000 tons and ex-vessel price of \$240 per mt. The prices for Pacific whiting are largely determined by the world market for groundfish, because most of the Pacific whiting harvested is exported. Note that the use of ex-vessel values does not take into account the wholesale or export value of the fishery or the costs of harvesting and processing Pacific whiting into a finished product. NMFS does not have sufficient information to make a complete assessment of these values. In 2014, the total estimated catch of Pacific whiting by tribal and non-tribal fishermen was 264,000 mt, or 84 percent of the U.S. TAC (316,206 mt). There were two fall reapportionments totaling 45,000 mt of Pacific whiting from the tribal to non-tribal sectors (September 12 and October 23, 2014). Using the average 2014 ex-vessel price of \$240, these reapportionments were valued at approximately \$10.8 million. The 2014 tribal harvest was less than 1,000 mt, of the final tribal allocation of 10,336 mt. In total, non-tribal sectors harvested 98 percent of the final non-tribal allocation of 234,040 mt. The revised Pacific whiting allocations for 2014 were: Tribal 10,336 mt, C/P Coop 103,486 mt; MS Coop 73,049 mt; and Shorebased IFQ Program 127,835 mt. This rule increases the U.S. adjusted TAC for 2015 to 325,072 mt, and the tribal allocation of 17.5 percent of the U.S. TAC is 56,888 mt. After setting aside 1,500 mt for scientific research catch and fishing mortality in non-groundfish fisheries, the U.S. fishery HG for 2015 is 266,684 mt. Sector

allocations are higher than sector catches in 2014, so this rule will be beneficial to both large and small entities. The initial 2015 allocations to these non-tribal sectors are 3% higher than their 2014 initial allocations. This rule will be beneficial to both large and small entities.

The RFA can be found at <http://www.archives.gov/federal-register/laws/regulatory-flexibility/>. The NMFS Economic Guidelines that describe the RFA and EO 12866 can be found at [http://www.nmfs.noaa.gov/sfa/domestic\\_fish/EconomicGuidelines.pdf](http://www.nmfs.noaa.gov/sfa/domestic_fish/EconomicGuidelines.pdf).

There are no recordkeeping requirements associated with this final rule. No Federal rules have been identified that duplicate, overlap, or conflict with this action.

NMFS issued Biological Opinions under the Endangered Species Act (ESA) on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999, pertaining to the effects of the Groundfish FMP fisheries on Chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley spring, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal), chum salmon (Hood Canal summer, Columbia River), sockeye salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south/central California, northern California, southern California). These biological opinions have concluded that implementation of the FMP is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat.

NMFS issued a Supplemental Biological Opinion on March 11, 2006, concluding that neither the higher observed bycatch of Chinook in the 2005 whiting fishery nor new data regarding salmon bycatch in the groundfish bottom trawl fishery required a reconsideration of its prior "no jeopardy" conclusion. NMFS also reaffirmed its prior determination that implementation of the FMP is not likely to jeopardize the continued existence of any of the affected ESUs. Lower Columbia River coho (70 FR 37160, June 28, 2005) and Oregon Coastal coho (73 FR 7816, February 11, 2008) were relisted as threatened under the ESA.

The 1999 biological opinion concluded that the bycatch of salmonids in the Pacific whiting fishery were almost entirely Chinook salmon, with little or no bycatch of coho, chum, sockeye, and steelhead.

NMFS has reinitiated section 7 consultation on the Pacific Coast Groundfish FMP with respect to its effects on listed salmonids. In the event the consultation identifies either reasonable and prudent alternatives to address jeopardy concerns, or reasonable and prudent measures to minimize incidental take, NMFS would coordinate with the Council to put additional alternatives or measures into place, as required. After reviewing the available information, NMFS has concluded that, consistent with sections 7(a)(2) and 7(d) of the ESA, this action will not jeopardize any listed species, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

On December 7, 2012, NMFS completed a biological opinion concluding that the groundfish fishery is not likely to jeopardize non-salmonid marine species, including listed eulachon, the southern distinct population segment (DPS) of green sturgeon, humpback whales, the eastern DPS of Steller sea lions, and leatherback sea turtles. The opinion also concluded that the fishery is not likely to adversely modify critical habitat for green sturgeon and leatherback sea turtles. An analysis included in the same document as the opinion concludes that the fishery is not likely to adversely affect green sea turtles, olive ridley sea turtles, loggerhead sea turtles, sei whales, North Pacific right whales, blue whales, fin whales, sperm whales, Southern Resident killer whales, Guadalupe fur seals, or the critical habitat for Steller sea lions. Since that biological opinion, the eastern DPS of Steller sea lions was delisted on November 4, 2013 (78 FR 66140); however, this delisting did not change the designation of the codified critical habitat for the eastern DPS of Steller sea lions. On January 21, 2013, NMFS informally consulted on the fishery's effects on eulachon to consider whether the 2012 opinion should be reconsidered for eulachon in light of new information from the 2011 fishery and the proposed chafing gear modifications. NMFS determined that information about bycatch of eulachon in 2011 and chafing gear regulations did not change the effects that were

analyzed in the December 7, 2012, biological opinion, or provide any other basis to reinstate consultation.

On November 21, 2012, the U.S. Fish and Wildlife Service (FWS) issued a biological opinion concluding that the groundfish fishery will not jeopardize the continued existence of the short-tailed albatross. The FWS also concurred that the fishery is not likely to adversely affect the marbled murrelet, California least tern, southern sea otter, bull trout, nor bull trout critical habitat.

West Coast pot fisheries for sablefish are considered Category II fisheries under the Marine Mammal Protection Act (MMPA), indicating occasional interactions. All other West Coast groundfish fisheries, including the trawl fishery, are considered Category III fisheries under the MMPA, indicating a remote likelihood of or no known serious injuries or mortalities to marine mammals. MMPA section 101(a)(5)(E) requires that NMFS authorize the taking of ESA-listed marine mammals incidental to U.S. commercial fisheries if it makes the requisite findings, including a finding that the incidental mortality and serious injury from commercial fisheries will have a

negligible impact on the affected species or stock. As noted above, NMFS concluded in its biological opinion for the 2012 groundfish fisheries that these fisheries were not likely to jeopardize Steller sea lions or humpback whales. The eastern distinct population segment of Steller sea lions was delisted under the ESA on November 4, 2013 (78 FR 66140). On September 4, 2013, based on its negligible impact determination dated August 28, 2013, NMFS issued a permit for a period of 3 years to authorize the incidental taking of humpback whales by the sablefish pot fishery (78 FR 54553).

