

(v) Delivers a “health care” message made by, or on behalf of, a “covered entity” or its “business associate,” as those terms are defined in the HIPAA Privacy Rule, 45 CFR 160.103, and the caller makes no more than one call per day to each patient’s residential line, up to a maximum of three calls combined per week to each patient’s residential line and honors the called party’s request to opt out of future calls as required in paragraphs (b) and (d) of this section.

\* \* \* \* \*

(b) \* \* \*

(2) During or after the message, state clearly the telephone number (other than that of the autodialer or prerecorded message player that placed the call) of such business, other entity, or individual. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. For telemarketing messages and messages made pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section to residential telephone subscribers, such telephone number must permit any individual to make a do-not-call request during regular business hours; and

(3) In every case where the artificial or prerecorded-voice telephone message is made pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or includes or introduces an advertisement or constitutes telemarketing and is delivered to a residential telephone line or any of the lines or telephone numbers described in paragraphs (a)(1)(i) through (iii) of this section, provide an automated, interactive voice- and/or key press-activated opt-out mechanism for the called person to make a do-not-call request, including brief explanatory instructions on how to use such mechanism, within two (2) seconds of providing the identification information required in paragraph (b)(1) of this section. When the called person elects to opt out using such mechanism, the mechanism must automatically record the called person’s number to the caller’s do-not-call list and immediately terminate the call. When the artificial or prerecorded-voice telephone message is left on an answering machine or a voice mail service, such message must also provide a toll free number that enables the called person to call back at a later time and connect directly to the automated, interactive voice- and/or key press-activated opt-out mechanism and automatically record the called person’s number to the caller’s do-not-call list.

\* \* \* \* \*

(d) No person or entity shall initiate any artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive such calls made by or on behalf of that person or entity. The procedures instituted must meet the following minimum standards:

(1) *Written policy.* Persons or entities making artificial or prerecorded-voice telephone calls pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or calls for telemarketing purposes must have a written policy, available upon demand, for maintaining a do-not-call list.

(2) *Training of personnel.* Personnel engaged in making artificial or prerecorded-voice telephone calls pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or who are engaged in any aspect of telemarketing must be informed and trained in the existence and use of the do-not-call list.

(3) *Recording, disclosure of do-not-call requests.* If a person or entity making an artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes (or on whose behalf such a call is made) receives a request from a residential telephone subscriber not to receive calls from that person or entity, the person or entity must record the request and place the subscriber’s name, if provided, and telephone number on the do-not-call list at the time the request is made. Persons or entities making such calls (or on whose behalf such calls are made) must honor a residential subscriber’s do-not-call request within a reasonable time from the date such request is made. This period may not exceed 30 days from the date of such request. If such requests are recorded or maintained by a party other than the person or entity on whose behalf the call is made, the person or entity on whose behalf the call is made will be liable for any failures to honor the do-not-call request. A person or entity making an artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes must obtain a consumer’s prior express permission to share or forward the consumer’s request not to be called to a party other than the person or entity on whose behalf a call is made or an affiliated entity.

(4) *Identification of callers and telemarketers.* A person or entity making an artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.

(5) *Affiliated persons or entities.* In the absence of a specific request by the subscriber to the contrary, a residential subscriber’s do-not-call request shall apply to the particular entity making the call (or on whose behalf a call is made), and will not apply to affiliated entities unless the consumer reasonably would expect them to be included given the identification of the caller and (for telemarketing calls) the product being advertised.

(6) *Maintenance of do-not-call lists.* A person or entity making artificial or prerecorded-voice telephone calls pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes must maintain a record of a consumer’s request not to receive further calls. A do-not-call request must be honored for 5 years from the time the request is made.

\* \* \* \* \*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 210217–0022]

RIN 0648–XY116

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

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

**ACTION:** Final rule; harvest specifications and closures.

**SUMMARY:** NMFS announces final 2021 and 2022 harvest specifications,

apportionments, and prohibited species catch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits for groundfish during the remainder of the 2021 and the start of the 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:** Harvest specifications and closures are effective from 1200 hours, Alaska local time (A.l.t.), February 25, 2021, through 2400 hours, A.l.t., December 31, 2022.

