

**DATES:** Published in the **Federal Register** on December 3, 2020, the Board will provide an opportunity for additional public participation in a subsequent decision.

**ADDRESSES:** Comments and replies may be filed with the Board via e-filing on the Board's website at [www.stb.gov](http://www.stb.gov) and will be posted to the Board's website.

**FOR FURTHER INFORMATION CONTACT:**

Amy Ziehm at (202) 245-0391. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** On July 31, 2020, five railroad parties—Canadian National Railway Company (CN); CSX Transportation, Inc. (CSXT); The Kansas City Southern Railway Company (KCS); Norfolk Southern Corporation; and Union Pacific Railroad Company (UP) (collectively, Petitioners)<sup>1</sup>—filed a petition for rulemaking to create a new, voluntary small rate case arbitration program, to be codified at 49 CFR part 1108a, which would function alongside the Board's existing arbitration program at 49 CFR part 1108. Petitioners pledge to participate in their proposed arbitration program for a period of five years, provided the Board adopts the program according to the terms set forth in the petition, including (among other things) a right to withdraw from the program if the Board adopts the Final Offer Rate Review (FORR) process<sup>2</sup> without exempting carriers that participate in the program from the FORR process. (Pet. 2, 17.)

Replies to the petition were filed on August 20, 2020, by the National Grain and Feed Association (NGFA); Olin Corporation (Olin); the American Fuel & Petrochemical Manufacturers (AFPM); and (filing jointly) the American Chemistry Council, Corn Refiners Association, Institute of Scrap Recycling Industries, National Industrial Transportation League, The Chlorine Institute, and The Fertilizer Institute (Joint Shippers). The U.S. Department of Agriculture (USDA) also filed a reply. Olin, AFPM, and the Joint Shippers generally object to the Petitioners' requested program.<sup>3</sup> While USDA and

NGFA express support for commencing a rulemaking proceeding, they advocate for certain changes to the program requested by the Petitioners. (USDA Reply 1; NGFA Reply 1–2.) By decision issued on August 26, 2020, the Director of the Office of Proceedings directed Petitioners to submit a supplemental pleading responding to the replies and allowed other interested persons to respond as well.

On September 10, 2020, Petitioners submitted a supplemental filing, as did AFPM, U.S. Wheat, and the Joint Shippers. Petitioners state that they are agreeable to some modifications to their proposed program, but not to the modifications suggested by other interested parties on confidentiality, exemption from FORR, and a prohibition on revenue adequacy considerations. The shipper groups renewed their objections to Petitioners' proposed program.

The Board favors the resolution of disputes through alternative dispute resolution whenever possible, *see* 49 CFR 1109.1, and has also been actively working to expand access to rate relief, particularly for smaller disputes. The Rate Reform Task Force (RRTF), which the Board established in 2018 to develop recommendations for rate reform, recommended legislation that would permit mandatory arbitration of small disputes, in addition to a Board-administered final offer decision-making process,<sup>4</sup> the latter of which the Board has proposed in Docket No. EP 755. (RRTF Report 14–20.) In order for the Board to give further consideration to providing a new arbitration program under which parties would voluntarily participate to resolve rate disputes, the Board concludes that it is appropriate to institute a rulemaking proceeding to consider Petitioners' proposal.<sup>5</sup> The Board will provide an opportunity for additional public participation in a subsequent decision.

**List of Subjects in 49 CFR 1108**

Administrative practice and procedure, Railroads.

*It is ordered:*

1. Petitioners' request to initiate a rulemaking proceeding is granted, as discussed above.

Group (U.S. Wheat) also expressed "several concerns" regarding the Petitioners' requested program. *See* U.S. Wheat Comment 6, Aug. 12, 2020, *Final Offer Rate Review*, EP 755.

<sup>4</sup> The RRTF issued its report on April 25, 2019. The RRTF Report is available on the Board's website at <https://prod.stb.gov/wp-content/uploads/Rate-Reform-Task-Force-Report-April-2019.pdf>.

<sup>5</sup> The Board also notes the Petitioners' proposed interrelationship between their proposed arbitration program and the Board's proposal in Docket No. EP 755.

2. Notice of this decision will be published in the **Federal Register**.

3. This decision is effective on its service date.

Decided: November 24, 2020.

By the Board, Board Members Begeman, Fuchs, and Oberman.

**Tammy Lowery,**  
*Clearance Clerk.*

[FR Doc. 2020-26506 Filed 12-2-20; 8:45 am]

**BILLING CODE 4915-01-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 201125-0318; RTID 0648-XY115]

**Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Proposed 2021 and 2022 Harvest Specifications for Groundfish**

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

**ACTION:** Proposed rule; harvest specifications and request for comments.

**SUMMARY:** NMFS proposes 2021 and 2022 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits for groundfish during the 2021 and 2022 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The 2021 harvest specifications supersede those previously set in the final 2020 and 2021 harvest specifications, and the 2022 harvest specifications will be superseded in early 2022 when the final 2022 and 2023 harvest specifications are published. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Comments must be received by January 4, 2021.

**ADDRESSES:** Submit comments on this document, identified by NOAA-NMFS-2020-0140, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to [www.regulations.gov/](http://www.regulations.gov/) #/docketDetail;D=NOAA-NMFS-2020-

<sup>1</sup> The petition lists one of the petitioners only as "CN." In their supplemental filing, Petitioners identify this party as the "U.S. operating subsidiaries of CN." Although not identified in either filing, the Board understands "CN" to mean Canadian National Railway Company. Another petitioner is listed as Norfolk Southern Corp., but in the supplemental filing, the party is identified as Norfolk Southern Railway Company (NSR), the operating affiliate of Norfolk Southern Corp.

<sup>2</sup> The Board proposed FORR in *Final Offer Rate Review*, EP 755 (STB served Sept. 12, 2019).

<sup>3</sup> In a comment filed in Docket No. EP 755, the U.S. Wheat Associates Transportation Working

0140, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Records Office. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

**Instructions:** NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record, and NMFS will post the comments for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), Record of Decision (ROD) for the Final EIS, and the annual Supplementary Information Reports (SIRs) to the Final EIS prepared for this action are available from <https://www.regulations.gov>. An updated 2021 SIR for the final 2021 and 2022 harvest specifications will be available from the same source. The final 2019 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated November 2019, is available from the North Pacific Fishery Management Council (Council) at 1007 West Third, Suite 400, Anchorage, AK 99501–2252, phone 907–271–2809, or from the Council’s website at <https://www.npfmc.org>. The 2020 SAFE report for the GOA will be available from the same source.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the GOA groundfish fisheries in the exclusive economic zone (EEZ) of the GOA under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The Council prepared the FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801, *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

The FMP and its implementing regulations require that NMFS, after consultation with the Council, specify the total allowable catch (TAC) for each target species, the sum of which must be

within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (§ 679.20(a)(1)(i)(B)). Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on proposed annual TACs and apportionments thereof, Pacific halibut prohibited species catch (PSC) limits, and seasonal allowances of pollock and Pacific cod. The proposed harvest specifications in Tables 1 through 19 of this rule satisfy these requirements. For 2021 and 2022, the sum of the proposed TAC amounts is 402,783 mt.

Under § 679.20(c)(3), NMFS will publish the final 2021 and 2022 harvest specifications after (1) considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its December 2020 meeting, (3) considering information presented in the 2021 SIR to the Final EIS that assesses the need to prepare a Supplemental EIS (see **ADDRESSES**), and (4) considering information presented in the final 2020 SAFE reports prepared for the 2021 and 2022 groundfish fisheries.

#### **Other Actions Affecting or Potentially Affecting the 2021 and 2022 Harvest Specifications**

*Amendment 109 to the FMP: Revisions to the GOA Pollock Seasons and Pacific Cod Seasonal Allocations*

On June 25, 2020, NMFS published a final rule to implement Amendment 109 to the FMP (85 FR 38093), effective January 1, 2021. The final rule revised the pollock seasons and allocations in the GOA, along with Pacific cod season allocations. Amendment 109 modified the existing annual pollock TAC allocation to two equal seasonal allocations (50 percent of TAC), rather than four equal seasonal allocations (25 percent of TAC). The pollock A and B seasons were combined into a January 20 through May 31 A season, and the pollock C and D seasons were combined into a September 1 through November 1 B season. Additionally, Amendment 109 revised the Pacific cod TAC seasonal apportionments to the trawl catcher vessel (CV) sector by increasing the A season allocation and decreasing the B season allocation. The revisions implemented by Amendment 109 are incorporated into these proposed 2021 and 2022 harvest specifications.

*Amendment 110 to the FMP: Reclassify Sculpins as an Ecosystem Component Species*

On July 10, 2020, NMFS published the final rule to implement Amendment 110 to the FMP (85 FR 41427). The final rule reclassified sculpins in the FMP as an “Ecosystem Component” species,

which is a category of non-target species that are not in need of conservation and management. Accordingly, NMFS will no longer set an Overfishing Level (OFL), acceptable biological catch (ABC), and TAC for sculpins in the GOA groundfish harvest specifications, beginning with these proposed 2021 and 2022 harvest specifications. Amendment 110 prohibits directed fishing for sculpins, while maintaining recordkeeping and reporting requirements for sculpins. Amendment 110 also establishes a maximum retainable amount for sculpins when directed fishing for groundfish species at 20 percent to discourage targeting sculpin species.

#### *Potential Revisions to the Sablefish Apportionment Process*

The Alaska-wide sablefish ABC is apportioned between six areas within the GOA and BSAI (the Bering Sea, Aleutian Islands, Western Gulf, Central Gulf, West Yakutat, and East Yakutat/Southeast Areas). Since 2013, a fixed apportionment methodology has been used to apportion the ABC between those six areas. However, a new apportionment methodology is being considered that could affect the apportionment of sablefish ABC, as well as TACs and gear allocations between the trawl and fixed gear sectors, specified in future GOA groundfish harvest specifications. The Joint BSAI and GOA Groundfish Plan Team, Scientific and Statistical Committee (SSC), and Council will review and propose any changes to the sablefish ABC apportionment methodology and could recommend changes for the final 2021 and 2022 groundfish harvest specifications.

#### **Proposed ABC and TAC Specifications**

In October 2020, the Council’s SSC, its Advisory Panel (AP), and the Council reviewed the most recent biological and harvest information about the condition of the GOA groundfish stocks. The Council’s GOA Groundfish Plan Team (Plan Team) compiled and presented this information in the final 2019 SAFE report for the GOA groundfish fisheries, dated November 2019 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses and estimates of each species’ biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team recommends, and the SSC sets, an OFL and ABC for each species or species group. The amounts proposed for the 2021 and

2022 OFLs and ABCs are based on the 2019 SAFE report. The AP and Council recommended that the proposed 2021 and 2022 TACs be set equal to proposed ABCs for all species and species groups, with the exception of the species and species groups further discussed below. The proposed OFLs, ABCs, and TACs could be changed in the final harvest specifications depending on the most recent scientific information contained in the final 2020 SAFE report. The stock assessments that will comprise, in part, the 2020 SAFE report are available at <https://www.fisheries.noaa.gov/alaska/population-assessments/north-pacific-groundfish-stock-assessment-and-fishery-evaluation>. The final 2020 SAFE report will be available from the same source.

In November 2020, the Plan Team will update the 2019 SAFE report to include new information collected during 2020, such as NMFS stock surveys, revised stock assessments, and catch data. The Plan Team will compile this information and present the draft 2020 SAFE report at the December 2020 Council meeting. At that meeting, the SSC and the Council will review the 2020 SAFE report, and the Council will approve the 2020 SAFE report. The Council will consider information in the 2020 SAFE report, recommendations from the November 2020 Plan Team meeting and December 2020 SSC and AP meetings, public testimony, and relevant written public comments in making its recommendations for the final 2021 and 2022 harvest specifications. Pursuant to § 679.20(a)(2) and (3), the Council could recommend adjusting the TACs if warranted based on the biological condition of groundfish stocks or a variety of socioeconomic considerations, or if required to cause the sum of TACs to fall within the OY range.