Pursuant to Executive Order 13175, this final rule was developed after meaningful consultation and collaboration with tribal officials from the area covered by the FMP. Consistent with the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council is a representative of an Indian tribe with federally recognized fishing rights from the area of the Council's jurisdiction. In addition, NMFS has coordinated specifically with the tribes interested in the whiting fishery regarding the issues addressed by this final rule.

#### List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian fisheries.

Dated: May 8, 2015.

**Samuel D. Rauch III,**

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

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

#### PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.50, revise paragraph (f)(4) to read as follows:

#### § 660.50 Pacific Coast treaty Indian fisheries.

\* \* \* \* \*

(f) \* \* \*

(4) *Pacific whiting*. The tribal allocation for 2015 is 56,888 mt.

\* \* \* \* \*

■ 3. Tables 1a and 1b to part 660, subpart C, are revised to read as follows:

**Table 1a to Part 660, Subpart C – 2015, Specifications of OFL, ABC, ACL, ACT and Fishery Harvest Guidelines (Weights in Metric Tons)**

	OFL	ABC	ACL a/	Fishery HG b/
BOCACCIO S. of 40°10' N. lat. c/	1,444	1,380	349	341
CANARY ROCKFISH d/	733	701	122	107
COWCOD S. of 40°10' N. lat. e/	67	60	10	8
DARKBLOTCHED ROCKFISH f/	574	549	338	317
PACIFIC OCEAN PERCH g/	842	805	158	143
PETRALE SOLE h/	2,946	2,816	2,816	2,579
YELLOWEYE ROCKFISH i/	52	43	18	12
Arrowtooth flounder j/	6,599	5,497	5,497	3,410
Black rockfish (OR-CA) k/	1,176	1,124	1,000	999
Black rockfish (WA) l/	421	402	402	388
Cabezon (CA) m/	161	154	154	154
Cabezon (OR) n/	49	47	47	47
California scorpionfish o/	119	114	114	112
Chilipepper S. of 40°10' N. lat. p/	1,703	1,628	1,628	1,604
Dover sole q/	66,871	63,929	50,000	48,406
English sole r/	10,792	9,853	9,853	9,640
Lingcod N. of 40°10' N. lat. s/	3,010	2,830	2,830	2,552
Lingcod S. of 40°10' N. lat. t/	1,205	1,004	1,004	995
Longnose skate u/	2,449	2,341	2,000	1,927
Longspine thornyhead (coastwide) v/	5,007	4,171	NA	NA
Longspine thornyhead N. of 34°27' N. lat.	NA	NA	3,170	3,124
Longspine thornyhead S. of 34°27' N. lat.	NA	NA	1,001	998
Pacific Cod w/	3,200	2,221	1,600	1,091
Pacific whiting x/	804,576	x/	x/	266,684
Sablefish (coastwide)	7,857	7,173	NA	NA
Sablefish N. of 36° N. lat. y/	NA	NA	4,793	See Table 1c
Sablefish S. of 36° N. lat. z/	NA	NA	1,719	1,714
Shortbelly aa/	6,950	5,789	500	498
Shortspine thornyhead (coastwide) bb/	3,203	2,668	NA	NA
Shortspine thornyhead N. of 34°27' N. lat.	NA	NA	1,745	1,686
Shortspine thornyhead S. of 34°27' N. lat.	NA	NA	923	881
Spiny dogfish cc/	2,523	2,101	2,101	1,763
Splitnose S. of 40°10' N. lat. dd/	1,794	1,715	1,715	1,705
Starry flounder ee/	1,841	1,534	1,534	1,524
Widow rockfish ff/	4,137	3,929	2,000	1,880
Yellowtail N. of 40°10' N. lat. gg/	7,218	6,590	6,590	5,560
Minor Nearshore Rockfish N. of 40°10' N. lat. hh/	88	77	69	69
Minor Shelf Rockfish N. of 40°10' N. lat. ii/	2,209	1,944	1,944	1,872
Minor Slope Rockfish N. of 40°10' N. lat. jj/	1,831	1,693	1,693	1,629
Minor Nearshore Rockfish S. of 40°10' N. lat. kk/	1,313	1,169	1,114	1,110
Minor Shelf Rockfish S. of 40°10' N. lat. ll/	1,918	1,625	1,624	1,575
Minor Slope Rockfish S. of 40°10' N. lat. mm/	813	705	693	673
Other Flatfish nn/	11,453	8,749	8,749	8,545
Other Fish oo/	291	242	242	242

<sup>a</sup> Annual catch limits (ACLs), annual catch targets (ACTs) and harvest guidelines (HGs) are specified as total catch values.

<sup>b</sup> Fishery harvest guidelines means the harvest guideline or quota after subtracting Pacific Coast treaty Indian tribes allocations

and projected catch, projected research catch, deductions for fishing mortality in non-

groundfish fisheries, and deductions for EFPs from the ACL or ACT.

<sup>c</sup>Bocaccio. A bocaccio stock assessment update was conducted in 2013 for the bocaccio stock between the U.S.-Mexico border and Cape Blanco. The stock is managed with stock-specific harvest specifications south of 40°10' N. lat. and within the Minor Shelf Rockfish complex north of 40°10' N. lat. A historical catch distribution of approximately 6 percent was used to apportion the assessed stock to the area north of 40°10' N. lat. The bocaccio stock was estimated to be at 31.4 percent of its unfished biomass in 2013. The OFL of 1,444 mt is projected in the 2013 stock assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 1,380 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The 349 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2022 and an SPR harvest rate of 77.7 percent. 8.3 mt is deducted from the ACL to accommodate the incidental open access fishery (0.7 mt), EFP catch (3.0 mt) and research catch (4.6 mt), resulting in a fishery HG of 340.7 mt. The California recreational fishery has an HG of 178.8 mt.

<sup>d</sup>Canary rockfish. A canary rockfish stock assessment update was conducted in 2011 and the stock was estimated to be at 23.2 percent of its unfished biomass coastwide in 2011. The coastwide OFL of 733 mt is projected in the 2011 rebuilding analysis using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 701 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL of 122 mt is based on the current rebuilding plan with a target year to rebuild of 2030 and an SPR harvest rate of 88.7 percent. 15.2 mt is deducted from the ACL to accommodate the Tribal fishery (7.7 mt), the incidental open access fishery (2 mt), EFP catch (1.0 mt) and research catch (4.5 mt) resulting in a fishery HG of 106.8 mt. Recreational HGs are: 3.4 mt (Washington); 11.7 mt (Oregon); and 24.3 mt (California).