**ADDRESSES:** Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (EIS), Record of Decision (ROD), and the annual Supplementary Information Reports (SIRs) to the Final EIS prepared for this action are available from <https://www.fisheries.noaa.gov/region/alaska>. The 2020 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2020, as well as the SAFE reports for previous years, are available from the North Pacific Fishery Management Council (Council) at 1007 West 3rd Ave., Suite #400, Anchorage, AK 99501, phone 907-271-2809, or from the Council's website at <https://www.npfmc.org/>.

**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 NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species category. The sum of all TAC 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)). This final rule specifies the sum of the TAC at 2.0 million mt for both 2021 and 2022. NMFS also must specify apportionments of TAC; prohibited species catch (PSC) allowances and prohibited species quota (PSQ) reserves established by § 679.21; seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC; American Fisheries Act allocations; Amendment 80 allocations; Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii); and acceptable biological catch (ABC) surpluses and reserves for CDQ groups and the Amendment 80 cooperative for flathead sole, rock sole, and yellowfin sole. The final harvest specifications set forth in Tables 1 through 22 of this action satisfy these requirements.

Section 679.20(c)(3)(i) further requires that NMFS consider public comment on the proposed harvest specifications and, after consultation with the Council, publish final harvest specifications in the **Federal Register**. The proposed 2021 and 2022 harvest specifications for the groundfish fishery of the BSAI were published in the **Federal Register** on December 3, 2020 (85 FR 78096). Comments were invited and accepted through January 4, 2021. As discussed in the Response to Comments section below, NMFS received no comments during the public comment period for the proposed BSAI groundfish harvest specifications.

NMFS consulted with the Council on the final 2021 and 2022 harvest specifications during the December 2020 Council meeting. After considering public comments, as well as biological and socioeconomic data that were available at the Council's December meeting, NMFS implements in this final rule the final 2021 and 2022 harvest specifications as recommended by the Council.

#### **ABC and TAC Harvest Specifications**

The final ABC amounts for Alaska groundfish are based on the best available biological information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. In general, the development of ABCs and overfishing levels (OFLs) involves sophisticated statistical analyses of fish populations. The FMP specifies a series of six tiers to define OFL and ABC amounts based on the level of reliable information available to fishery scientists. Tier 1 represents the highest level of information quality

available, while Tier 6 represents the lowest.

In December 2020, the Council, its Scientific and Statistical Committee (SSC), and its Advisory Panel (AP) reviewed current biological and harvest information about the condition of the BSAI groundfish stocks. The Council's BSAI Groundfish Plan Team (Plan Team) compiled and presented this information in the 2020 SAFE report for the BSAI groundfish fisheries, dated November 2020 (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 BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. NMFS notified the public of the comment period for these harvest specifications—and of the publication of the 2020 SAFE report—in the notice of proposed harvest specifications. From the data and analyses in the SAFE report, the Plan Team recommended an OFL and ABC for each species or species group at the November 2020 Plan Team meeting.

In December 2020, the SSC, AP, and Council reviewed the Plan Team's recommendations. The final TAC recommendations were based on the ABCs, and were adjusted for other biological and socioeconomic considerations, including maintaining the sum of all the TACs within the required OY range of 1.4 million to 2.0 million mt. As required by annual catch limit rules for all fisheries (74 FR 3178, January 16, 2009), none of the Council's recommended 2021 or 2022 TACs exceed the final 2021 or 2022 ABCs for any species or species group. NMFS finds that the Council's recommended OFLs, ABCs, and TACs are consistent with the preferred harvest strategy outlined in the FMP and the biological condition of groundfish stocks as described in the 2020 SAFE report that was approved by the Council. Therefore, this final rule provides notice that the Secretary of Commerce approves the final 2021 and 2022 harvest specifications as recommended by the Council.

The 2021 harvest specifications set in this final action will supersede the 2021 harvest specifications previously set in the final 2020 and 2021 harvest specifications (85 FR 13553, March 9, 2020). The 2022 harvest specifications herein will be superseded in early 2022 when the final 2022 and 2023 harvest specifications are published. Pursuant to this final action, the 2021 harvest specifications therefore will apply for the remainder of the current year (2021),

while the 2022 harvest specifications are projected only for the following year (2022) and will be superseded in early 2022 by the final 2022 and 2023 harvest specifications. Because this final action (published in early 2021) will be superseded in early 2022 by the publication of the final 2022 and 2023 harvest specifications, it is projected that this final action will implement the harvest specifications for the BSAI for approximately one year.