Many of the scheduled 2020 GOA and Bering Sea groundfish and ecosystem surveys were cancelled or modified; some were conducted as planned. The Alaska Fisheries Science Center (AFSC) implemented a variety of mitigation efforts to partially address the loss of data from cancelled surveys in 2020. Currently, for 2021 the AFSC plans to resume the normal schedule of surveys for the GOA including a two-vessel GOA trawl survey and GOA acoustic-trawl survey. The stock assessment process is adaptable to the changes in availability of survey data, as many surveys are conducted periodically, rather than annually, and any changes relevant to the stock assessment process will be addressed in the final SAFE report.

#### *Potential Changes Between Proposed and Final Specifications*

In previous years, the most significant changes (relative to the amount of assessed tonnage of fish) to the OFLs and ABCs from the proposed to the final harvest specifications have been based on the most recent NMFS stock surveys. These surveys provide updated estimates of stock biomass and spatial distribution, and inform changes to the models used for producing stock assessments. At the September 2020 Plan Team meeting, NMFS scientists presented updated and new survey results. Scientists also discussed potential changes to assessment models, and accompanying preliminary stock estimates. At the October 2020 Council meeting, the SSC reviewed this information. The species with potential for a significant model change is Pacific ocean perch. Model changes can result in changes to final OFLs, ABCs, and TACs.

In November 2020, the Plan Team will consider updated survey results and updated stock assessments for groundfish, which will be included in the draft 2020 SAFE report. If the 2020 SAFE report indicates that the stock biomass trend is increasing for a species, then the final 2021 and 2022 harvest specifications for that species may reflect an increase from the proposed harvest specifications. Conversely, if the 2020 SAFE report indicates that the stock biomass trend is decreasing for a species, then the final 2021 and 2022 harvest specifications may reflect a decrease from the proposed harvest specifications.

The proposed 2021 and 2022 OFLs and ABCs are based on the best available biological and scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The FMP specifies the tiers to be used to compute OFLs and ABCs. The tiers applicable to a particular stock or stock complex are determined by the level of reliable information available to the fisheries scientists. This information is categorized into a successive series of six tiers to define OFLs and ABCs, with Tier 1 representing the highest level of information quality available and Tier 6 representing the lowest level of information quality available. The Plan Team used the FMP tier structure to calculate OFLs and ABCs for each groundfish species. The SSC adopted the proposed 2021 and 2022 OFLs and ABCs recommended by the Plan Team for all groundfish species. The proposed

2021 and 2022 TACs are based on the best available biological and socioeconomic information. The Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations.

#### *Specification and Apportionment of TAC Amounts*

The Council recommended proposed 2021 and 2022 TACs that are equal to proposed ABCs for all species and species groups, with the exception of pollock in the combined Western and Central Regulatory Areas and the West Yakutat (WYK) District of the Eastern Regulatory Area (the W/C/WYK Regulatory Area), Pacific cod, shallow-water flatfish in the Western Regulatory Area, arrowtooth flounder, flathead sole in the Western and Central Regulatory Areas, and Atka mackerel. The W/C/WYK Regulatory Area pollock TAC and the GOA Pacific cod TACs are set to account for the State of Alaska's (State's) guideline harvest levels (GHLs) for the State water pollock and Pacific cod fisheries so that the ABCs are not exceeded. Additionally, the proposed GOA Pacific cod TACs include a further reduction, which the Council recommended and NMFS implemented in the 2020 and 2021 harvest specifications, as an additional conservation measure due to the stock's projected 2020 spawning biomass (discussed further below). The shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries. The Atka mackerel TAC is set to accommodate incidental catch amounts in other fisheries. These reductions are described below.

NMFS's proposed apportionments of groundfish species are based on the distribution of biomass among the regulatory areas over which NMFS manages the species. Additional regulations govern the apportionment of pollock, Pacific cod, and sablefish. Additional detail on apportionments of pollock, Pacific cod, and sablefish are described below.

The ABC for the pollock stock in the W/C/WYK Regulatory Area accounts for the GHL established by the State for the Prince William Sound (PWS) pollock fishery. The Plan Team, SSC, AP, and Council have recommended that the sum of all State water and Federal water pollock removals from the GOA not exceed ABC recommendations. For 2021 and 2022, the Council recommended the W/C/WYK pollock ABC include the amount to account for the State's PWS GHL. At the November 2018 Plan Team

meeting, State fisheries managers recommended setting the future PWS GHL at 2.5 percent of the annual W/C/WYK pollock ABC. For 2021, this yields a PWS pollock GHL of 2,797 mt, an increase of 85 mt from the 2020 PWS GHL of 2,712 mt. After accounting for the PWS GHL, the 2021 and 2022 pollock ABC for the combined W/C/WYK areas is then apportioned among four statistical areas (Areas 610, 620, 630, and 640) as both ABCs and TACs, as described below and detailed in Table 1. The total ABCs and TACs for the four statistical areas, plus the State GHL, do not exceed the combined W/C/WYK ABC. The proposed W/C/WYK 2021 and 2022 pollock ABC is 111,888 mt, and the proposed TAC is 109,091 mt.

Apportionments of pollock to the W/C/WYK management areas are considered to be apportionments of annual catch limit (ACLs) rather than apportionments of ABCs. This more accurately reflects that such apportionments address management concerns, rather than biological or conservation concerns. In addition, apportionments of the ACL in this manner allow NMFS to balance any transfer of TAC among Areas 610, 620, and 630 pursuant to § 679.20(a)(5)(iv)(B) to ensure that the combined W/C/WYK ACL, ABC, and TAC are not exceeded.

NMFS proposes pollock TACs in the Western Regulatory Area (Area 610), Central Regulatory Area (Areas 620 and 630), and the West Yakutat District (Area 640) and the Southeast Outside (SEO) District (Area 650) of the Eastern Regulatory Area of the GOA (see Table 1). NMFS also proposes seasonal apportionment of the annual pollock TAC in the Western and Central Regulatory Areas of the GOA among Statistical Areas 610, 620, and 630. These apportionments are divided equally among the following two seasons: The A season (January 20 through May 31) and the B season (September 1 through November 1) (§§ 679.23(d)(2)(i) and (ii), and 679.20(a)(5)(iv)(A) and (B)). Additional detail is provided below; Table 2 lists these amounts.

The proposed 2021 and 2022 Pacific cod TACs are set to accommodate the State's GHLs for Pacific cod in State waters in the Western and Central Regulatory Areas, as well as in PWS (in the Eastern Regulatory Area) (see Table

1). The Plan Team, SSC, AP, and Council recommended that the sum of all State water and Federal water Pacific cod removals from the GOA not exceed ABC recommendations. Accordingly, the Council recommended the 2021 and 2022 Pacific cod TACs in the Western, Central, and Eastern Regulatory Areas to account for State GHLs. Therefore, the proposed 2021 and 2022 Pacific cod TACs are less than the proposed ABCs by the following amounts: (1) Western GOA, 1,483 mt; (2) Central GOA, 2,115 mt; and (3) Eastern GOA, 305 mt. These amounts reflect the State's 2021 and 2022 GHLs in these areas, which are 30 percent of the Western GOA proposed ABC, and 25 percent of the Eastern and Central GOA proposed ABCs. The proposed 2021 and 2022 Pacific cod TACs also incorporate an additional reduction (40 percent) from the proposed Pacific cod ABCs, after deduction of the State GHL amounts. This reduction was recommended by the Council and implemented by NMFS in the final 2020 and 2021 harvest specifications after the 2019 SAFE indicated that the spawning biomass of Pacific cod would be below 20 percent of the projected unfished spawning biomass during 2020. At the December 2020 meeting, the Council will consider whether to recommend any reduction of the final Pacific cod TACs based on the most recent 2020 biological assessment on the stock condition for Pacific cod.

NMFS also proposes seasonal apportionments of the Pacific cod TACs in the Western and Central Regulatory Areas. A portion of the annual TAC is apportioned to the A season for hook-and-line, pot, and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10. The remainder of the annual TAC is apportioned to the B season for jig gear from June 10 through December 31, for hook-and-line and pot gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (§§ 679.23(d)(3) and 679.20(a)(12)). The Western and Central GOA Pacific cod TACs are allocated among various gear and operational sectors. The Pacific cod sector apportionments are discussed in detail in a subsequent section and in Table 3 of this rule.

In 2020, NMFS prohibited directed fishing for Pacific cod in the GOA, in accordance with § 679.20(d)(4). At that

time, NMFS determined that the 2019 biological assessment of stock condition for Pacific cod in the GOA projected that the spawning biomass in the GOA would be below 20 percent of the projected unfished spawning biomass during 2020. Pursuant to § 679.20(d)(4), the directed fishery for Pacific cod in the GOA will remain closed until a subsequent biological assessment projects that the spawning biomass for Pacific cod in the GOA will exceed 20 percent of the projected unfished spawning biomass during a fishing year. At the November 2020 Plan Team and December 2020 SSC meetings, the Plan Team and SSC will review the Pacific cod stock assessment and evaluate the stock condition of Pacific cod to determine whether the directed fishery for Pacific cod in the GOA will remain closed pursuant to § 679.20(d)(4).

The Council's recommendation for sablefish area apportionments takes into account the prohibition on the use of trawl gear in the SEO District of the Eastern Regulatory Area (§ 679.7(b)(1)) and makes available five percent of the combined Eastern Regulatory Area TACs to vessels using trawl gear for use as incidental catch in other trawl groundfish fisheries in the WYK District (§ 679.20(a)(4)(i)). Additional detail is provided below. Tables 4 and 5 list the proposed 2021 and 2022 allocations of the sablefish TAC to fixed gear and trawl gear in the GOA.

For 2021 and 2022, the Council recommends and NMFS proposes the OFLs, ABCs, and TACs listed in Table 1. These amounts are consistent with the biological condition of groundfish stocks as described in the 2019 SAFE report. The proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs are adjusted for other biological and socioeconomic considerations. The sum of the proposed TACs for all GOA groundfish is 402,783 mt for 2021 and 2022, which is within the OY range specified by the FMP. These proposed amounts and apportionments by area, season, and sector are subject to change pending consideration of the 2020 SAFE report and the Council's recommendations for the final 2021 and 2022 harvest specifications during its December 2020 meeting.

TABLE 1—PROPOSED 2021 AND 2022 OFLs, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, AND EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SOUTHEAST OUTSIDE DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULFWIDE DISTRICT OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC <sup>2</sup>
Pollock <sup>2</sup>	Shumagin (610)	n/a	19,775	19,775
	Chirikof (620)	n/a	56,159	56,159
	Kodiak (630)	n/a	27,429	27,429
	WYK (640)	n/a	5,728	5,728
	W/C/WYK (subtotal)	149,988	111,888	109,091
	SEO (650)	13,531	10,148	10,148
	Total	163,519	122,036	119,239
Pacific cod <sup>3</sup>	W	n/a	4,942	2,076
	C	n/a	8,458	3,806
	E	n/a	1,221	549
	Total	30,099	14,621	6,431
Sablefish <sup>4</sup>	W	n/a	3,003	3,003
	C	n/a	9,963	9,963
	WYK	n/a	3,323	3,323
	SEO	n/a	5,963	5,963
	E (WYK and SEO) (subtotal)	n/a	9,286	9,286
	Total (Alaska-wide OFL)	64,765	22,252	22,252
Shallow-water flatfish <sup>5</sup>	W	n/a	24,256	13,250
	C	n/a	28,205	28,205
	WYK	n/a	2,820	2,820
	SEO	n/a	1,128	1,128
	Total	69,129	56,409	45,403
Deep-water flatfish <sup>6</sup>	W	n/a	225	225
	C	n/a	1,914	1,914
	WYK	n/a	2,068	2,068
	SEO	n/a	1,719	1,719
	Total	7,040	5,926	5,926
Rex sole	W	n/a	3,013	3,013
	C	n/a	8,912	8,912
	WYK	n/a	1,206	1,206
	SEO	n/a	2,285	2,285
	Total	18,779	15,416	15,416
Arrowtooth flounder	W	n/a	30,545	14,500
	C	n/a	66,683	66,683
	WYK	n/a	9,946	6,900
	SEO	n/a	17,183	6,900
	Total	148,597	124,357	94,983
Flathead sole	W	n/a	14,191	8,650
	C	n/a	20,799	15,400
	WYK	n/a	2,424	2,424
	SEO	n/a	1,912	1,912
	Total	47,919	39,326	28,386
Pacific ocean perch <sup>7</sup>	W	n/a	1,379	1,379
	C	n/a	22,727	22,727
	WYK	n/a	1,410	1,410
	W/C/WYK	30,297	25,516	25,516
	SEO	5,303	4,467	4,467
	Total	35,600	29,983	29,983
Northern rockfish <sup>8</sup>	W	n/a	1,079	1,079
	C	n/a	3,027	3,027
	E	n/a	1	-
	Total	4,898	4,107	4,106
Shortraker rockfish <sup>9</sup>	W	n/a	52	52
	C	n/a	284	284
	E	n/a	372	372
	Total	944	708	708
Dusky rockfish <sup>10</sup>	W	n/a	759	759
	C	n/a	2,688	2,688
	Total			