<sup>e</sup>Cowcod. A stock assessment for the Conception Area was conducted in 2013 and the stock was estimated to be at 33.9 percent of its unfished biomass in 2013. The Conception Area OFL of 55.0 mt is projected in the 2013 rebuilding analysis using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The OFL contribution of 11.6 mt for the unassessed portion of the stock in the Monterey area is based on depletion-based stock reduction analysis. The OFLs for the Monterey and Conception areas were summed to derive the south of 40°10' N. lat. OFL of 66.6 mt. The ABC for the area south of 40°10' N. lat. is 59.9 mt. The assessed portion of the stock in the Conception Area is considered category 2, with a Conception area contribution to the ABC of 50.2 mt, which is an 8.7 percent reduction from the Conception area OFL ( $\sigma=0.72/P^*=0.45$ ). The unassessed portion of the stock in the Monterey area is considered a category 3 stock, with a contribution to the ABC of 9.7 mt, which is a 16.6 percent reduction from the Monterey area OFL ( $\sigma=1.44/P^*=0.45$ ). A single ACL of 10.0 mt is being set for both areas combined. The ACL of 10.0 mt is based on the rebuilding plan with a target year to rebuild of 2020 and an SPR harvest rate of 82.7 percent, which is equivalent to an

exploitation rate (catch over age 11+ biomass) of 0.007. 2.0 mt is deducted from the ACL to accommodate EFP fishing (less than 0.02 mt) and research activity (2.0 mt), resulting in a fishery HG of 8.0 mt. Any additional mortality in research activities will be deducted from the ACL. A single ACT of 4.0 mt is being set for both areas combined.

<sup>f</sup>Darkblotched rockfish. A 2013 stock assessment estimated the stock to be at 36 percent of its unfished biomass in 2013. The OFL of 574 mt is projected in the 2013 stock assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 549 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL of 338 mt is based on the current rebuilding plan with a target year to rebuild of 2025 and an SPR harvest rate of 64.9 percent. 20.8 mt is deducted from the ACL to accommodate the Tribal fishery (0.2 mt), the incidental open access fishery (18.4 mt), EFP catch (0.1 mt) and research catch (2.1 mt), resulting in a fishery HG of 317.2 mt.

<sup>g</sup>Pacific Ocean Perch. A POP stock assessment was conducted in 2011 and the stock was estimated to be at 19.1 percent of its unfished biomass in 2011. The OFL of 842 mt for the area north of 40°10' N. lat. is projected in the 2011 rebuilding analysis using an  $F_{50\%}$   $F_{MSY}$  proxy. The ABC of 805 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL of 158 mt is based on the current rebuilding plan with a target year to rebuild of 2051 and an SPR harvest rate of 86.4 percent. 15 mt is deducted from the ACL to accommodate the Tribal fishery (9.2 mt), the incidental open access fishery (0.6 mt), and research catch (5.2 mt), resulting in a fishery HG of 143.0 mt.

<sup>h</sup>Petrale sole. A 2013 stock assessment estimated the stock to be at 22.3 percent of its unfished biomass in 2013. The OFL of 2,946 mt is projected in the 2013 assessment using an  $F_{30\%}$   $F_{MSY}$  proxy. The ABC of 2,816 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL is based on the 25–5 harvest control rule specified in the current rebuilding plan; since the stock is projected to be rebuilt at the start of 2014, the ACL is set equal to the ABC. 236.6 mt is deducted from the ACL to accommodate the Tribal fishery (220 mt), the incidental open access fishery (2.4 mt), and research catch (14.2 mt), resulting in a fishery HG of 2,579.4 mt.

<sup>i</sup>Yelloweye rockfish. A stock assessment update was conducted in 2011. The stock was estimated to be at 21.4 percent of its unfished biomass in 2011. The 52 mt coastwide OFL was projected in the 2011 rebuilding analysis using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 43 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) as it's a category 2 stock. The 18 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2074 and an SPR harvest rate of 76.0 percent. 5.8 mt is deducted from the ACL to accommodate the Tribal fishery (2.3 mt), the incidental open access fishery (0.2 mt), EFP catch (0.03 mt) and research catch (3.3 mt) resulting in a fishery HG of 12.2 mt. Recreational HGs are: 2.9 mt (Washington); 2.6 mt (Oregon); and 3.4 mt (California).

<sup>j</sup>Arrowtooth flounder. The arrowtooth flounder stock was last assessed in 2007 and was estimated to be at 79 percent of its unfished biomass in 2007. The OFL of 6,599 mt is derived from the 2007 assessment using an  $F_{30\%}$   $F_{MSY}$  proxy. The ABC of 5,497 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) as it's a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{25\%}$ . 2,087 mt is deducted from the ACL to accommodate the Tribal fishery (2,041 mt), the incidental open access fishery (30 mt), and research catch (16.4 mt), resulting in a fishery HG of 3,410 mt.

<sup>k</sup>Black rockfish south (Oregon and California). A stock assessment was conducted for black rockfish south of 45°46' N. lat. (Cape Falcon, Oregon) to Central California (*i.e.*, the southern-most extent of black rockfish, Love et al. 2002) in 2007. The biomass in the south was estimated to be at 70 percent of its unfished biomass in 2007. The OFL from the assessed area is derived from the 2007 assessment using an  $F_{MSY}$  harvest rate proxy of  $F_{50\%}$  plus 3 percent of the OFL from the stock assessment conducted for black rockfish north of 45°46' N. lat., to cover the portion of the stock occurring off Oregon north of Cape Falcon (the 3% adjustment is based on historical catch distribution). The resulting OFL for the area south of 46°16' N. lat. is 1,176 mt. The ABC of 1,124 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The 2015 ACL is 1,000 mt, which maintains the constant catch strategy designed to keep the stock above its target biomass of  $B_{40\%}$ . 1 mt is deducted from the ACL to accommodate EFP catch, resulting in a fishery HG of 999 mt. The black rockfish ACL, in the area south of 46°16' N. lat. (Columbia River), is subdivided with separate HGs for waters off Oregon (579 mt/58 percent) and for waters off California (420 mt/42 percent).