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

##### *State of Alaska Guideline Harvest Levels*

For 2021 and 2022, the Board of Fisheries (BOF) for the State of Alaska (State) established the guideline harvest level (GHL) for vessels using pot gear in State waters in the Bering Sea subarea (BS) equal to 10 percent of the Pacific cod ABC in the BS. The State's pot gear BS GHL will increase one percent annually up to 15 percent of the BS ABC, if 90 percent of the GHL is harvested by November 15 of the preceding year. If 90 percent of the 2021 BS GHL is not harvested by November 15, 2021, then the 2022 BS GHL will remain at the same percent as the 2021 BS GHL (10 percent). If 90 percent of the 2021 BS GHL is harvested by November 15, 2021, then the 2022 BS GHL will increase by one percent and the 2022 BS TAC will be set to account for the increased BS GHL. Also, for 2021 and 2022, the BOF established an additional GHL for vessels using jig gear in State waters in the BS equal to 45 mt of Pacific cod in the BS. The Council and its Plan Team, SSC, and AP recommended that the sum of all State and Federal water Pacific cod removals from the BS not exceed the ABC recommendations for Pacific cod in the BS. Accordingly, the Council recommended, and NMFS approves, that the 2021 and 2022 Pacific cod TACs in the BS account for the State's GHLs for Pacific cod caught in State waters in the BS.

For 2021 and 2022, the BOF for the State established the GHL in State waters in the Aleutian Islands subarea (AI) equal to 39 percent of the AI ABC. The AI GHL will increase annually by 4 percent of the AI ABC, if 90 percent of the GHL is harvested by November 15 of the preceding year, but may not exceed 39 percent of the AI ABC or 15 million pounds (6,804 mt). For 2021, 39 percent of the AI ABC is 8,034 mt, which exceeds the AI GHL limit of 6,804 mt. The Council and its Plan Team, SSC, and AP recommended that the sum of all State and Federal water Pacific cod removals from the AI not

exceed the ABC recommendations for Pacific cod in the AI. Accordingly, the Council recommended, and NMFS approves, that the 2021 and 2022 Pacific cod TACs in the AI account for the State's GHL of 6,804 mt for Pacific cod caught in State waters in the AI.

##### *Amendment 121 to the FMP: Reclassify Sculpins as an Ecosystem Component Species*

On July 10, 2020, NMFS published the final rule to implement Amendment 121 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 OFL, ABC, and TAC for sculpins in the BSAI groundfish harvest specifications, beginning with the 2021 and 2022 harvest specifications.

#### **Changes From the Proposed 2021 and 2022 Harvest Specifications for the BSAI**

The Council's recommendations for the proposed 2021 and 2022 harvest specifications (85 FR 78096, December 3, 2020) were based largely on information contained in the 2019 SAFE report for the BSAI groundfish fisheries. Through the proposed harvest specifications, NMFS notified the public that these harvest specifications could change, as the Council would consider information contained in the 2020 SAFE report; recommendations from the Plan Team, SSC, and AP; and public comments when making its recommendations for final harvest specifications at the December 2020 Council meeting. NMFS further notified the public that, as required by the FMP and its implementing regulations, the sum of the TACs must be within the OY range of 1.4 million and 2.0 million mt.

Information contained in the 2020 SAFE report indicates biomass changes from the 2019 SAFE report for several groundfish species. The 2020 report was made available for public review during the public comment period for the proposed harvest specifications. At the December 2020 Council meeting, the SSC recommended the 2021 and 2022 OFLs and ABCs based on the best and most recent information contained in the 2020 SAFE report. The SSC recommended slight model adjustments for Eastern BS pollock, but accepted Plan Team recommendations for all other species, except for BS Pacific cod and sablefish. The SSC's recommendation resulted in an ABC sum total for all BSAI groundfish species in excess of 2.0 million mt for both 2021 and 2022.