TABLE 1—PROPOSED 2021 AND 2022 OFLs, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, AND EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SOUTHEAST OUTSIDE DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULFWIDE DISTRICT OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC <sup>2</sup>
	WYK .....	n/a	113	113
	SEO .....	n/a	38	38
	Total .....	4,396	3,598	3,598
Rougheye and blackspotted rockfish <sup>11</sup> .....	W .....	n/a	169	169
	C .....	n/a	455	455
	E .....	n/a	587	587
	Total .....	1,455	1,211	1,211
Demersal shelf rockfish <sup>12</sup> .....	SEO .....	375	238	238
Thornyhead rockfish <sup>13</sup> .....	W .....	n/a	326	326
	C .....	n/a	911	911
	E .....	n/a	779	779
	Total .....	2,688	2,016	2,016
Other rockfish <sup>14 15</sup> .....	W/C combined .....	n/a	940	940
	WYK .....	n/a	369	369
	SEO .....	n/a	2,744	2,744
	Total .....	5,320	4,053	4,053
Atka mackerel .....	GW .....	6,200	4,700	3,000
Big skates <sup>16</sup> .....	W .....	n/a	758	758
	C .....	n/a	1,560	1,560
	E .....	n/a	890	890
	Total .....	4,278	3,208	3,208
Longnose skates <sup>17</sup> .....	W .....	n/a	158	158
	C .....	n/a	1,875	1,875
	E .....	n/a	554	554
	Total .....	3,449	2,587	2,587
Other skates <sup>18</sup> .....	GW .....	1,166	875	875
Sharks .....	GW .....	10,913	8,184	8,184
Octopuses .....	GW .....	1,307	980	980
Total .....		632,836	466,791	402,783

<sup>1</sup>Regulatory areas and districts are defined at §679.2. (W=Western Gulf of Alaska; C=Central Gulf of Alaska; E=Eastern Gulf of Alaska; WYK=West Yakutat District; SEO=Southeast Outside District; GW=Gulf-wide).

<sup>2</sup>The total for the W/C/WYK Regulatory Areas pollock ABC is 111,888 mt. After deducting 2.5 percent (2,797 mt) of that ABC for the State's pollock GHL fishery, the remaining pollock ABC of 109,091 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 2. In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

<sup>3</sup>The annual Pacific cod TAC is apportioned: (1) 63.84 percent to the A season and 36.16 percent to the B season and (2) 64.16 percent to the A season and 35.84 percent to the B season in the Western and Central Regulatory Areas of the GOA, respectively. The Pacific cod TAC in the Eastern Regulatory Area of the GOA is allocated 90 percent to vessels harvesting Pacific cod for processing by the inshore component and 10 percent to vessels harvesting Pacific cod for processing by the offshore component. Table 3 lists the proposed 2021 and 2022 Pacific cod seasonal apportionments and sector allocations.

<sup>4</sup>The Sablefish OFL is set Alaska-wide. Additionally, sablefish is allocated to fixed and trawl gear in 2021 and trawl gear in 2022. Tables 4 and 5 list the proposed 2021 and 2022 allocations of sablefish TACs.

<sup>5</sup>"Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup>"Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

<sup>7</sup>"Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup>"Northern rockfish" means *Sebastes polyspinous*. For management purposes the 1 mt apportionment of ABC to the WYK District of the Eastern Regulatory Area has been included in the "other rockfish" species group.

<sup>9</sup>"Shortraker rockfish" means *Sebastes borealis*.

<sup>10</sup>"Dusky rockfish" means *Sebastes variabilis*.

<sup>11</sup>"Rougheye and blackspotted rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>12</sup>"Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>13</sup>"Thornyhead rockfish" means *Sebastes* species.

<sup>14</sup>"Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergray), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, "other rockfish" also includes northern rockfish (*S. polyspinous*).

<sup>15</sup>"Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District of the Eastern Regulatory Area means all rockfish species included in the "other rockfish" and demersal shelf rockfish categories. The "other rockfish" species group in the SEO District only includes other rockfish.

<sup>16</sup>"Big skates" means *Raja binoculata*.

<sup>17</sup>"Longnose skates" means *Raja rhina*.

<sup>18</sup>"Other skates" means *Bathyrja* and *Raja* spp.

*Proposed Apportionment of Reserves*

Section 679.20(b)(2) requires NMFS to set aside 20 percent of each TAC for pollock, Pacific cod, flatfish, sharks, and octopuses in reserve for possible apportionment at a later date during the fishing year. Section 679.20(b)(3) authorizes NMFS to reapportion all or part of these reserves. In 2020, NMFS reapportioned all of the reserves in the final harvest specifications. For 2021 and 2022, NMFS proposes reapportionment of each of the reserves for pollock, Pacific cod, flatfish, sharks, and octopuses back into the original TAC from which the reserve was derived. NMFS expects, based on recent harvest patterns, that such reserves will not be necessary and that the entire TAC for each of these species will be caught. The TACs in Table 1 reflect this proposed reapportionment of reserve amounts to the original TAC for these species and species groups, *i.e.*, each proposed TAC for the above-mentioned species or species groups contains the full TAC recommended by the Council.

*Proposed Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components*

In the GOA, pollock is apportioned by season and area, and is further allocated for processing by inshore and offshore components. Pursuant to § 679.20(a)(5)(iv)(B), the annual pollock TAC specified for the Western and Central Regulatory Areas of the GOA is apportioned into two seasonal allowances of 50 percent. As established by § 679.23(d)(2)(i) through (ii), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. This is a change from 2020 and prior years, when there were four specified pollock seasons of equal seasonal allowances of 25 percent. As

described earlier in the preamble, the regulatory revisions implemented by Amendment 109 to the FMP (85 FR 38093, June 25, 2020) decreased the number of seasons to two and established two equal seasonal allowances of 50 percent. NMFS is incorporating these regulatory revisions (which are effective January 1, 2021) into the harvest specifications for the GOA, and Table 2, below, reflects the revised seasons and seasonal allocations implemented by Amendment 109 to the FMP.

The GOA pollock stock assessment continues to use a four-season methodology to determine pollock distribution in the Western and Central Regulatory Areas of the GOA to maintain continuity in the historical pollock apportionment time-series. Pollock TACs in the Western and Central Regulatory Areas of the GOA are apportioned among Statistical Areas 610, 620, and 630 in proportion to the distribution of pollock biomass determined by the most recent NMFS surveys, pursuant to § 679.20(a)(5)(iv)(A). The pollock chapter of the 2019 SAFE report (see **ADDRESSES**) contains a comprehensive description of the apportionment and reasons for the minor changes from past apportionments. For purposes of specifying pollock between two seasons for the Western and Central Regulatory Areas of the GOA, NMFS has summed the A and B season apportionments and the C and D season apportionments as calculated in the 2019 GOA pollock assessment. This yields the seasonal amounts specified for the A season and the B season, respectively.

Within any fishing year, the amount by which a seasonal allowance is underharvested or overharvested may be added to, or subtracted from, subsequent seasonal allowances in a manner to be determined by the

Regional Administrator (§ 679.20(a)(5)(iv)(B)). The rollover amount is limited to 20 percent of the subsequent seasonal TAC apportionment for the statistical area. Any unharvested pollock above the 20-percent limit could be further distributed to the subsequent season in the other statistical areas, in proportion to the estimated biomass to the subsequent season and in an amount no more than 20 percent of the seasonal TAC apportionment in those statistical areas (§ 679.20(a)(5)(iv)(B)). The proposed 2021 and 2022 pollock TACs in the WYK District of 5,728 mt and the SEO District of 10,148 mt are not allocated by season.

Table 2 lists the proposed 2021 and 2022 area apportionments and seasonal allowances of pollock in the Western and Central Regulatory Areas. The amounts of pollock for processing by the inshore and offshore components are not shown. Section 679.20(a)(6)(i) requires allocation of 100 percent of the pollock TAC in all regulatory areas and all seasonal allowances to vessels catching pollock for processing by the inshore component after subtraction of amounts projected by the Regional Administrator to be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. Thus, the amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is the amount that will be taken as incidental catch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed by § 679.20(e) and (f). At this time, these incidental catch amounts of pollock are unknown and will be determined during the 2021 fishing year during the course of fishing activities by the offshore component.

TABLE 2—PROPOSED 2021 AND 2022 DISTRIBUTION OF POLLOCK IN THE CENTRAL AND WESTERN REGULATORY AREAS OF THE GULF OF ALASKA; AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC <sup>1</sup>

[Values are rounded to the nearest metric ton]

Season <sup>2</sup>	Shumigan (Area 610)	Chirikof (Area 620)	Kodiak (Area 630)	Total <sup>3</sup>
A (January 20–May 31) .....	1,067	42,260	8,354	51,682
B (September 1–November 1) .....	18,708	13,899	19,074	51,682
Annual Total .....	19,775	56,159	27,429	103,363

<sup>1</sup> Area apportionments and seasonal allowances may not total precisely due to rounding.

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

<sup>3</sup> The West Yakutat and Southeast Outside District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

*Proposed Annual and Seasonal Apportionments of Pacific Cod TAC*

Pursuant to § 679.20(a)(12)(i), NMFS proposes allocations for the 2021 and 2022 Pacific cod TACs in the Western and Central Regulatory Areas of the GOA among gear and operational sectors. NMFS also proposes allocating the 2021 and 2022 Pacific cod TACs annually between the inshore (90 percent) and offshore (10 percent) components in the Eastern Regulatory Area of the GOA (§ 679.20(a)(6)(ii)). In the Central GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among CVs less than 50 feet in length overall using hook-and-line gear, CVs equal to or greater than 50 feet in length overall using hook-and-line gear, catcher/processors (CPs) using hook-and-line gear, CVs using trawl gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(B)). In the Western GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among CVs using hook-and-line gear, CPs using hook-and-line gear, CVs using trawl

gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(A)). The overall seasonal apportionments of the annual TAC in the Western GOA are 63.84 percent to the A season and 36.16 percent to the B season, and in the Central GOA are 64.16 percent to the A season and 35.84 percent to the B season.

Under § 679.20(a)(12)(ii), any overage or underage of the Pacific cod allowance from the A season may be subtracted from, or added to, the subsequent B season allowance. In addition, any portion of the hook-and-line, trawl, pot, or jig sector allocations that is determined by NMFS as likely to go unharvested by a sector may be reallocated to other sectors for harvest during the remainder of the fishing year.

Pursuant to § 679.20(a)(12)(i)(A) and (B), a portion of the annual Pacific cod TACs in the Western and Central GOA will be allocated to vessels with a Federal fisheries permit that use jig gear before the TACs are apportioned among other non-jig sectors. In accordance with the FMP, the annual jig sector allocations may increase to up to 6 percent of the annual Western and

Central GOA Pacific cod TACs, depending on the annual performance of the jig sector (see Table 1 of Amendment 83 to the FMP for a detailed discussion of the jig sector allocation process (76 FR 74670, December 1, 2011)). Jig sector allocation increases are established for a minimum of two years.