<sup>l</sup>Black rockfish north (Washington). A stock assessment was conducted for black rockfish north of 45°46' N. lat. (Cape Falcon, Oregon) in 2007. The biomass in the north was estimated to be at 53 percent of its unfished biomass in 2007. The OFL from the assessed area is derived from the 2007 assessment using an  $F_{MSY}$  harvest rate proxy of  $F_{50\%}$ . The resulting OFL for the area north of 46°16' N. lat. is 421 mt and is 97 percent of the OFL from the assessed area based on the area distribution of historical catch. The ABC of 402 mt for the north is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL is set equal to the ABC since the stock is above its target biomass of  $B_{40\%}$ . 14 mt is deducted from the ACL to accommodate the Tribal fishery, resulting in a fishery HG of 388 mt.

<sup>m</sup>Cabezon (California). A cabezon stock assessment was conducted in 2009. The cabezon spawning biomass in waters off California was estimated to be at 48.3 percent of its unfished biomass in 2009. The OFL of 161 mt is calculated using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The ABC of 154 mt is based on a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . There are no

deductions from the ACL so the fishery HG is equal to the ACL of 154 mt.

<sup>u</sup>Cabezon (Oregon). A cabezon stock assessment was conducted in 2009. The cabezon spawning biomass in waters off Oregon was estimated to be at 52 percent of its unfished biomass in 2009. The OFL of 49 mt is calculated using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The ABC of 47 mt is based on a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 species. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . There are no deductions from the ACL so the fishery HG is also equal to the ACL of 47 mt.

<sup>v</sup>California scorpionfish was assessed in 2005 and was estimated to be at 79.8 percent of its unfished biomass in 2005. The OFL of 119 mt is projected in the 2005 assessment using an  $F_{MSY}$  harvest rate proxy of  $F_{50\%}$ . The ABC of 114 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 2 mt is deducted from the ACL to accommodate the incidental open access fishery, resulting in a fishery HG of 112 mt.

<sup>w</sup>Chilipepper. The coastwide chilipepper stock was assessed in 2007 and estimated to be at 70 percent of its unfished biomass in 2006. Chilipepper are managed with stock-specific harvest specifications south of 40°10' N. lat. and within the Minor Shelf Rockfish complex north of 40°10' N. lat. Projected OFLs are stratified north and south of 40°10' N. lat. based on the average 1998–2008 assessed area catch, which is 93 percent for the area south of 40°10' N. lat. and 7 percent for the area north of 40°10' N. lat. The OFL of 1,703 mt for the area south of 40°10' N. lat. is projected in the 2007 assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 1,628 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 24 mt is deducted from the ACL to accommodate the incidental open access fishery (5 mt), EFP fishing (10 mt), and research catch (9 mt), resulting in a fishery HG of 1,604 mt.

<sup>x</sup>Dover sole. A 2011 Dover sole assessment estimated the stock to be at 83.7 percent of its unfished biomass in 2011. The OFL of 66,871 mt is projected in the 2011 stock assessment using an  $F_{MSY}$  proxy of  $F_{30\%}$ . The ABC of 63,929 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL could be set equal to the ABC because the stock is above its target biomass of  $B_{25\%}$ . However, the ACL of 50,000 mt is set at a level below the ABC and higher than the maximum historical landed catch. 1,594 mt is deducted from the ACL to accommodate the Tribal fishery (1,497 mt), the incidental open access fishery (55 mt), and research catch (41.9 mt), resulting in a fishery HG of 48,406 mt.

<sup>y</sup>English sole. A 2013 stock assessment was conducted, which estimated the stock to be at 88 percent of its unfished biomass in 2013. The OFL of 10,792 mt is projected in the 2013 assessment using an  $F_{MSY}$  proxy of  $F_{30\%}$ . The ABC of 9,853 mt is an 8.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.45$ ) as

it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{25\%}$ . 213 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (7 mt) and research catch (5.8 mt), resulting in a fishery HG of 9,640 mt.

<sup>z</sup>Lingcod north. A lingcod stock assessment was conducted in 2009. The lingcod spawning biomass off Washington and Oregon was estimated to be at 62 percent of its unfished biomass in 2009. The OFL for Washington and Oregon of 1,898 mt is calculated using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The OFL is re-apportioned by adding 48% of the OFL from California, resulting in an OFL of 3,010 mt for the area north of 40°10' N. lat. The ABC of 2,830 mt is based on a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) for the area north of 42° N. lat. as it's a category 1 stock, and an 8.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.45$ ) for the area between 42° N. lat. and 40°10' N. lat. as it's a category 2 stock. The ACL is set equal to the ABC. 278 mt is deducted from the ACL for the Tribal fishery (250 mt), the incidental open access fishery (16 mt), EFP catch (0.5 mt) and research catch (11.7 mt), resulting in a fishery HG of 2,552 mt.

<sup>aa</sup>Lingcod south. A lingcod stock assessment was conducted in 2009. The lingcod spawning biomass off California was estimated to be at 74 percent of its unfished biomass in 2009. The OFL for California of 2,317 mt is projected in the assessment using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The OFL is re-apportioned by subtracting 48% of the OFL, resulting in an OFL of 1,205 mt for the area south of 40°10' N. lat. The ABC of 1,004 mt is based on a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) as it's a category 2 stock. The ACL is set equal to the ABC since the stock is above its target biomass of  $B_{40\%}$ . 9 mt is deducted from the ACL to accommodate the incidental open access fishery (7 mt), EFP fishing (1 mt), and research catch (1.1 mt), resulting in a fishery HG of 995 mt.

<sup>ab</sup>Longnose skate. A stock assessment was conducted in 2007 and the stock was estimated to be at 66 percent of its unfished biomass. The OFL of 2,449 mt is derived from the 2007 stock assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 2,341 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL of 2,000 mt is a fixed harvest level that provides greater access to the stock and is less than the ABC. 73 mt is deducted from the ACL to accommodate the Tribal fishery (56 mt), incidental open access fishery (3.8 mt), and research catch (13.2 mt), resulting in a fishery HG of 1,927 mt.