##### *Revisions to the Sablefish Apportionment of the ABC*

The Alaska-wide sablefish ABC is apportioned between six areas within the BSAI and Gulf of Alaska (BS, AI, 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 will be used for 2021 and 2022 that affects the apportionment of sablefish ABC and the area TACs that are allocated between the trawl and fixed gear sectors. The Joint BSAI and GOA Groundfish Plan Team, SSC, and Council reviewed a range of apportionment approaches for the sablefish ABC for the harvest specifications, including a range from the status quo (fixed apportionment) and the sablefish assessment authors' recommended non-exponential 5-year survey moving average. The Joint Plan Team recommended that, to the extent practical, moving away from the fixed apportionment to the true distribution of the stock would be preferred from a biological perspective. The SSC recommended a 25 percent stair step from the current (fixed) apportionment percentages toward the non-exponential 5-year survey moving average proposed by the assessment authors. The Council and NMFS have adopted the SSC's recommendation for the 2021 and 2022 ABC apportionments. For 2021 this increases the ABC apportionments in all areas (for example, up to 60 percent in the AI subarea), with smaller increases in areas that have recently been apportioned a greater percentage under the fixed apportionment methodology than suggested by recent survey observations (for example, only a 17 percent increase in the East Yakutat/Southeast area). In addition, the final 2021 TACs for the BS and AI areas both increased relative to the proposed 2021 TACs, in part due to the change in apportionment methodology.

Based on decreased fishing effort in 2020, the Council recommends final BS pollock TACs decrease by 75,000 mt in 2021 and 50,000 mt in 2022 compared to the proposed 2021 and 2022 BS pollock TACs. In terms of weight, the largest increases in final 2021 TACs relative to the proposed 2021 TACs include BS Pacific cod and BSAI yellowfin sole. For Pacific cod, the 2021 TAC increase is in response to the increase in the 2021 ABC and the Council's recommendation of the highest TAC after accounting for the State's GHL. For yellowfin sole, the increase is in response to the

anticipated larger directed fisheries based on anticipated market demand. Other increases in the final 2021 TACs relative to the proposed 2021 TACs include Bogoslof pollock, AI Greenland turbot, AI "other rockfish," AI sablefish, BS sablefish, BSAI arrowtooth flounder, BSAI Kamchatka flounder, BSAI rock sole, BSAI flathead sole, BSAI Alaska plaice, BSAI "other flatfish," Western Aleutian Islands (WAI) Pacific ocean perch, BSAI northern rockfish, Bering Sea and Eastern Aleutian Islands (BS/EAI) blackspotted/rougheye rockfish, BSAI shortraker rockfish, Eastern Aleutian Islands and Bering Sea (EAI/BS) Atka mackerel, WAI Atka mackerel, Central Aleutian Islands (CAI) Atka mackerel, and BSAI skates. The 2021 increases account for higher interest in

directed fishing or higher anticipated incidental catch needs.

Decreases in final 2021 TACs compared to the proposed 2021 TACs include BS pollock, BS Pacific ocean perch, CAI Pacific ocean perch, EAI Pacific ocean perch, Central Aleutian Islands/Western Aleutian Islands (CAI/WAI) blackspotted and rougheye rockfish, and BS "other rockfish." The decreases are for anticipated lower incidental catch needs of these species and lower ABCs relative to 2020. The changes to TACs between the proposed and final harvest specifications are based on the most recent scientific and socioeconomic information and are consistent with the FMP, regulatory obligations, and harvest strategy as described in the proposed and final harvest specifications, including the upper limit for OY of 2.0 million mt.

These changes are compared in Table 1A.

Table 1 lists the Council's recommended final 2021 OFL, ABC, TAC, initial TAC (ITAC), CDQ reserve allocations, and non-specified reserves of the BSAI groundfish species or species groups; and Table 2 lists the Council's recommended final 2022 OFL, ABC, TAC, ITAC, CDQ reserve allocations, and non-specified reserves of the BSAI groundfish species or species groups. NMFS concurs in these recommendations. These final 2021 and 2022 TAC amounts for the BSAI are within the OY range established for the BSAI and do not exceed the ABC for any species or species group. The apportionment of TAC amounts among fisheries and seasons is discussed below.