NMFS has evaluated the historical harvest performance of the jig sector in the Western and Central GOA, and proposes 2021 and 2022 Pacific cod apportionments to this sector based on its historical harvest performance through 2019. For 2021 and 2022, NMFS proposes that the jig sector receive 3.5 percent of the annual Pacific cod TAC in the Western GOA. This includes a base allocation of 1.5 percent and an additional performance increase of 2.0 percent. NMFS also proposes that the jig sector receive 1.0 percent of the annual Pacific cod TAC in the Central GOA. This includes a base allocation of 1.0 percent and no additional performance increase. The 2014 through 2019 Pacific cod jig allocations, catch, and percent allocation changes are listed in Figure 1.

FIGURE 1—SUMMARY OF WESTERN GOA AND CENTRAL GOA PACIFIC COD CATCH BY JIG GEAR IN 2014 THROUGH 2019, AND CORRESPONDING PERCENT ALLOCATION CHANGES

Area	Year	Initial percent of TAC	Initial TAC allocation	Catch (mt)	Percent of initial allocation	>90% of initial allocation?	Change to percent allocation
Western GOA .....	2014	2.5	573	785	137	Y	Increase 1%.
	2015	3.5	948	55	6	N	None.
	2016	3.5	992	52	5	N	Decrease 1%.
	2017	2.5	635	49	8	N	Decrease 1%.
	2018	1.5	125	121	97	Y	Increase 1%.
	2019	2.5	134	134	100	Y	Increase 1%.
Central GOA .....	2014	2.0	797	262	33	N	Decrease 1%.
	2015	1.0	460	355	77	N	None.
	2016	1.0	370	267	72	N	None.
	2017	1.0	331	18	6	N	None.
	2018	1.0	61	0	0	N	None.
	2019	1.0	58	30	52	N	None.

For 2021 and 2022, NMFS proposes apportioning the jig sector allocations for the Western and Central GOA between the A season (60 percent) and the B season (40 percent). This is the same jig sector seasonal apportionments implemented in prior groundfish harvest specifications for the GOA and is consistent with Amendment 83 to the FMP (76 FR 44700; July 26, 2011). NMFS will not evaluate the 2020 performance of the jig sectors in the Western and Central GOA: Since NMFS prohibited directed fishing for all Pacific cod sectors in 2020, the catch for the jig sectors will not reach 90 percent of the initial allocation required for a performance increase (84 FR 70438,

December 23, 2019). As discussed earlier in this preamble, the directed fishing prohibition was issued pursuant to § 679.20(d)(4) and required because the 2019 biological assessment of stock condition for Pacific cod in the GOA projected that the spawning biomass in the GOA would be below 20 percent of the projected unfished spawning biomass during 2020.

As discussed earlier in this preamble, NMFS published a final rule (85 FR 38093, June 25, 2020) to implement Amendment 109 to the FMP. With respect to Pacific cod, Amendment 109 revised the Pacific cod TAC seasonal apportionments to the trawl CV sector by increasing the A season allocation

and decreasing the B season allocation, with the intent of decreasing the annual underharvest of Pacific cod by this sector. NMFS is incorporating the revised seasonal apportionments to trawl CVs between the A and B seasons in accordance with regulatory changes made under Amendment 109. The A season apportionment for trawl CVs has increased to 31.54 percent and 25.29 percent in the Western and Central Regulatory Areas of the GOA, respectively. The B season apportionment for trawl CVs has decreased to 6.86 percent and 16.29 percent in the Western and Central Regulatory Areas of the GOA, respectively. The seasonal allowances of

the trawl CV sector's annual TAC limit in the Western and Central Regulatory Area of the GOA are revised to reflect

the revised seasonal apportionments. Table 3 lists these revisions in the trawl CV seasonal apportionments and sets

forth the seasonal apportionments and allocations of the proposed 2021 and 2022 Pacific cod TACs.

**TABLE 3—PROPOSED 2021 AND 2022 SEASONAL APPORTIONMENTS AND ALLOCATIONS OF PACIFIC COD TAC AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS**

[Values are rounded to the nearest metric ton]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
<b>Western GOA:</b>					
Jig (3.5% of TAC) .....	73	N/A	44	N/A	29
Hook-and-line CV .....	28	0.70	14	0.70	14
Hook-and-line CP .....	397	10.90	218	8.90	178
Trawl CV .....	769	31.54	632	6.86	137
Trawl CP .....	48	0.90	18	1.50	30
Pot CV and Pot CP .....	761	19.80	397	18.20	365
<b>Total .....</b>	<b>2,076</b>	<b>63.84</b>	<b>1,323</b>	<b>36.16</b>	<b>753</b>
<b>Central GOA:</b>					
Jig (1.0% of TAC) .....	38	N/A	23	N/A	15
Hook-and-line <50 CV .....	550	9.32	351	5.29	199
Hook-and-line ≥50 CV .....	253	5.61	211	1.10	41
Hook-and-line CP .....	192	4.11	155	1.00	38
Trawl CV <sup>1</sup> .....	1,567	25.29	953	16.29	614
Trawl CP .....	158	2.00	75	2.19	83
Pot CV and Pot CP .....	1,048	17.83	672	9.97	376
<b>Total .....</b>	<b>3,806</b>	<b>64.16</b>	<b>2,440</b>	<b>35.84</b>	<b>1,366</b>
<b>Eastern GOA .....</b>		<b>Inshore (90% of Annual TAC)</b>		<b>Offshore (10% of Annual TAC)</b>	
549		494		55	

<sup>1</sup> Trawl catcher vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 145 mt, of the annual Central GOA Pacific cod TAC (see Table 28c to 50 CFR part 679). This apportionment is deducted from the Trawl CV B season allowance (see Table 8: Apportionments of Rockfish Secondary Species in the Central GOA and Table 28c to 50 CFR part 679).

*Proposed Allocations of the Sablefish TAC Amounts to Vessels Using Fixed Gear and Trawl Gear*

Section 679.20(a)(4)(i) and (ii) requires allocations of sablefish TACs for each of the regulatory areas and districts to fixed and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to fixed gear, and 20 percent of each TAC is allocated to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is allocated to fixed gear, and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may be used only to support incidental catch of sablefish while directed fishing for other target species using trawl gear (§ 679.20(a)(4)(i)).

In recognition of the prohibition against trawl gear in the SEO District of the Eastern Regulatory Area, the Council recommended and NMFS proposes specifying for incidental catch the allocation of 5 percent of the combined Eastern Regulatory Area sablefish TAC to trawl gear in the WYK District of the

Eastern Regulatory Area. The remainder of the WYK District sablefish TAC is allocated to vessels using fixed gear. This proposed action allocates 100 percent of the sablefish TAC in the SEO District to vessels using fixed gear. This results in a proposed 2021 allocation of 464 mt to trawl gear and 2,859 mt to fixed gear in the WYK District, a proposed 2022 allocation of 5,963 mt to fixed gear in the SEO District, and a proposed 2022 allocation of 464 mt to trawl gear in the WYK District. Table 4 lists the allocations of the proposed 2021 sablefish TACs to fixed and trawl gear. Table 5 lists the allocations of the proposed 2022 sablefish TACs to trawl gear.

The Council recommended that the trawl sablefish TAC be established for two years so that retention of incidental catch of sablefish by trawl gear could commence in January in the second year of the groundfish harvest specifications. Tables 4 and 5 list the proposed 2021 and 2022 trawl allocations, respectively.

The Council also recommended that the fixed gear sablefish TAC be established annually to ensure that the sablefish IFQ fishery is conducted concurrently with the halibut IFQ fishery and is based on the most recent survey information. Since there is an annual assessment for sablefish and since the final harvest specifications are expected to be published before the IFQ season begins (typically, in early March), the Council recommended that the fixed gear sablefish TAC be set annually, rather than for 2 years, so that the best available scientific information could be considered in establishing the sablefish ABCs and TACs. Accordingly, Table 4 lists the proposed 2021 fixed gear allocations, and the 2022 fixed gear allocations will be specified in the 2022 and 2023 harvest specifications.

With the exception of the trawl allocations that are provided to the Rockfish Program (see Table 28c to 50 CFR part 679), directed fishing for sablefish with trawl gear is closed during the fishing year. Also, fishing for

groundfish with trawl gear is prohibited prior to January 20 (§ 679.23(c)). Therefore, it is not likely that the sablefish allocation to trawl gear would be reached before the effective date of the final 2022 and 2023 harvest specifications.

TABLE 4—PROPOSED 2021 SABLEFISH TAC AMOUNTS IN THE GULF OF ALASKA AND ALLOCATIONS TO FIXED AND TRAWL GEAR

[Values are rounded to the nearest metric ton]

Area/district	TAC	Fixed gear allocation	Trawl allocation
Western .....	3,003	2,402	601
Central <sup>1</sup> .....	9,963	7,970	1,993
West Yakutat <sup>2</sup> .....	3,323	2,859	464
Southeast Outside .....	5,963	5,963	0
Total .....	22,252	19,195	3,058

<sup>1</sup> The trawl allocation of sablefish to the Central Regulatory Area is further apportioned to the Rockfish Program cooperatives (1,025 mt). See Table 8: Apportionments of Rockfish Secondary Species in the Central GOA. This results in 968 mt being available for the non-Rockfish Program trawl fisheries.

<sup>2</sup> The proposed trawl allocation is based on allocating 5 percent of the combined Eastern Regulatory Area (West Yakutat and Southeast Outside Districts combined) sablefish TAC to trawl gear in the West Yakutat District.

TABLE 5—PROPOSED 2022 SABLEFISH TAC AMOUNTS IN THE GULF OF ALASKA AND ALLOCATION TO TRAWL GEAR<sup>1</sup>

[Values are rounded to the nearest metric ton]

Area/district	TAC	Fixed gear allocation	Trawl allocation
Western .....	3,003	n/a	601
Central <sup>2</sup> .....	9,963	n/a	1,993
West Yakutat <sup>3</sup> .....	3,323	n/a	464
Southeast Outside .....	5,963	n/a	0
Total .....	22,252	n/a	3,058

<sup>1</sup> The Council recommended that harvest specifications for the fixed gear sablefish Individual Fishing Quota fisheries be limited to 1 year.

<sup>2</sup> The trawl allocation of sablefish to the Central Regulatory Area is further apportioned to the Rockfish Program cooperatives (1,025 mt). See Table 8: Apportionments of Rockfish Secondary Species in the Central GOA. This results in 968 mt being available for the non-Rockfish Program trawl fisheries.

<sup>3</sup> The proposed trawl allocation is based on allocating 5 percent of the combined Eastern Regulatory Area (West Yakutat and Southeast Outside Districts combined) sablefish TAC to trawl gear in the West Yakutat District.

*Proposed Allocations, Apportionments, and Sideboard Limitations for the Rockfish Program*

These proposed 2021 and 2022 harvest specifications for the GOA include the fishery cooperative allocations and sideboard limitations established by the Rockfish Program. Program participants are primarily trawl CVs and trawl CPs, with limited participation by vessels using longline gear. The Rockfish Program assigns quota share and cooperative quota to trawl participants for primary species (Pacific ocean perch, northern rockfish, and dusky rockfish) and secondary species (Pacific cod, roughey rockfish, sablefish, shortraker rockfish, and thornyhead rockfish), allows a participant holding a license limitation program (LLP) license with rockfish quota share to form a rockfish cooperative with other persons, and allows holders of CP LLP licenses to opt out of the fishery. The Rockfish Program also has an entry level fishery for rockfish primary species for vessels using longline gear. Longline gear

includes hook-and-line, jig, troll, and handline gear.

Under the Rockfish Program, rockfish primary species in the Central GOA are allocated to participants after deducting for incidental catch needs in other directed fisheries (§ 679.81(a)(2)). Participants in the Rockfish Program also receive a portion of the Central GOA TAC of specific secondary species. In addition to groundfish species, the Rockfish Program allocates a portion of the halibut PSC limit (191 mt) from the third season deep-water species fishery allowance for the GOA trawl fisheries to Rockfish Program participants (§ 679.81(d) and Table 28d to 50 CFR part 679). The Rockfish Program also establishes sideboard limits to restrict the ability of harvesters operating under the Rockfish Program to increase their participation in other, non-Rockfish Program fisheries. These restrictions and halibut PSC limits are discussed in a subsequent section in this rule titled “Rockfish Program Groundfish Sideboard and Halibut PSC Limitations.”