<sup>ac</sup>Longspine thornyhead. A 2013 longspine thornyhead coastwide stock assessment estimated the stock to be at 75 percent of its unfished biomass in 2013. A coastwide OFL of 5,007 mt is projected in the 2013 stock assessment using an  $F_{50\%}$   $F_{MSY}$  proxy. The ABC of 4,171 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) as it's a category 2 stock. For the portion of the stock that is north of 34°27' N. lat., the ACL is 3,170 mt, and is 76 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the

NMFS NWFSC trawl survey. 47 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (3 mt), and research catch (13.5 mt) resulting in a fishery HG of 3,124 mt. For that portion of the stock south of 34°27' N. lat. the ACL is 1,001 mt and is 24 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 3 mt is deducted from the ACL to accommodate the incidental open access fishery (2 mt), and research catch (1 mt) resulting in a fishery HG of 998 mt.

<sup>ad</sup>Pacific cod. The 3,200 mt OFL is based on the maximum level of historic landings. The ABC of 2,221 mt is a 30.6 percent reduction from the OFL ( $\sigma=1.44/P^*=0.40$ ) as it's a category 3 stock. The 1,600 mt ACL is the OFL reduced by 50 percent as a precautionary adjustment. 509 mt is deducted from the ACL to accommodate the Tribal fishery (500 mt), research catch (7 mt), and the incidental open access fishery (2.0 mt), resulting in a fishery HG of 1,091 mt.

<sup>ae</sup>Pacific whiting. The coastwide stock assessment was conducted in 2015 and estimated the stock to be at 74 percent of its unfished biomass. The 2015 OFL of 804,576 mt is based on the 2015 assessment with an  $F_{40\%}$   $F_{MSY}$  proxy. The 2015 coastwide, unadjusted Total Allowable Catch (TAC) of 383,365 mt is based on the 2015 stock assessment. Consistent with the provisions of the Pacific Hake/Whiting Agreement, up to 15 percent of each party's unadjusted 2014 TAC (41,842 mt for the U.S. and 14,793 mt for Canada) is added to the 2015 unadjusted TAC, resulting in an adjusted coastwide 2015 TAC of 440,000 mt. The U.S. TAC is 73.88 percent of the coastwide TAC. The U.S. adjusted 2015 TAC is 325,072 mt. From the adjusted U.S. TAC, 56,888 mt is deducted to accommodate the Tribal fishery, and 1,500 mt is deducted to accommodate research and bycatch in other fisheries, resulting in a fishery HG of 266,684 mt. The TAC for Pacific whiting is established under the provisions of the Pacific Hake/Whiting Agreement with Canada and the Pacific Whiting Act of 2006, 16 U.S.C. 7001–2010, and the international exception applies. Therefore, no ABC or ACL values are provided for Pacific whiting.

<sup>af</sup>Sablefish north. A coastwide sablefish stock assessment was conducted in 2011. The coastwide sablefish biomass was estimated to be at 33 percent of its unfished biomass in 2011. The coastwide OFL of 7,857 mt is projected in the 2011 stock assessment using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The ABC of 7,173 mt is an 8.7 percent reduction from the OFL ( $\sigma=0.36/P^*=0.40$ ). The 40–10 adjustment is applied to the ABC to derive a coastwide ACL value because the stock is in the precautionary zone. This coastwide ACL value is not specified in regulations. The coastwide ACL value is apportioned north and south of 36° N. lat., using the 2003–2010 average estimated swept area biomass from the NMFS NWFSC trawl survey, with 73.6 percent apportioned north of 36° N. lat. and 26.4 percent apportioned south of 36° N. lat. The northern ACL is 4,793 mt and is reduced by 479 mt for the tribal allocation (10 percent of the ACL north of 36° N. lat.). The 479 mt

Tribal allocation is reduced by 1.6 percent to account for discard mortality. Detailed sablefish allocations are shown in Table 1c.

<sup>z</sup> Sablefish south. The ACL for the area south of 36° N. lat. is 1,719 mt (26.4 percent of the calculated coastwide ACL value). 5 mt is deducted from the ACL to accommodate the incidental open access fishery (2 mt) and research catch (3 mt), resulting in a fishery HG of 1,714 mt.

<sup>aa</sup> Shortbelly rockfish. A non-quantitative shortbelly rockfish assessment was conducted in 2007. The spawning stock biomass of shortbelly rockfish was estimated to be 67 percent of its unfished biomass in 2005. The OFL of 6,950 mt is based on the estimated MSY in the 2007 stock assessment. The ABC of 5,789 mt is a 16.7 percent reduction of the OFL ( $\sigma=0.72/P^*=0.40$ ) as it's a category 2 stock. The 500 mt ACL is set to accommodate incidental catch when fishing for co-occurring healthy stocks and in recognition of the stock's importance as a forage species in the California Current ecosystem. 2 mt is deducted from the ACL to accommodate research catch, resulting in a fishery HG of 498 mt.

<sup>bb</sup> Shortspine thornyhead. A 2013 coastwide shortspine thornyhead stock assessment estimated the stock to be at 74.2 percent of its unfished biomass in 2013. A coastwide OFL of 3,203 mt is projected in the 2013 stock assessment using an  $F_{50\%}$   $F_{MSY}$  proxy. The coastwide ABC of 2,668 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) as it's a category 2 stock. For the portion of the stock that is north of 34°27' N. lat., the ACL is 1,745 mt. The northern ACL is 65.4 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 59 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (2 mt), and research catch (7 mt) resulting in a fishery HG of 1,686 mt for the area north of 34°27' N. lat. For that portion of the stock south of 34°27' N. lat. the ACL is 923 mt. The southern ACL is 35.6 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 42 mt is deducted from the ACL to accommodate the incidental open access fishery (41 mt) and research catch (1 mt), resulting in a fishery HG of 881 mt for the area south of 34°27' N. lat.

<sup>cc</sup> Spiny dogfish. A coastwide spiny dogfish stock assessment was conducted in 2011. The coastwide spiny dogfish biomass was estimated to be at 63 percent of its unfished biomass in 2011. The coastwide OFL of 2,523 mt is derived from the 2011 assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The coastwide ABC of 2,101 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) as it's a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 338 mt is deducted from the ACL to accommodate the Tribal fishery (275 mt), the incidental open access fishery (49.5 mt), EFP catch (1 mt), and research catch (12.5 mt), resulting in a fishery HG of 1,763 mt.