TABLE 1—FINAL 2021 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), CDQ RESERVE ALLOCATION, AND NON-SPECIFIED RESERVE OF GROUND FISH IN THE BSAI <sup>1</sup>

[Amounts are in metric tons]

Species	Area	2021					
		OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>	Nonspecified reserves
Pollock <sup>4</sup>	BS	2,594,000	1,626,000	1,375,000	1,237,500	137,500	
	AI	61,856	51,241	19,000	17,100	1,900	
	Bogoslof	113,479	85,109	250	250		
Pacific cod <sup>5</sup>	BS	147,949	123,805	111,380	99,462	11,918	
	AI	27,400	20,600	13,796	12,320	1,476	
Sablefish <sup>6</sup>	Alaska-wide	60,426	29,588	n/a	n/a	n/a	
	BS	n/a	3,396	3,396	2,802	467	127
	AI	n/a	4,717	4,717	3,833	796	88
Yellowfin sole	BSAI	341,571	313,477	200,000	178,600	21,400	
Greenland turbot	BSAI	8,568	7,326	6,025	5,121	n/a	
	BS	n/a	6,176	5,125	4,356	548	220
	AI	n/a	1,150	900	765		135
Arrowtooth flounder	BSAI	90,873	77,349	15,000	12,750	1,605	645
Kamchatka flounder	BSAI	10,630	8,982	8,982	7,635		1,347
Rock sole <sup>7</sup>	BSAI	145,180	140,306	54,500	48,669	5,832	
Flathead sole <sup>8</sup>	BSAI	75,863	62,567	25,000	22,325	2,675	
Alaska plaice	BSAI	37,924	31,657	24,500	20,825		3,675
Other flatfish <sup>9</sup>	BSAI	22,919	17,189	6,500	5,525		975
Pacific ocean perch	BSAI	44,376	37,173	35,899	31,594	n/a	
	BS	n/a	10,782	10,782	9,165		1,617
	EAI	n/a	8,419	8,419	7,518	901	
	CAI	n/a	6,198	6,198	5,535	663	
	WAI	n/a	11,774	10,500	9,377	1,124	
Northern rockfish	BSAI	18,917	15,557	13,000	11,050		1,950
Blackspotted/Rougheye rockfish <sup>10</sup>	BSAI	576	482	482	410		72
	BS/EAI	n/a	313	313	266		47
	CAI/WAI	n/a	169	169	144		25
Shortraker rockfish	BSAI	722	541	500	425		75
Other rockfish <sup>11</sup>	BSAI	1,751	1,313	916	779		137
	BS	n/a	919	522	444		78
	AI	n/a	394	394	335		59
Atka mackerel	BSAI	85,580	73,590	62,257	55,596	6,661	
	BS/EAI	n/a	25,760	25,760	23,004	2,756	
	CAI	n/a	15,450	15,450	13,797	1,653	
	WAI	n/a	32,380	21,047	18,795	2,252	
Skates	BSAI	49,297	41,257	18,000	15,300		2,700
Sharks	BSAI	689	517	200	170		30
Octopuses	BSAI	4,769	3,576	700	595		105

TABLE 1—FINAL 2021 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), CDQ RESERVE ALLOCATION, AND NON-SPECIFIED RESERVE OF GROUND FISH IN THE BSAI<sup>1</sup>—Continued

[Amounts are in metric tons]

Species	Area	2021					
		OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>	Nonspecified reserves
Total .....		3,945,315	2,747,727	2,000,000	1,790,634	195,466	13,900

<sup>1</sup> These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, BS includes the Bogoslof District.

<sup>2</sup> Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species (Atka mackerel, yellowfin sole, rock sole, flathead sole, Pacific cod, and AI Pacific ocean perch), 15 percent of each TAC is put into a non-specified reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 4).

<sup>3</sup> For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and AI Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for BS Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). AI Greenland turbot, "other flatfish," Alaska plaice, BS Pacific ocean perch, northern rockfish, shortraker rockfish, blackspotted/rougheye rockfish, Kamchatka flounder, "other rockfish," skates, sharks, and octopuses are not allocated to the CDQ program.

<sup>4</sup> Under § 679.20(a)(5)(i)(A), the annual BS pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4 percent), is further allocated by sector for a pollock directed fishery as follows: Inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(2), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery.

<sup>5</sup> The BS Pacific cod TAC is set to account for the 10 percent, plus 45 mt, of the BS ABC for the State of Alaska's (State) guideline harvest level in State waters of the BS. The AI Pacific cod TAC is set to account for 39 percent of the AI ABC for the State guideline harvest level in State waters of the AI, except 39 percent of the AI ABC exceeds the State guideline harvest level of 15 million pounds (6,804 mt), in which case the TAC is set to account for the State guideline harvest level of 6,804 mt.

<sup>6</sup> The sablefish OFL and ABC is Alaska-wide and includes the Gulf of Alaska.