Section 679.81(a)(2)(ii) and Table 28e to 50 CFR part 679 require allocations of 5 mt of Pacific ocean perch, 5 mt of northern rockfish, and 50 mt of dusky rockfish to the entry level longline fishery in 2021 and 2022. The allocation for the entry level longline fishery may increase incrementally each year if the catch exceeds 90 percent of the allocation of a species. The incremental increase in the allocation would continue each year until it reaches the maximum percentage of the TAC for that species. In 2020, the catch for all three primary species did not exceed 90 percent of any allocated rockfish species. Therefore, NMFS is not proposing any increases to the entry level longline fishery 2021 and 2022 allocations in the Central GOA. The remainder of the TACs for the rockfish primary species, after subtracting the incidental catch amounts (ICAs), would be allocated to the CV and CP cooperatives (§ 679.81(a)(2)(iii)). Table 6 lists the allocations of the proposed 2021 and 2022 TACs for each rockfish primary species to the entry level

longline fishery, the potential incremental increases for future years, and the maximum percentages of the TACs for the entry level longline fishery.

TABLE 6—PROPOSED 2021 AND 2022 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES TO THE ENTRY LEVEL LONGLINE FISHERY IN THE CENTRAL GULF OF ALASKA

Rockfish primary species	Proposed 2021 and 2022 allocations [metric tons]	Incremental increase in 2022 if >90 percent of 2021 allocation is harvested [metric tons]	Up to maximum percent of each TAC of:
Pacific ocean perch .....	5	5	1
Northern rockfish .....	5	5	2
Dusky rockfish .....	50	20	5

Section 679.81 requires allocations of rockfish primary species among various sectors of the Rockfish Program. Table 7 lists the proposed 2021 and 2022 allocations of rockfish primary species in the Central GOA to the entry level longline fishery, and rockfish CV and CP cooperatives in the Rockfish Program. NMFS also proposes setting aside incidental catch amounts (ICAs) for other directed fisheries in the Central GOA of 3,000 mt of Pacific

ocean perch, 300 mt of northern rockfish, and 250 mt of dusky rockfish. These amounts are based on recent average incidental catches in the Central GOA by other groundfish fisheries. Allocations among vessels belonging to CV or CP cooperatives are not included in these proposed harvest specifications. Rockfish Program applications for CV cooperatives and CP cooperatives are not due to NMFS until March 1 of each calendar year;

therefore, NMFS cannot calculate 2021 and 2022 allocations in conjunction with these proposed harvest specifications. NMFS will post the 2021 allocations on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports#central-go-rockfish> when they become available after March 1.

TABLE 7—PROPOSED 2021 AND 2022 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GULF OF ALASKA TO THE ENTRY LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM

[Values are rounded to the nearest metric ton]

Rockfish primary species	Central GOA TAC	Incidental catch allowance (ICA)	TAC minus ICA	Allocation to the entry level longline <sup>1</sup> fishery	Allocation to the rockfish cooperatives <sup>2</sup>
Pacific ocean perch .....	22,727	3,000	19,727	5	19,722
Northern rockfish .....	3,027	300	2,727	5	2,722
Dusky rockfish .....	2,688	250	2,438	50	2,388
Total .....	28,442	3,550	24,892	60	24,832

<sup>1</sup> Longline gear includes hook-and-line, jig, troll, and handline gear (§ 679.2).  
<sup>2</sup> Rockfish cooperatives include vessels in CV and CP cooperatives (§ 679.81).

Section 679.81(c) and Table 28c to 50 CFR part 679 requires allocations of rockfish secondary species to CV and CP cooperatives in the Central GOA. CV cooperatives receive allocations of Pacific cod, sablefish from the trawl gear

allocation, and thornyhead rockfish. CP cooperatives receive allocations of sablefish from the trawl gear allocation, roughey and blackspotted rockfish, shortraker rockfish, and thornyhead rockfish. Table 8 lists the

apportionments of the proposed 2021 and 2022 TACs of rockfish secondary species in the Central GOA to CV and CP cooperatives.

TABLE 8—PROPOSED 2021 AND 2022 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATCHER/PROCESSOR COOPERATIVES

[Values are in metric tons]

Rockfish secondary species	Central GOA annual TAC	Catcher vessel cooperatives		Catcher/processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Pacific cod .....	3,806	3.81	145	0.0	0
Sablefish .....	9,963	6.78	675	3.51	350
Shortraker rockfish .....	284	0.0	0	40.00	114

TABLE 8—PROPOSED 2021 AND 2022 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATCHER/PROCESSOR COOPERATIVES—Continued

[Values are in metric tons]

Rockfish secondary species	Central GOA annual TAC	Catcher vessel cooperatives		Catcher/processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Rougheye and blackspotted rockfish .....	455	0.0	0	58.87	268
Thornyhead rockfish .....	911	7.84	71	26.50	241

*Halibut PSC Limits*

Section 679.21(d) establishes annual halibut PSC limit apportionments to trawl and hook-and-line gear, and authorizes the establishment of apportionments for pot gear. In October 2020, the Council recommended, and NMFS proposes, halibut PSC limits of 1,706 mt for trawl gear, 257 mt for hook-and-line gear, and 9 mt for the demersal shelf rockfish (DSR) fishery in the SEO District for both 2021 and 2022.

The DSR fishery in the SEO District is defined at § 679.21(d)(2)(i)(A). This fishery is apportioned 9 mt of the halibut PSC limit in recognition of its small-scale harvests of groundfish (§ 679.21(d)(2)(i)(A)). The separate halibut PSC limit for the DSR fishery is intended to prevent that fishery from being impacted from the halibut PSC incurred by other GOA fisheries. NMFS estimates low halibut bycatch in the DSR fishery because (1) the duration of the DSR fisheries and the gear soak times are short, (2) the DSR fishery occurs in the winter when there is less overlap in the distribution of DSR and halibut, and (3) the directed commercial DSR fishery has a low DSR TAC. The Alaska Department of Fish and Game sets the commercial GHL for the DSR fishery after deducting (1) estimates of DSR incidental catch in all fisheries (including halibut and subsistence); and (2) the allocation to the DSR sport fish fishery. In 2020, the commercial fishery for DSR was closed due to concerns about declining DSR biomass.

The FMP authorizes the Council to exempt specific gear from the halibut PSC limits. NMFS, after consultation with the Council, proposes to exempt pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from the non-trawl halibut PSC limit for

2021 and 2022. The Council recommended, and NMFS is proposing, these exemptions because (1) pot gear fisheries have low annual halibut bycatch mortality; (2) IFQ program regulations prohibit discard of halibut if any halibut IFQ permit holder on board a CV holds unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)); (3) some sablefish IFQ permit holders hold halibut IFQ permits and are therefore required to retain the halibut they catch while fishing sablefish IFQ; and (4) NMFS estimates negligible halibut mortality for the jig gear fisheries given the small amount of groundfish harvested by jig gear, the selective nature of jig gear, and the high survival rates of halibut caught and released with jig gear.

The best available information on estimated halibut bycatch consists of data collected by fisheries observers during 2020. The calculated halibut bycatch mortality through October 24, 2020 is 756 mt for trawl gear and 2 mt for hook-and-line gear, for a total halibut mortality of 758 mt. This halibut mortality was calculated using groundfish and IFQ halibut catch data from the NMFS Alaska Region’s catch accounting system. This accounting system contains historical and recent catch information compiled from each Alaska groundfish and IFQ halibut fishery.

Section 679.21(d)(4)(i) and (ii) authorizes NMFS to seasonally apportion the halibut PSC limits after consultation with the Council. The FMP and regulations require that the Council and NMFS consider the following information in seasonally apportioning halibut PSC limits: (1) Seasonal distribution of halibut, (2) seasonal

distribution of target groundfish species relative to halibut distribution, (3) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species, (4) expected bycatch rates on a seasonal basis, (5) expected changes in directed groundfish fishing seasons, (6) expected actual start of fishing effort, and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry. Based on public comment, information presented in the 2019 SAFE report, NMFS catch data, State catch data, or International Pacific Halibut Commission (IPHC) stock assessment and mortality data, the Council may recommend or NMFS may make changes to the seasonal, gear-type, or fishery category apportionments of halibut PSC limits for the final 2021 and 2022 harvest specifications pursuant to § 679.21(d)(1) and (d)(4).

The final 2020 and 2021 harvest specifications (85 FR 13802, March 10, 2020) summarized the Council’s and NMFS’s findings for these FMP and regulatory considerations with respect to halibut PSC limits. The Council’s and NMFS’s proposed findings for these proposed 2021 and 2022 harvest specifications are unchanged from the final 2020 and 2021 harvest specifications. Table 9 lists the proposed 2021 and 2022 Pacific halibut PSC limits, allowances, and apportionments. The halibut PSC limits in these tables reflect the halibut PSC limits set forth at § 679.21(d)(2) and (3). Section 679.21(d)(4)(iii) and (iv) specifies that any underages or overages of a seasonal apportionment of a halibut PSC limit will be added to or deducted from the next respective seasonal apportionment within the fishing year.

TABLE 9—PROPOSED 2021 AND 2022 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS  
[Values are in metric tons]

Trawl gear			Hook-and-line gear <sup>1</sup>				
Season	Percent	Amount	Other than DSR			DSR	
			Season	Percent	Amount	Season	Amount
January 20–April 1 .....	30.5	519	January 1–June 10 .....	86	221	January 1–December 31.	9
April 1–July 1 .....	20	341	June 10–September 1 .....	2	5		
July 1–August 1 .....	27	462	September 1–December 31	12	31		
August 1–October 1 .....	7.5	128					
October 1–December 31 ....	15	256					
Total .....		1,706			257		9

<sup>1</sup> The Pacific halibut prohibited species catch (PSC) limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery in the SEO District and to hook-and-line fisheries other than the DSR fishery. The Council recommended and NMFS proposes that the hook-and-line sablefish fishery, and the pot and jig gear groundfish fisheries, be exempt from halibut PSC limits.

Section 679.21(d)(3)(ii) authorizes further apportionment of the trawl halibut PSC limit as bycatch allowances to trawl fishery categories listed in § 679.21(d)(3)(iii). The annual apportionments are based on each category’s share of the anticipated halibut bycatch mortality during a fishing year and optimization of the total amount of groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are (1) a deep-water species fishery, composed of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder; and (2) a shallow-water species fishery, composed of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and “other species” (sharks and octopuses) (§ 679.21(d)(3)(iii)). Halibut mortality incurred while directed fishing for skates with trawl gear accrues towards the shallow-water species fishery halibut PSC limit (69 FR 26320, May 12, 2004).

NMFS will combine available trawl halibut PSC limit apportionments in part of the second season deep-water and shallow-water species fisheries for use in either fishery from May 15 through June 30 (§ 679.21(d)(4)(iii)(D)). This is intended to maintain groundfish harvest while minimizing halibut bycatch by these sectors to the extent practicable. This provides the trawl gear deep-water and shallow-water species fisheries additional flexibility and the incentive to participate in fisheries at times of the year that may have lower halibut PSC rates relative to other times of the year.

Table 10 lists the proposed 2021 and 2022 seasonal apportionments of trawl halibut PSC limits between the trawl gear deep-water and the shallow-water species fisheries.

Table 28d to 50 CFR part 679 specifies the amount of the trawl halibut PSC limit that is assigned to the CV and CP sectors that are participating in the Central GOA Rockfish Program. This

includes 117 mt of halibut PSC limit to the CV sector and 74 mt of halibut PSC limit to the CP sector. These amounts are allocated from the trawl deep-water species fishery’s halibut PSC third seasonal apportionment. After the combined CV and CP halibut PSC limit allocation of 191 mt to the Rockfish Program, 150 mt remains for the trawl deep-water species fishery’s halibut PSC third seasonal apportionment.