<sup>dd</sup> Splitnose rockfish. A splitnose rockfish coastwide assessment was conducted in 2009

that estimated the stock to be at 66 percent of its unfished biomass in 2009. Splitnose rockfish in the north is managed in the Minor Slope Rockfish complex and with species-specific harvest specifications south of 40°10' N. lat. The coastwide OFL is projected in the 2009 assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The coastwide OFL is apportioned north and south of 40°10' N. lat. based on the average 1916–2008 assessed area catch resulting in 64.2 percent of the coastwide OFL apportioned south of 40°10' N. lat., and 35.8 percent apportioned for the contribution of splitnose rockfish to the northern Minor Slope Rockfish complex. The southern OFL of 1,794 mt results from the apportionment described above. The southern ABC of 1,715 mt is a 4.4 percent reduction from the southern OFL ( $\sigma=0.36/P^*=0.45$ ) as it's a category 1 stock. The ACL is set equal to the ABC because the stock is estimated to be above its target biomass of  $B_{40\%}$ . 10.5 mt is deducted from the ACL to accommodate research catch (9 mt) and EFP catch (1.5 mt), resulting in a fishery HG of 1,705 mt.

<sup>ee</sup> Starry Flounder. The stock was assessed in 2005 and was estimated to be above 40 percent of its unfished biomass in 2005 (44 percent in Washington and Oregon, and 62 percent in California). The coastwide OFL of 1,841 mt is derived from the 2005 assessment using an  $F_{MSY}$  proxy of  $F_{30\%}$ . The ABC of 1,534 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) as it's a category 2 stock. The ACL is set equal to the ABC because the stock is estimated to be above its target biomass of  $B_{25\%}$ . 10.3 mt is deducted from the ACL to accommodate the Tribal fishery (2 mt), and the incidental open access fishery (8.3 mt), resulting in a fishery HG of 1,524 mt.

<sup>ff</sup> Widow rockfish. The widow rockfish stock was assessed in 2011 and was estimated to be at 51.1 percent of its unfished biomass in 2011. The OFL of 4,137 mt is projected in the 2011 stock assessment using an  $F_{50\%}$   $F_{MSY}$  proxy. The ABC of 3,929 mt is a 5 percent reduction from the OFL ( $\sigma=0.41/P^*=0.45$ ). A unique sigma of 0.41 was calculated for widow rockfish since the variance in estimated biomass was greater than the 0.36 used as a proxy for other category 1 stocks. The ACL could be set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . However, the ACL of 2,000 mt is less than the ABC due to high uncertainty in estimated biomass, yet this level of allowable harvest will allow access to healthy co-occurring species, such as yellowtail rockfish. 120.2 mt is deducted from the ACL to accommodate the Tribal fishery (100 mt), the incidental open access fishery (3.3 mt), EFP catch (9 mt), and research catch (7.9 mt), resulting in a fishery HG of 1,880 mt.

<sup>gg</sup> Yellowtail rockfish. A 2013 yellowtail rockfish stock assessment was conducted for the portion of the population north of 40°10' N. lat. The estimated stock depletion is 69 percent of its unfished biomass in 2013. The OFL of 7,218 mt is projected in the 2013 stock assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 6,590 mt is an 8.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.45$ ) as it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its

target biomass of  $B_{40\%}$ . 1,029.6 mt is deducted from the ACL to accommodate the Tribal fishery (1,000 mt), the incidental open access fishery (3 mt), EFP catch (10 mt), and research catch (16.6 mt), resulting in a fishery HG of 5,560 mt.

<sup>hh</sup> Minor Nearshore Rockfish north. The OFL for Minor Nearshore Rockfish north of 40°10' N. lat. of 88 mt is the sum of the OFL contributions for the component species managed in the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.72 for category 2 stocks (*i.e.*, blue rockfish in California, brown rockfish, China rockfish, and copper rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. The resulting ABC of 77 mt is the summed contribution of the ABCs for the component species. The ACL of 69 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks plus the ACL contributions for blue rockfish in California and China rockfish where the 40–10 adjustment was applied to the ABC contributions for these two stocks, because those stocks are in the precautionary zone. No deductions are made to the ACL, thus the fishery HG is equal to the ACL, which is 69 mt. Between 40°10' N. lat. and 42° N. lat. the Minor Nearshore Rockfish complex north has a harvest guideline of 23.7 mt. Blue rockfish south of 42° N. lat. has a species-specific HG, described in footnote kk.

<sup>ii</sup> Minor Shelf Rockfish north. The OFL for Minor Shelf Rockfish north of 40°10' N. lat. of 2,209 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.72 for category 2 stocks (*i.e.*, greenspotted rockfish between 40°10' and 42° N. lat. and greenstriped rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. The resulting ABC of 1,944 mt is the summed contribution of the ABCs for the component species. The ACL of 1,944 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of greenspotted rockfish in California where the 40–10 adjustment was applied to the ABC contribution because the stock is in the precautionary zone (the ACL is slightly less than the ABC but rounds to the ABC value). 72 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (26 mt), EFP catch (3 mt), and research catch (13.4 mt), resulting in a fishery HG of 1,872 mt.

<sup>jj</sup> Minor Slope Rockfish north. The OFL for Minor Slope Rockfish north of 40°10' N. lat. of 1,831 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the Minor Slope Rockfish complexes are based on a sigma value of 0.39 for aurora rockfish, a sigma value of 0.36 for other category 1 stocks (*i.e.*, splitnose rockfish), a sigma value of 0.72 for category 2 stocks (*i.e.*, rougheye rockfish, blackspotted rockfish and sharpchin rockfish), and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. A unique sigma of 0.39 was calculated for aurora rockfish since the variance in estimated spawning biomass was greater than the 0.36 used as a proxy for other category

1 stocks. The resulting ABC of 1,693 mt is the summed contribution of the ABCs for the component species. The ACL is set equal to the ABC because all the assessed component stocks are above the target biomass of  $B_{40\%}$ . 64 mt is deducted from the ACL to accommodate the Tribal fishery (36 mt), the incidental open access fishery (19 mt), EFP catch (1 mt), and research catch (8.1 mt), resulting in a fishery HG of 1,629 mt.

<sup>kk</sup> Minor Nearshore Rockfish south. The OFL for the Minor Nearshore Rockfish complex south of 40°10' N. lat. of 1,313 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Nearshore Rockfish complex is based on a sigma value of 0.36 for category 1 stocks (*i.e.*, gopher rockfish north of 34°27' N. lat.), a sigma value of 0.72 for category 2 stocks (*i.e.*, blue rockfish north of 34°27' N. lat., brown rockfish, China rockfish, and copper rockfish), and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. The resulting ABC of 1,169 mt is the summed contribution of the ABCs for the component species. The ACL of 1,114 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution for blue rockfish north of 34°27' N. lat. where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 4 mt is deducted from the ACL to accommodate the incidental open access fishery (1.4 mt) and research catch (2.6 mt), resulting in a fishery HG of 1,110 mt. Blue rockfish south of 42° N. lat. has a species-specific HG set equal to the 40–10-adjusted ACL for the portion of the stock north of 34°27' N. lat. (133.6 mt) plus the ABC contribution for the unassessed portion of the stock south of 34°27' N. lat. (60.8 mt). The California (*i.e.*, south of 42° N. lat.) blue rockfish HG is 194.4 mt.