<sup>7</sup> "Rock sole" includes *Lepidopsetta polyxystra* (Northern rock sole) and *L. bilineata* (Southern rock sole).

<sup>8</sup> "Flathead sole" includes *Hippoglossoides elassodon* (flathead sole) and *H. robustus* (Bering flounder).

<sup>9</sup> "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

<sup>10</sup> "Blackspotted/Rougheye rockfish" includes *Sebastes melanostictus* (blackspotted) and *S. aleutianus* (rougheye).

<sup>11</sup> "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for dark rockfish, Pacific ocean perch, northern rockfish, blackspotted/rougheye rockfish, and shortraker rockfish.

**Note:** Regulatory areas and districts are defined at § 679.2 (BSAI=Bering Sea and Aleutian Islands management area, BS=Bering Sea sub-area, AI=Aleutian Islands subarea, EAI=Eastern Aleutian district, CAI=Central Aleutian district, WAI=Western Aleutian district).

TABLE 1A—COMPARISON OF FINAL 2021 AND 2022 WITH PROPOSED 2021 AND 2022 TOTAL ALLOWABLE CATCH IN THE BSAI

[Amounts are in metric tons]

Species	Area <sup>1</sup>	2021 final TAC	2021 proposed TAC	2021 difference from proposed	2021 percentage difference from proposed	2022 final TAC	2022 proposed TAC	2022 difference from proposed	2022 percentage difference from proposed
Pollock .....	BS .....	1,375,000	1,450,000	(75,000)	(5.2)	1,400,000	1,450,000	(50,000)	(3.4)
	AI .....	19,000	19,000			19,000	19,000		
	Bogoslof .....	250	75	175	233.3	100	75	25	33.3
Pacific cod .....	BS .....	111,380	92,633	18,747	20.2	95,053	92,633	2,420	2.6
	AI .....	13,796	13,796			13,796	13,796		
Sablefish .....	BS .....	3,396	2,865	531	18.5	4,863	2,865	1,998	69.7
	AI .....	4,717	2,500	2,217	88.7	5,061	2,500	2,561	102.4
Yellowfin sole .....	BSAI .....	200,000	168,900	31,100	18.4	200,000	168,900	31,100	18.4
Greenland turbot .....	BS .....	5,125	5,125			5,125	5,125		
	AI .....	900	670	230	34.3	900	670	230	34.3
Arrowtooth flounder ..	BSAI .....	15,000	10,000	5,000	50.0	15,000	10,000	5,000	50.0
Kamchatka flounder ..	BSAI .....	8,982	7,116	1,866	26.2	8,982	7,116	1,866	26.2
Rock sole .....	BSAI .....	54,500	49,000	5,500	11.2	54,500	49,000	5,500	11.2
Flathead sole .....	BSAI .....	25,000	24,000	1,000	4.2	25,000	24,000	1,000	4.2
Alaska plaice .....	BSAI .....	24,500	24,000	500	2.1	22,500	24,000	(1,500)	(6.3)
Other flatfish .....	BSAI .....	6,500	5,000	1,500	30.0	6,500	5,000	1,500	30.0
Pacific ocean perch ..	BS .....	10,782	13,600	(2,818)	(20.7)	10,298	13,600	(3,302)	(24.3)
	EAI .....	8,419	10,619	(2,200)	(20.7)	8,041	10,619	(2,578)	(24.3)
	CAI .....	6,198	7,817	(1,619)	(20.7)	5,919	7,817	(1,898)	(24.3)
	WAI .....	10,500	10,000	500	5.0	10,500	10,000	500	5.0
Northern rockfish .....	BSAI .....	13,000	10,000	3,000	30.0	13,000	10,000	3,000	30.0
Blackspotted and Rougheye rockfish.	BS/EAI .....	313	100	213	213.0	150	100	50	50.0
	CAI/WAI .....	169	339	(170)	(50.1)	176	339	(163)	(48.1)
Shortraker rockfish ...	BSAI .....	500	375	125	33.3	225	375	(150)	(40.0)
Other rockfish .....	BS .....	522	700	(178)	(25.4)	300	700	(400)	(57.1)
	AI .....	394	388	6	1.5	394	388	6	1.5
Atka mackerel .....	EAI/BS .....	25,760	22,540	3,220	14.3	23,880	22,540	1,340	5.9
	CAI .....	15,450	13,524	1,926	14.2	14,330	13,524	806	6.0