Section 679.21(d)(4)(iii)(B) limits the amount of the halibut PSC limit allocated to Rockfish Program participants that could be re-apportioned to the general GOA trawl fisheries for the last seasonal apportionment during the current fishing year to no more than 55 percent of the unused annual halibut PSC limit apportioned to Rockfish Program participants. The remainder of the unused Rockfish Program halibut PSC limit is unavailable for use by any person for the remainder of the fishing year (§ 679.21(d)(4)(iii)(C)).

TABLE 10—PROPOSED 2021 AND 2022 APPORTIONMENT OF THE PACIFIC HALIBUT PSC LIMITS BETWEEN THE TRAWL GEAR SHALLOW-WATER AND DEEP-WATER SPECIES FISHERY CATEGORIES

[Values are in metric tons]

Season	Shallow-water	Deep-water <sup>1</sup>	Total
January 20–April 1 .....	384	135	519
April 1–July 1 .....	85	256	341
July 1–August 1 .....	121	341	462
August 1–October 1 .....	53	75	128
Subtotal, January 20–October 1 .....	643	807	1,450
October 1–December 31 <sup>2</sup> .....			256
Total .....			1,706

<sup>1</sup> Vessels participating in cooperatives in the Rockfish Program will receive 191 mt of the third season (July 1 through August 1) deep-water species fishery halibut PSC apportionment.

<sup>2</sup> There is no apportionment between trawl shallow-water and deep-water species fisheries during the fifth season (October 1 through December 31).

Section 679.21(d)(2)(i)(B) requires that the “other hook-and-line fishery” halibut PSC limit apportionment to vessels using hook-and-line gear must be apportioned between CVs and CPs in accordance with § 679.21(d)(2)(iii) in conjunction with these harvest specifications. A comprehensive description and example of the calculations necessary to apportion the “other hook-and-line fishery” halibut PSC limit between the hook-and-line CV and CP sectors were included in the proposed rule to implement Amendment 83 to the FMP (76 FR 44700, July 26, 2011) and are not repeated here.

Pursuant to § 679.21(d)(2)(iii), the hook-and-line halibut PSC limit for the “other hook-and-line fishery” is apportioned between the CV and CP sectors in proportion to the total Western and Central GOA Pacific cod allocations, which vary annually based on the proportion of the Pacific cod biomass between the Western, Central,

and Eastern GOA. Pacific cod is apportioned among these three management areas based on the percentage of overall biomass per area, as calculated in the 2019 Pacific cod stock assessment. Updated information in the final 2019 SAFE report describes this distributional calculation, which allocates ABC among GOA regulatory areas on the basis of the three most recent stock surveys. For 2021 and 2022, the distribution of the total GOA Pacific cod ABC is 32 percent to the Western GOA, 59 percent to the Central GOA, and 9 percent to the Eastern GOA. Therefore, the calculations made in accordance with § 679.21(d)(2)(iii) incorporate the most recent information on GOA Pacific cod distribution with respect to establishing the annual halibut PSC limits for the CV and CP hook-and-line sectors. Additionally, the annual halibut PSC limits for both the CV and CP sectors of the “other hook-and-line fishery” are divided into three seasonal apportionments, using seasonal

percentages of 86 percent, 2 percent, and 12 percent.

For 2021 and 2022, NMFS proposes annual halibut PSC limits of 144 mt and 113 mt to the hook-and-line CV and hook-and-line CP sectors, respectively. Table 11 lists the proposed 2021 and 2022 apportionments of halibut PSC limits between the hook-and-line CV and the hook-and-line CP sectors of the “other hook-and-line fishery.”

No later than November 1 of each year, NMFS will calculate the projected unused amount of halibut PSC limit by either of the CV or CP hook-and-line sectors of the “other hook-and-line fishery” for the remainder of the year. The projected unused amount of halibut PSC limit is made available to the other hook-and-line sector for the remainder of that fishing year (§ 679.21(d)(2)(iii)(C)), if NMFS determines that an additional amount of halibut PSC is necessary for that sector to continue its directed fishing operations.

TABLE 11—PROPOSED 2021 AND 2022 APPORTIONMENTS OF THE “OTHER HOOK-AND-LINE FISHERIES” ANNUAL HALIBUT PSC ALLOWANCE BETWEEN THE HOOK-AND-LINE GEAR CATCHER VESSEL AND CATCHER/PROCESSOR SECTORS  
[Values are in metric tons]

“Other than DSR” allowance	Hook-and-line sector	Sector annual amount	Season	Seasonal percentage	Sector seasonal amount
257 .....	Catcher Vessel .....	144	January 1–June 10 .....	86	124
			June 10–September 1 .....	2	3
			September 1–December 31 .....	12	17
	Catcher/Processor .....	113	January 1–June 10 .....	86	97
			June 10–September 1 .....	2	2
			September 1–December 31 .....	12	14

*Halibut Discard Mortality Rates*

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, halibut discard mortality rates (DMRs), and estimates of groundfish catch to project when a fishery’s halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut incidental catch rates are based on observers’ estimates of halibut incidental catch in the groundfish fishery. DMRs are estimates of the proportion of incidentally caught halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best scientific information available in conjunction with the annual GOA stock assessment process. The DMR methodology and findings are included as an appendix to

the annual GOA groundfish SAFE report.

In 2016, the DMR estimation methodology underwent revisions per the Council’s directive. An interagency halibut working group (IPHC, Council, and NMFS staff) developed improved estimation methods that have undergone review by the Plan Team, the SSC, and the Council. A summary of the revised methodology is contained in the GOA proposed 2017 and 2018 harvest specifications (81 FR 87881, December 6, 2016), and the comprehensive discussion of the working group’s statistical methodology is available from the Council (see ADDRESSES). The DMR working group’s revised methodology is intended to improve estimation accuracy, transparency, and transferability for calculating DMRs. The working group will continue to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of

data used for calculating the DMRs). Future DMRs may change based on additional years of observer sampling, which could provide more recent and accurate data and which could improve the accuracy of estimation and progress on methodology. The methodology will continue to ensure that NMFS is using DMRs that more accurately reflect halibut mortality, which will inform the different sectors of their estimated halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

In October 2020, the Council recommended halibut DMRs derived from the revised methodology for the proposed 2021 and 2022 DMRs. The proposed 2021 and 2022 DMRs use an updated two-year reference period. Comparing the proposed 2021 and 2022 DMRs to the final DMRs from the final 2020 and 2021 harvest specifications, the proposed DMR for Rockfish Program CVs using non-pelagic trawl gear

increased to 60 percent from 52 percent, the proposed DMR for non-Rockfish Program C/Vs using non-pelagic trawl gear increased to 69 percent from 68 percent, the proposed DMR for CPs and

motherships using non-pelagic trawl gear increased to 84 percent from 75 percent, the proposed DMR for CPs using hook-and-line gear increased to 15 percent from 11 percent, and the

proposed DMR for CPs and CVs using pot gear increased to 10 percent from 0 percent. Table 12 lists the proposed 2021 and 2022 DMRs.

TABLE 12—PROPOSED 2021 AND 2022 DISCARD MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA  
[Values are percent of halibut assumed to be dead]

Gear	Sector	Groundfish fishery	Halibut discard mortality rate (percent)
Pelagic trawl	Catcher vessel	All	100
	Catcher/processor	All	100
Non-pelagic trawl	Catcher vessel	Rockfish Program	60
	Catcher vessel	All others	69
	Mothership and catcher/processor	All	84
Hook-and-line	Catcher/processor	All	15
	Catcher vessel	All	13
Pot	Catcher vessel and catcher/processor	All	10

*Chinook Salmon Prohibited Species Catch Limits*

Section 679.21(h)(2) establishes separate Chinook salmon PSC limits in the Western and Central regulatory areas of the GOA in the trawl pollock directed fishery. These limits require that NMFS close directed fishing for pollock in the Western and Central GOA if the applicable Chinook salmon PSC limit is reached (§ 679.21(h)(8)). The annual Chinook salmon PSC limits in the trawl pollock directed fishery of 6,684 salmon in the Western GOA and 18,316 salmon in the Central GOA are set in § 679.21(h)(2)(i) and (ii).

Section 679.21(h)(3) established an initial annual PSC limit of 7,500 Chinook salmon for the non-pollock groundfish trawl fisheries in the Western and Central GOA. This limit is apportioned among three sectors directed fishing for groundfish species other than pollock: 3,600 Chinook salmon to trawl CPs; 1,200 Chinook salmon to trawl CVs participating in the Rockfish Program; and 2,700 Chinook salmon to trawl CVs not participating in the Rockfish Program (§ 679.21(h)(4)). NMFS will monitor the Chinook salmon PSC in the trawl non-pollock GOA groundfish fisheries and close an applicable sector if it reaches its Chinook salmon PSC limit.

The Chinook salmon PSC limit for two sectors, trawl CPs and trawl CVs not participating in the Rockfish Program, may be increased in subsequent years based on the performance of these two sectors and their ability to minimize their use of their respective Chinook salmon PSC limits. If either or both of these two sectors limit its use of

Chinook salmon PSC to a certain threshold amount in 2020 (3,120 for trawl CPs and 2,340 for non-Rockfish Program trawl CVs), that sector will receive an increase to its 2021 Chinook salmon PSC limit (4,080 for trawl CPs and 3,060 for non-Rockfish Program trawl CVs) (§ 679.21(h)(4)). NMFS will evaluate the annual Chinook salmon PSC by trawl CPs and non-Rockfish Program trawl CVs when the 2020 fishing year is complete to determine whether to increase the Chinook salmon PSC limits for these two sectors. Based on preliminary 2020 Chinook salmon PSC data, the trawl CP sector may receive an incremental increase of Chinook salmon PSC limit in 2021, and the non-Rockfish Program trawl CV sector may receive an incremental increase of Chinook salmon PSC limit in 2021. This evaluation will be completed in conjunction with the final 2021 and 2022 harvest specifications.

*American Fisheries Act (AFA) Catcher/Processor and Catcher Vessel Groundfish Harvest and PSC Limits*

Section 679.64 establishes groundfish harvesting and processing sideboard limits on AFA CPs and CVs in the GOA. These sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA from those fishermen and processors who receive exclusive harvesting and processing privileges under the AFA. Section 679.7(k)(1)(ii) prohibits listed AFA CPs and CPs designated on a listed AFA CP permit from harvesting any species of fish in the GOA. Additionally, § 679.7(k)(1)(iv) prohibits listed AFA CPs and CPs

designated on a listed AFA CP permit from processing any pollock harvested in a directed pollock fishery in the GOA and any groundfish harvested in Statistical Area 630 of the GOA.

AFA CVs that are less than 125 feet (38.1 meters) length overall, have annual landings of pollock in the Bering Sea and Aleutian Islands of less than 5,100 mt, and have made at least 40 landings of GOA groundfish from 1995 through 1997 are exempt from GOA CV groundfish sideboard limits under § 679.64(b)(2)(ii). Sideboard limits for non-exempt AFA CVs in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered by the FMP. Section 679.64(b)(3)(iv) establishes the CV groundfish sideboard limits in the GOA based on the aggregate retained catch by non-exempt AFA CVs of each sideboard species from 1995 through 1997 divided by the TAC for that species over the same period.

NMFS published a final rule (84 FR 2723, February 8, 2019) that implemented regulations to prohibit non-exempt AFA CVs from directed fishing for specific groundfish species or species groups subject to sideboard limits (§ 679.20(d)(1)(iv)(D) and Table 56 to 50 CFR part 679). Sideboard limits not subject to the final rule continue to be calculated and included in the GOA annual harvest specifications.

Table 13 lists the proposed 2021 and 2022 groundfish sideboard limits for non-exempt AFA CVs. NMFS will deduct all targeted or incidental catch of sideboard species made by non-exempt AFA CVs from the sideboard limits listed in Table 13.