<sup>ll</sup> Minor Shelf Rockfish south. The OFL for the Minor Shelf Rockfish complex south of 40°10' N. lat. of 1,918 mt is the sum of the OFL contributions for the component species

within the complex. The ABCs for the southern Minor Shelf Rockfish complex is based on a sigma value of 0.72 for category 2 stocks (*i.e.*, greenspotted and greenstriped rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. The resulting ABC of 1,625 mt is the summed contribution of the ABCs for the component species. The ACL of 1,624 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of greenspotted rockfish in California where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 49 mt is deducted from the ACL to accommodate the incidental open access fishery (9 mt), EFP catch (30 mt), and research catch (9.6 mt), resulting in a fishery HG of 1,575 mt.

<sup>mm</sup> Minor Slope Rockfish south. The OFL for the Minor Slope Rockfish complex south of 40°10' N. lat. of 813 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Slope Rockfish complex is based on a sigma value of 0.39 for aurora rockfish, a sigma value of 0.72 for category 2 stocks (*i.e.*, blackgill rockfish, rougheye rockfish, blackspotted rockfish, and sharpchin rockfish), and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. A unique sigma of 0.39 was calculated for aurora rockfish since the variance in estimated biomass was greater than the 0.36 used as a proxy for other category 1 stocks. The resulting ABC of 705 mt is the summed contribution of the ABCs for the component species. The ACL of 693 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of blackgill rockfish where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 20 mt is deducted from the ACL to accommodate the incidental open access fishery (17 mt), EFP catch (1 mt), and research catch (2 mt), resulting in a fishery HG of 673 mt. Blackgill

rockfish has a species-specific HG set equal to the species' contribution to 40–10-adjusted ACL. The blackgill rockfish HG is 114 mt.

<sup>nn</sup> Other Flatfish. The Other Flatfish complex is comprised of flatfish species managed in the PCGFMP that are not managed with species-specific OFLs/ABCs/ACLs. Most of the species in the Other Flatfish complex are unassessed and include butter sole, curlfin sole, flathead sole, Pacific sanddab (assessed in 2013 but the assessment results were too uncertain to inform harvest specifications), rock sole, sand sole, and rex sole (assessed in 2013). The Other Flatfish OFL of 11,453 mt is based on the sum of the OFL contributions of the component stocks. The ABC of 8,749 mt is based on a sigma value of 0.72 for category 2 stocks (*i.e.*, rex sole) and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.40. The ACL is set equal to the ABC since all of the assessed stocks (*i.e.*, Pacific sanddabs and rex sole) were above their target biomass of  $B_{25\%}$ . 204 mt is deducted from the ACL to accommodate the Tribal fishery (60 mt), the incidental open access fishery (125 mt), and research catch (19 mt), resulting in a fishery HG of 8,545 mt.

<sup>oo</sup> Other Fish. The Other Fish complex is comprised of kelp greenling coastwide, cabezon off Washington, and leopard shark coastwide. These species are unassessed. The OFL of 291 mt is the sum of the OFL contributions for kelp greenling off California (the SSC has not approved methods for calculating the OFL contributions for kelp greenling off Oregon and Washington), cabezon off Washington, and leopard shark coastwide. The ABC of 242 mt is the sum of ABC contributions for kelp greenling off California, cabezon off Washington and leopard shark coastwide calculated by applying a  $P^*$  of 0.45 and a sigma of 1.44 to the OFL contributions for those stocks. The ACL is set equal to the ABC. There are no deductions from the ACL so the fishery HG is equal to the ACL of 242 mt.

**Table 1b to Part 660, Subpart C – 2015, Allocations by Species or Species Group. (Weight in Metric Tons)**

Species	Area	Fishery HG or ACT	Trawl		Non-trawl	
			%	Mt	%	Mt
BOCACCIO a/	S of 40°10' N. lat.	340.7	N/A	81.9	N/A	258.8
CANARY ROCKFISH a/ b/	Coastwide	106.8	N/A	56.9	N/A	49.9
COWCOD a/ c/	S of 40°10' N. lat.	4	N/A	1.4	N/A	2.6
DARKBLOTCHED ROCKFISH d/	Coastwide	317.2	95%	301.3	5%	15.9
PACIFIC OCEAN PERCH e/	N of 40°10' N. lat.	143	95%	135.9	5%	7.2
PETRALE SOLE a/	Coastwide	2,579.40	N/A	2,544.4	N/A	35
YELLOWEYE ROCKFISH a/	Coastwide	12.2	N/A	1	N/A	11.2
Arrowtooth flounder	Coastwide	3,410	95%	3,239	5%	170
Chilipepper	S of 40°10' N. lat.	1,604	75%	1,203	25%	401
Dover sole	Coastwide	48,406	95%	45,986	5%	2,420
English sole	Coastwide	9,640	95%	9,158	5%	482
Lingcod	N of 40°10' N. lat.	2,552	45%	1,148	55%	1,404
Lingcod	S of 40°10' N. lat.	995	45%	448	55%	547
Longnose skate a/	Coastwide	1,927	90%	1,734	10%	193
Longspine thornyhead	N of 34°27' N. lat.	3,124	95%	2,967	5%	156
Pacific cod	Coastwide	1,091	95%	1,036	5%	55
Pacific whiting	Coastwide	266,684	100%	266,684	0%	0
Sablefish	N of 36° N. lat.	0	See Table 1 c			
Sablefish	S of 36° N. lat.	1,714	42%	720	58%	994
Shortspine thornyhead	N of 34°27' N. lat.	1,686	95%	1,601	5%	84
Shortspine thornyhead	S of 34°27' N. lat.	881	NA	50	NA	831
Splitnose	S of 40°10' N. lat.	1,705	95%	1,619	5%	85
Starry flounder	Coastwide	1,524	50%	762	50%	762
Widow rockfish f/	Coastwide	1,880	91%	1,711	9%	169
Yellowtail rockfish	N of 40°10' N. lat.	5,560	88%	4,893	12%	667
Minor Shelf Rockfish complex a/	N of 40°10' N. lat.	1,872	60.20%	1,127	39.80%	745
Minor Shelf Rockfish complex a/	S of 40°10' N. lat.	1,575	12.20%	192	87.80%	1,383
Minor Slope Rockfish complex	N of 40°10' N. lat.	1,629	81%	1,319	19%	309
Minor Slope Rockfish complex	S of 40°10' N. lat.	673	63%	424	37%	249
Other Flatfish complex	Coastwide	8,545	90%	7,691	10%	855

a/ Allocations decided through the biennial specification process.

b/ 13.7 mt of the total trawl allocation of canary rockfish is allocated to the at-sea whiting fisheries, as follows: 5.7 mt for the mothership fishery, and 8.0 mt for the catcher/processor fishery.

c/ The cowcod fishery harvest guideline is further reduced to an ACT of 4.0 mt.

d/ Consistent with regulations at §660.55(c), 9 percent (27.1 mt) of the total trawl allocation for darkblotched rockfish is allocated to the whiting fisheries, as follows: 11.4 mt for the shorebased IFQ fishery, 6.5 mt for the mothership fishery, and 9.2 mt for the catcher/processor fishery. The tonnage calculated here for the whiting portion of the shorebased IFQ fishery contributes to the total shorebased trawl allocation, which is found at 660.140(d) (1) (ii) (D).

e/ Consistent with regulations at §660.55(c), 30 mt of the total trawl allocation for POP is allocated to the whiting fisheries, as follows: 12.6 mt for the shorebased IFQ fishery, 7.2 mt for the mothership fishery, and 10.2 mt for the catcher/processor fishery. The tonnage calculated here for the whiting portion of the shorebased IFQ fishery contributes to the total shorebased trawl allocation, which is found at 660.140(d)(1)(ii)(D).

f/ Consistent with regulations at §660.55(c), 500 mt of the total trawl allocation for widow rockfish is allocated to the whiting fisheries, as follows: 210 mt for the shorebased IFQ fishery, 120 mt for the mothership fishery, and 170 mt for the catcher/processor fishery. The tonnage calculated here for the whiting portion of the shorebased IFQ fishery contributes to the total shorebased trawl allocation, which is found at 660.140(d)(1)(ii)(D).

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■ 4. In § 660.131, revise paragraph (h) to read as follows:

**§ 660.131 Pacific whiting fishery management measures.**

\* \* \* \* \*

(h) *Reapportionment of Pacific whiting.* (1) Upon receipt of written notice to the Regional Administrator from the tribe(s) participating in the fishery that they do not intend to use a portion of the tribal allocation, the Regional Administrator may, no earlier than 7 days following notice to other treaty tribes with rights to whiting, reapportion any remainder to the other sectors of the trawl fishery as soon as practicable after receiving such notice. If no such reapportionment has occurred prior to September 15 of the fishing year, the Regional Administrator will, based on discussions with representatives of the tribes

participating in the Pacific whiting fishery for that fishing year, consider the tribal harvests to date and catch projections for the remainder of the year relative to the tribal allocation of Pacific whiting, as specified at § 660.50. That portion of the tribal allocation that the Regional Administrator determines will not be used by the end of the fishing year may be reapportioned to the other sectors of the trawl fishery on September 15 or as soon as practicable thereafter. Subsequent reapportionments may be made based on subsequent determinations by the Regional Administrator based on the factors described above in order to ensure full utilization of the resource. However, no reapportionments will occur after December 1 of the fishing year.

(2) NMFS will reapportion unused tribal allocation to the other sectors of

the trawl fishery in proportion to their initial allocations.

(3) The reapportionment of surplus whiting will be made effective immediately by actual notice under the automatic action authority provided at § 660.60(d)(1).

(4) Estimates of the portion of the tribal allocation that will not be used by the end of the fishing year will be based on the best information available to the Regional Administrator.

■ 5. In § 660.140, revise paragraph (d)(1)(ii)(D) to read as follows:

**§ 660.140 Shorebased IFQ Program.**

\* \* \* \* \*

- (d) \* \* \*
- (1) \* \* \*
- (ii) \* \* \*

(D) For the trawl fishery, NMFS will issue QP based on the following shorebased trawl allocations:

IFQ species	Management area	2015 shorebased trawl allocation (mt)	2016 shorebased trawl allocation (mt)
Arrowtooth flounder		3,193.93	3,033.38
BOCACCI	South of 40°10' N. lat	81.89	85.02
CANARY ROCKFISH		43.26	44.48
Chilipepper	South of 40°10' N. lat	1,203.00	1,196.25
COWCOD	South of 40°10' N. lat	1.44	1.44
DARKBLOTCHED ROCKFISH		285.61	292.81
Dover sole		45,980.80	45,980.80
English sole		9,153.19	6,636.64
Lingcod	North of 40°10' N. lat	1,133.32	1,083.37
Lingcod	South of 40°10' N. lat	447.71	421.61
Longspine thornyhead	North of 34°27' N. lat	2,962.33	2,815.08
Minor Shelf Rockfish complex	North of 40°10' N. lat	1,091.70	1,096.52
Minor Shelf Rockfish complex	South of 40°10' N. lat	192.20	192.32
Minor Slope Rockfish complex	North of 40°10' N. lat	1,219.41	1,229.94
Minor Slope Rockfish complex	South of 40°10' N. lat	423.99	425.25
Other Flatfish complex		7,670.50	6,315.10
Pacific cod		1,031.41	1,031.41
PACIFIC OCEAN PERCH	North of 40°10' N. lat	118.45	124.15
Pacific Whiting		112,007.45	
PETRALE SOLE		2,539.40	2,633.40
Sablefish	North of 36° N. lat	2,199.37	2,411.24
Sablefish	South of 36° N. lat	719.88	787.50
Shortspine thornyhead	North of 34°27' N. lat	1,581.49	1,563.44
Shortspine thornyhead	South of 34°27' N. lat	50.00	50.00
Splitnose rockfish	South of 40°10' N. lat	1,619.28	1,648.73
Starry flounder		756.85	759.35
Widow rockfish		1,420.62	1,420.62
YELLOWEYE ROCKFISH		1.00	1.08
Yellowtail rockfish	North of 40°10' N. lat	4,593.15	4,376.67

\* \* \* \* \*