TABLE 13—PROPOSED 2021 AND 2022 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Proposed 2021 and 2022 TACs <sup>3</sup>	Proposed 2021 and 2022 non-exempt AFA CV sideboard limit
Pollock	A Season; January 20–May 31	Shumagin (610)	0.6047	1,067	645
		Chirikof (620)	0.1167	42,260	4,932
		Kodiak (630)	0.2028	8,354	1,694
	B Season; September 1–November 1	Shumagin (610)	0.6047	18,708	11,313
		Chirikof (620)	0.1167	13,899	1,622
		Kodiak (630)	0.2028	19,074	3,868
	Annual	WYK (640)	0.3495	5,728	2,002
Pacific cod	A Season <sup>1</sup> ; January 1–June 10	SEO (650)	0.3495	10,148	3,547
		W	0.1331	1,323	176
		C	0.0692	2,440	169
	B Season <sup>2</sup> ; September 1–December 31	W	0.1331	753	100
		C	0.0692	1,366	95
		W	0.0156	13,250	207
	Flatfish, shallow-water	Annual	C	0.0587	28,205
Flatfish, deep-water	Annual	C	0.0647	1,914	124
		E	0.0128	3,787	48
		C	0.0384	8,912	342
Rex sole	Annual	C	0.0280	66,683	1,867
Arrowtooth flounder	Annual	C	0.0213	15,400	328
Flathead sole	Annual	C	0.0748	22,727	1,700
Pacific ocean perch	Annual	E	0.0466	5,877	274
		C	0.0277	3,027	84

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.

<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

<sup>3</sup> The Western and Central GOA and WYK District area apportionments of pollock are considered ACLs.

*Non-Exempt AFA Catcher Vessel Halibut PSC Limits*

The halibut PSC sideboard limits for non-exempt AFA CVs in the GOA are

based on the aggregate retained groundfish catch by non-exempt AFA CVs in each PSC target category from 1995 through 1997 divided by the retained catch of all vessels in that

fishery from 1995 through 1997 (§ 679.64(b)(4)(ii)). Table 14 lists the proposed 2021 and 2022 non-exempt AFA CV halibut PSC limits for vessels using trawl gear in the GOA.

TABLE 14—PROPOSED 2021 AND 2022 NON-EXEMPT AFA CV HALIBUT PSC SIDEBOARD LIMITS FOR VESSELS USING TRAWL GEAR IN THE GOA

[PSC limits are rounded to the nearest metric ton]

Season	Season dates	Fishery category	Ratio of 1995–1997 non-exempt AFA CV retained catch to total retained catch	Proposed 2021 and 2022 PSC limit	Proposed 2021 and 2022 non-exempt AFA CV PSC limit
1	January 20–April 1	shallow-water	0.340	384	131
		deep-water	0.070	135	9
2	April 1–July 1	shallow-water	0.340	85	29
		deep-water	0.070	256	18
3	July 1–August 1	shallow-water	0.340	121	41
		deep-water	0.070	341	24
4	August 1–October 1	shallow-water	0.340	53	18
		deep-water	0.070	75	5
5	October 1–December 31	all targets	0.205	256	52
Annual		Total shallow-water			219
		Total deep-water			56
		Grand Total, all seasons and categories		1,706	328

*Non-AFA Crab Vessel Groundfish Harvest Limitations*

Section 680.22 establishes groundfish sideboard limits for vessels with a history of participation in the Bering Sea snow crab fishery to prevent these vessels from using the increased flexibility provided by the Crab Rationalization (CR) Program to expand their level of participation in the GOA groundfish fisheries. Sideboard harvest limits restrict these vessels' catch to their collective historical landings in each GOA groundfish fishery (except the fixed-gear sablefish fishery). Sideboard limits also apply to landings made using an LLP license derived from the history of a restricted vessel, even if

that LLP license is used on another vessel.

The basis for these sideboard harvest limits is described in detail in the final rules implementing the major provisions of the CR Program, including Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/ Aleutian Islands King and Tanner Crabs (Crab FMP) (70 FR 10174, March 2, 2005), Amendment 34 to the Crab FMP (76 FR 35772, June 20, 2011), Amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), and Amendment 45 to the Crab FMP (80 FR 28539, May 19, 2015). Also, NMFS published a final rule (84 FR 2723, February 8, 2019) that implemented regulations to prohibit non-AFA crab

vessels from directed fishing for all groundfish species or species groups subject to sideboard limits, except for Pacific cod apportioned to CVs using pot gear in the Western and Central Regulatory Areas (§ 680.22(e)(1)(iii)). Accordingly, the GOA annual harvest specifications will include only the non-AFA crab vessel groundfish sideboard limits for Pacific cod apportioned to CVs using pot gear in the Western and Central Regulatory Areas.

Table 15 lists the proposed 2021 and 2022 groundfish sideboard limits for non-AFA crab vessel. All targeted or incidental catch of sideboard species made by non-AFA crab vessels or associated LLP licenses will be deducted from these sideboard limits.

TABLE 15—PROPOSED 2021 AND 2022 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Proposed 2021 and 2022 TACs	Proposed 2021 and 2022 non-AFA crab vessel sideboard limit
Pacific cod .....	A Season; January 1–June 10.	Western Pot CV .....	0.0997	1,323	132
		Central Pot CV .....	0.0474	2,440	116
	B Season; September 1–December 31.	Western Pot CV .....	0.0997	753	75
		Central Pot CV .....	0.0474	1,366	65

*Rockfish Program Groundfish Sideboard and Halibut PSC Limitations*

The Rockfish Program establishes three classes of sideboard provisions: CV groundfish sideboard restrictions, CP rockfish sideboard restrictions, and CP opt-out vessel sideboard restrictions (§ 679.82(c)(1)). These sideboards are intended to limit the ability of rockfish harvesters to expand into other fisheries.

CVs participating in the Rockfish Program may not participate in directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the

Western GOA and West Yakutat District from July 1 through July 31. Also, CVs may not participate in directed fishing for arrowtooth flounder, deep-water flatfish, and rex sole in the GOA from July 1 through July 31 (§ 679.82(d)).

CPs participating in Rockfish Program cooperatives are restricted by rockfish and halibut PSC sideboard limits. These CPs are prohibited from directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the Western GOA and West Yakutat District from July 1 through July 31 (§ 679.82(e)(2)). Holders of CP-designated LLP licenses that opt out of participating in a

Rockfish Program cooperative will be able to access that portion of each rockfish sideboard limits that is not assigned to Rockfish Program cooperatives (§ 679.82(e)(7)). The sideboard ratio for each rockfish fishery in the Western GOA and West Yakutat District is set forth in § 679.82(e)(4). Table 16 lists the proposed 2021 and 2022 Rockfish Program CP rockfish sideboard limits in the Western GOA and West Yakutat District. Due to confidentiality requirements associated with fisheries data, the sideboard limits for the West Yakutat District are not displayed.

TABLE 16—PROPOSED 2021 AND 2022 ROCKFISH PROGRAM SIDEBOARD LIMITS FOR THE WESTERN GOA AND WEST YAKUTAT DISTRICT BY FISHERY FOR THE CATCHER/PROCESSOR (CP) SECTOR

[Values are rounded to the nearest metric ton]

Area	Fishery	CP sector (% of TAC)	Proposed 2021 and 2022 TACs	Proposed 2021 and 2022 CP sideboard limit
Western GOA .....	Dusky rockfish .....	72.3 .....	759	549
	Pacific ocean perch .....	50.6 .....	1,379	698
	Northern rockfish .....	74.3 .....	1,079	802
West Yakutat District .....	Dusky rockfish .....	Confidential <sup>1</sup> .....	113	Confidential <sup>1</sup>
	Pacific ocean perch .....	Confidential <sup>1</sup> .....	1,410	Confidential <sup>1</sup>

<sup>1</sup> Not released due to confidentiality requirements associated with fish ticket data, as established by NMFS and the State of Alaska.

Under the Rockfish Program, the CP sector is subject to halibut PSC sideboard limits for the trawl deep-water and shallow-water species fisheries from July 1 through July 31 (§ 679.82(e)(3) and (e)(5)). Halibut PSC sideboard ratios by fishery are set forth in § 679.82(e)(5). No halibut PSC sideboard limits apply to the CV sector, as vessels participating in a rockfish cooperative receive a portion of the annual halibut PSC limit. CPs that opt out of the Rockfish Program would be

able to access that portion of the deep-water and shallow-water halibut PSC sideboard limit not assigned to CP rockfish cooperatives. The sideboard provisions for CPs that elect to opt out of participating in a rockfish cooperative are described in § 679.82(c), (e), and (f). Sideboard limits are linked to the catch history of specific vessels that may choose to opt out. After March 1, NMFS will determine which CPs have opted-out of the Rockfish Program in 2021, and will know the ratios and amounts

used to calculate opt-out sideboard ratios. NMFS will then calculate any applicable opt-out sideboard limits for 2021 and post these limits on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports#central-goa-rockfish>. Table 17 lists the proposed 2021 and 2022 Rockfish Program halibut PSC sideboard limits for the CP sector.

TABLE 17—PROPOSED 2021 AND 2022 ROCKFISH PROGRAM HALIBUT PSC SIDEBOARD LIMITS FOR THE CATCHER/PROCESSOR SECTOR

[Values are rounded to the nearest metric ton]

Sector	Shallow-water species fishery halibut PSC sideboard ratio (percent)	Deep-water species fishery halibut PSC sideboard ratio (percent)	Annual halibut PSC limit (mt)	Annual shallow-water species fishery halibut PSC sideboard limit (mt)	Annual deep-water species fishery halibut PSC sideboard limit (mt)
Catcher/processor .....	0.10	2.50	1,706	2	43

*Amendment 80 Program Groundfish and PSC Sideboard Limits*

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (Amendment 80 Program) established a limited access privilege program for the non-AFA trawl CP sector. The Amendment 80 Program established groundfish and halibut PSC limits for Amendment 80 Program participants to limit the ability of participants eligible for the Amendment

80 Program to expand their harvest efforts in the GOA.

Section 679.92 establishes groundfish harvesting sideboard limits on all Amendment 80 Program vessels, other than the F/V *Golden Fleece*, to amounts no greater than the limits shown in Table 37 to 50 CFR part 679. Under § 679.92(d), the F/V *Golden Fleece* is prohibited from directed fishing for pollock, Pacific cod, Pacific ocean perch, dusky rockfish, and northern rockfish in the GOA.

Groundfish sideboard limits for Amendment 80 Program vessels operating in the GOA are based on their average aggregate harvests from 1998 through 2004 (72 FR 52668, September 14, 2007). Table 18 lists the proposed 2021 and 2022 groundfish sideboard limits for Amendment 80 Program vessels. NMFS will deduct all targeted or incidental catch of sideboard species made by Amendment 80 Program vessels from the sideboard limits in Table 18.

TABLE 18—PROPOSED 2021 AND 2022 GOA GROUND FISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS

[Values are rounded to the nearest metric ton]

Species	Season	Area	Ratio of amendment 80 sector vessels 1998–2004 catch to TAC	Proposed 2021 and 2022 TAC (mt)	Proposed 2021 and 2022 Amendment 80 vessel sideboard limits (mt)
Pollock .....	A Season; January 20–May 31 .....	Shumagin (610) .....	0.003	1,067	3
		Chirikof (620) .....	0.002	42,260	85
		Kodiak (630) .....	0.002	8,354	17
	B Season; September 1–November 1 .....	Shumagin (610) .....	0.003	18,708	56
		Chirikof (620) .....	0.002	13,899	28
		Kodiak (630) .....	0.002	19,074	38
Annual .....	WYK (640) .....	0.002	5,728	11	
Pacific cod .....	A Season <sup>1</sup> ; January 1–June 10 .....	W .....	0.020	1,323	26
		C .....	0.044	2,440	107
		W .....	0.020	753	15
	B Season <sup>2</sup> ; September 1–December 31 .....	C .....	0.044	1,366	60
		WYK .....	0.034	549	19
		Annual .....	W .....	0.994	1,379
Pacific ocean perch .....	Annual .....	WYK .....	0.961	1,410	1,355
		W .....	1.000	1,079	1,079
Northern rockfish .....	Annual .....	W .....	0.764	759	580
		WYK .....	0.896	113	101

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.

<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

The halibut PSC sideboard limits for Amendment 80 Program vessels in the GOA are based on the historical use of halibut PSC by Amendment 80 Program vessels in each PSC target category from 1998 through 2004. These values are slightly lower than the average historical use to accommodate two

factors: allocation of halibut PSC cooperative quota under the Rockfish Program and the exemption of the F/V *Golden Fleece* from this restriction (§ 679.92(b)(2)). Table 19 lists the proposed 2021 and 2022 halibut PSC sideboard limits for Amendment 80 Program vessels. These tables

incorporate the maximum percentages of the halibut PSC sideboard limits that may be used by Amendment 80 Program vessels as contained in Table 38 to 50 CFR part 679. Any residual amount of a seasonal Amendment 80 halibut PSC sideboard limit may carry forward to the next season limit (§ 679.92(b)(2)).

TABLE 19—PROPOSED 2021 AND 2022 HALIBUT PSC SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS IN THE GOA

[Values are rounded to the nearest metric ton]

Season	Season dates	Fishery category	Historic Amendment 80 use of the annual halibut PSC limit (ratio)	Proposed 2021 and 2022 annual PSC limit (mt)	Proposed 2021 and 2022 Amendment 80 vessel PSC sideboard limit (mt)
1	January 20 –April 1	shallow-water	0.0048	1,706	8
		deep-water	0.0115	1,706	20
2	April 1–July 1	shallow-water	0.0189	1,706	32
		deep-water	0.1072	1,706	183
3	July 1–August 1	shallow-water	0.0146	1,706	25
		deep-water	0.0521	1,706	89
4	August 1–October 1	shallow-water	0.0074	1,706	13
		deep-water	0.0014	1,706	2
5	October 1–December 31	shallow-water	0.0227	1,706	39
		deep-water	0.0371	1,706	63
Annual		Total shallow-water			117
		Total deep-water			357
		Grand Total, all seasons and categories			474

**Classification**

NMFS has determined that the proposed harvest specifications are consistent with the FMP and preliminarily determined that the proposed harvest specifications are consistent with the Magnuson-Stevens Act and other applicable laws, subject to further review after public comment.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

NMFS prepared an EIS for the Alaska groundfish harvest specifications and alternative harvest strategies (see ADDRESSES) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the ROD for the Final EIS. A SIR is being prepared for the final 2021 and 2022 harvest specifications to provide a subsequent assessment of the action and to address the need to prepare a Supplemental EIS (40 CFR 1501.11(b); § 1502.9(d)(1)). Copies of the Final EIS, ROD, and annual SIRs for this action are available from NMFS (see ADDRESSES). The Final EIS analyzes the environmental, social, and economic consequences of the proposed

groundfish harvest specifications and alternative harvest strategies on resources in the action area. Based on the analysis in the Final EIS, NMFS concluded that the preferred Alternative (Alternative 2) provides the best balance among relevant environmental, social, and economic considerations and allows for continued management of the groundfish fisheries based on the most recent, best scientific information.

*Initial Regulatory Flexibility Analysis*

This Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by Section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 603), to describe the economic impact that this proposed rule, if adopted, would have on small entities. The IRFA describes the action; the reasons why this proposed rule is proposed; the objectives and legal basis for this proposed rule; the estimated number and description of directly regulated small entities to which this proposed rule would apply; the recordkeeping, reporting, and other compliance requirements of this proposed rule; and the relevant Federal

rules that may duplicate, overlap, or conflict with this proposed rule. The IRFA also describes significant alternatives to this proposed rule that would accomplish the stated objectives of the Magnuson-Stevens Act, and any other applicable statutes, and that would minimize any significant economic impact of this proposed rule on small entities. The description of the proposed action, its purpose, and the legal basis are explained earlier in the preamble and are not repeated here.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. A shoreside processor primarily involved in seafood processing (NAICS code 311710) is

classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual employment, counting all individuals employed on a full-time, part-time, or other basis, not in excess of 750 employees for all its affiliated operations worldwide.

#### *Number and Description of Small Entities Regulated by This Proposed Rule*

The entities directly regulated by the groundfish harvest specifications include: a) entities operating vessels with groundfish Federal fisheries permits (FFPs) catching FMP groundfish in Federal waters (including those receiving direction allocations of groundfish); b) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the state-waters parallel fisheries; and c) all entities operating vessels fishing for halibut inside three miles of the shore (whether or not they have FFPs).

In 2019 (the most recent year of complete data), there were 871 individual CVs and CPs with gross revenues less than or equal to \$11 million. This estimate does not account for corporate affiliations among vessels, and for cooperative affiliations among fishing entities, since some of the fishing vessels operating in the GOA are members of AFA inshore pollock cooperatives, GOA rockfish cooperatives, or BSAI CR Program cooperatives. Vessels that participate in these cooperatives are considered to be large entities within the meaning of the RFA because the aggregate gross receipts of all participating members exceed the \$11 million threshold. After accounting for membership in these cooperatives, there are an estimated 812 small CV and 5 small CP entities remaining in the GOA groundfish sector. However, the estimate of these 817 CVs may be an overstatement of the number of small entities. This latter group of vessels had average gross revenues that varied by gear type. Average gross revenues for hook-and-line CVs, pot gear CVs, trawl gear CVs, and hook-and-line CPs are estimated to be \$350,000, \$780,000, \$1.6 million, and \$2.9 million, respectively.

#### *Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities*

The action under consideration is the proposed 2021 and 2022 harvest specifications, apportionments, and Pacific halibut prohibited species catch

limits for the groundfish fishery of the GOA. This action is necessary to establish harvest limits for groundfish during the 2021 and 2022 fishing years and is taken in accordance with the FMP prepared by the Council pursuant to the Magnuson-Stevens Act. The establishment of the proposed harvest specifications is governed by the Council's harvest strategy to govern the catch of groundfish in the GOA. This strategy was selected from among five alternatives, with the preferred alternative harvest strategy being one in which the TACs fall within the range of ABCs recommended by the SSC. Under the preferred harvest strategy, TACs are set to a level that falls within the range of ABCs recommended by the SSC; the sum of the TACs must achieve the OY specified in the FMP. While the specific numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

The TACs associated with preferred harvest strategy are those recommended by the Council in October 2020. OFLs and ABCs for the species were based on recommendations prepared by the Council's Plan Team in September 2020, and reviewed by the Council's SSC in October 2020. The Council based its TAC recommendations on those of its AP, which were consistent with the SSC's OFL and ABC recommendations. The 2021 TACs in these proposed 2021 and 2022 harvest specifications are unchanged from the 2021 TACs in the final 2020 and 2021 harvest specifications (85 FR 13802; March 10, 2020), and the sum of all TACs remains within OY for the GOA.

The proposed 2021 and 2022 OFLs and ABCs are based on the best available biological information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods to calculate stock biomass. The proposed 2021 and 2022 TACs are based on the best available biological and socioeconomic information. The proposed 2021 and 2022 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2019 SAFE report, which is the most recent, completed SAFE report.

Under this action, the proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs are within the range of proposed ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs and overfishing levels). For most

species and species groups in the GOA, the Council recommended, and NMFS proposes, TACs equal to proposed ABCs, which is intended to maximize harvest opportunities in the GOA.

For some species and species groups, however, the Council recommended and NMFS proposes TACs that are less than the proposed ABCs, including for pollock in the W/C/WYK Regulatory Area, Pacific cod, shallow-water flatfish in the Western Regulatory Area, arrowtooth flounder, flathead sole in the Western and Central Regulatory Areas, and Atka mackerel. In the GOA, increasing TACs for some species may not result in increased harvest opportunities for those species. This is due to a variety of reasons. There may be a lack of commercial or market interest in some species. Additionally, there are fixed, and therefore constraining, PSC limits associated with the harvest of the GOA groundfish species that can lead to an underharvest of flatfish TACs. For this reason, the shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries. The Atka mackerel TAC is set to accommodate incidental catch amounts in other fisheries. Finally, the TACs for two species (pollock and Pacific cod) cannot be set equal to ABC, as the TAC must be reduced to account for the State's GHs in these fisheries. The W/C/WYK Regulatory Area pollock TAC and the GOA Pacific cod TACs are therefore set to account for the State's GHs for the State water pollock and Pacific cod fisheries so that the ABCs are not exceeded. The proposed GOA Pacific cod TACs also include a further reduction implemented in the 2020 and 2021 harvest specifications as an additional conservation measure due to the stock's projected 2020 spawning biomass. For most species in the GOA, the Council recommended, and NMFS proposes, that proposed TACs equal proposed ABCs, unless other conservation or management reasons support proposed TAC amounts less than the proposed ABCs.

Based upon the best available scientific data, and in consideration of the Council's objectives of this action, it appears that there are no significant alternatives to the proposed rule that have the potential to accomplish the

stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that have the potential to minimize any significant adverse economic impact of the proposed rule on small entities. This action is economically beneficial to entities operating in the GOA, including small entities. The action proposes TACs for commercially-valuable species in the GOA and allows for the continued prosecution of the fishery, thereby creating the opportunity for fishery revenue. After public process during which the Council solicited input from stakeholders, the Council concluded that the proposed harvest specifications would best accomplish the stated objectives articulated in the preamble for this proposed rule, and in applicable statutes, and would minimize to the extent practicable adverse economic impacts on the universe of directly regulated small entities.

This action does not modify recordkeeping or reporting requirements, or duplicate, overlap, or conflict with any Federal rules.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Adverse impacts on marine mammals or endangered or threatened species resulting from fishing activities conducted under these harvest specifications are discussed in the Final EIS and its accompanying annual SIRs (see **ADDRESSES**).

**Authority:** 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105-277; Pub. L. 106-31; Pub. L. 106-554; Pub. L. 108-199; Pub. L. 108-447; Pub. L. 109-241; Pub. L. 109-479.

Dated: November 25, 2020.

**Samuel D. Rauch III,**

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

[FR Doc. 2020-26592 Filed 12-1-20; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 201125-0319; RTID 0648-XY116]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Proposed 2021 and 2022 Harvest Specifications for Groundfish

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

**ACTION:** Proposed rule; harvest specifications and request for comments.

**SUMMARY:** NMFS proposes 2021 and 2022 harvest specifications, apportionments, and prohibited species catch allowances for the groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) management area. This action is necessary to establish harvest limits for groundfish during the 2021 and 2022 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The 2021 harvest specifications supersede those previously set in the final 2020 and 2021 harvest specifications, and the 2022 harvest specifications will be superseded in early 2022 when the final 2022 and 2023 harvest specifications are published. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Comments must be received by January 4, 2021.

**ADDRESSES:** Submit your comments, identified by NOAA-NMFS-2020-0141, by either of the following methods:

- **Federal e-Rulemaking Portal:** Go to [www.regulations.gov/](http://www.regulations.gov/) #!docketDetail;D=NOAA-NMFS-2020-0141, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Records Office. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

**Instructions:** NMFS may not consider comments if they are sent by any other method, to any other address or

individual, or received after the comment period ends. All comments received are a part of the public record, and NMFS will post the comments for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), Record of Decision (ROD) for the Final EIS, and the annual Supplementary Information Reports (SIRs) to the Final EIS prepared for this action are available from <https://www.regulations.gov>. An updated 2021 SIR for the final 2021 and 2022 harvest specifications will be available from the same source. The final 2019 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2019, is available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99501-2252, phone 907-271-2809, or from the Council's website at <https://www.npfmc.org/>. The 2020 SAFE report for the BSAI will be available from the same source.

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

**SUPPLEMENTARY INFORMATION:** Federal regulations at 50 CFR part 679 implement the FMP and govern the groundfish fisheries in the BSAI. The Council prepared the FMP, and NMFS approved it, under the Magnuson-Stevens Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require that NMFS, after consultation with the Council, specify annually the total allowable catch (TAC) for each target species category. The sum of TACs for all groundfish species in the BSAI must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (see § 679.20(a)(1)(i)(A)). Section 679.20(c)(1) further requires that NMFS publish proposed harvest specifications in the **Federal Register** and solicit public comments on proposed annual TACs and apportionments thereof; prohibited species catch (PSC) allowances; prohibited species quota (PSQ) reserves established by § 679.21; seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC; American Fisheries