TABLE 1A—COMPARISON OF FINAL 2021 AND 2022 WITH PROPOSED 2021 AND 2022 TOTAL ALLOWABLE CATCH IN THE BSAI—Continued

[Amounts are in metric tons]

Species	Area <sup>1</sup>	2021 final TAC	2021 proposed TAC	2021 difference from proposed	2021 percentage difference from proposed	2022 final TAC	2022 proposed TAC	2022 difference from proposed	2022 percentage difference from proposed
Skates	WAI	21,047	18,418	2,629	14.3	19,507	18,418	1,089	5.9
	BSAI	18,000	16,000	2,000	12.5	16,000	16,000		
Sharks	BSAI	200	200			200	200		
Octopuses	BSAI	700	700			700	700		
Total	BSAI	2,000,000	2,000,000			2,000,000	2,000,000		

<sup>1</sup> Bering Sea subarea (BS), Aleutian Islands subarea (AI), Bering Sea and Aleutian Islands management area (BSAI), Eastern Aleutian District (EAI), Central Aleutian District (CAI), and Western Aleutian District (WAI).

TABLE 2—FINAL 2022 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), CDQ RESERVE ALLOCATION, AND NON-SPECIFIED RESERVES OF GROUND FISH IN THE BSAI <sup>1</sup>

[Amounts are in metric tons]

Species	Area	2022					
		OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>	Non-specified Reserves
Pollock <sup>4</sup>	BS	2,366,000	1,484,000	1,400,000	1,260,000	140,000	
	AI	61,308	50,789	19,000	17,100	1,900	
	Bogoslof	113,479	85,109	100	100		
Pacific cod <sup>5</sup>	BS	128,340	106,852	95,053	84,882	10,171	
	AI	27,400	20,600	13,796	12,320	1,476	
Sablefish <sup>6</sup>	Alaska-wide	70,710	36,955	n/a	n/a	n/a	
	BS	n/a	4,863	4,863	2,067	182	2,614
	AI	n/a	6,860	5,061	1,075	95	3,891
Yellowfin sole	BSAI	374,982	344,140	200,000	178,600	21,400	
Greenland turbot	BSAI	7,181	6,139	6,025	5,121	n/a	
	BS	n/a	5,175	5,125	4,356	548	220
	AI	n/a	964	900	765		135
Arrowtooth flounder	BSAI	94,368	80,323	15,000	12,750	1,605	645
Kamchatka flounder	BSAI	10,843	9,163	8,982	7,635		1,347
Rock sole <sup>7</sup>	BSAI	213,783	206,605	54,500	48,669	5,832	
Flathead sole <sup>8</sup>	BSAI	77,763	64,119	25,000	22,325	2,675	
Alaska plaice	BSAI	36,928	30,815	22,500	19,125		3,375
Other flatfish <sup>9</sup>	BSAI	22,919	17,189	6,500	5,525		975
Pacific ocean perch	BSAI	42,384	35,503	34,758	30,596	n/a	
	BS	n/a	10,298	10,298	8,753		1,545
	EAI	n/a	8,041	8,041	7,181	860	
	CAI	n/a	5,919	5,919	5,286	633	
	WAI	n/a	11,245	10,500	9,377	1,124	
Northern rockfish	BSAI	18,221	14,984	13,000	11,050		1,950
Blackspotted/Rougheye rockfish <sup>10</sup>	BSAI	595	500	326	277		49
	BS/EAI	n/a	324	150	128		23
	CAI/WAI	n/a	176	176	150		26
	BSAI	722	541	225	191		34
Other rockfish <sup>11</sup>	BSAI	1,751	1,313	694	590		104
	BS	n/a	919	300	255		45
	AI	n/a	394	394	335		59
Atka mackerel	BSAI	79,660	68,220	57,717	51,541	6,176	
	EAI/BS	n/a	23,880	23,880	21,325	2,555	
	CAI	n/a	14,330	14,330	12,797	1,533	
	WAI	n/a	30,010	19,507	17,420	2,087	
Skates	BSAI	47,372	39,598	16,000	13,600		2,400
Sharks	BSAI	689	517	200	170		30
Octopuses	BSAI	4,769	3,576	700	595		105
Total		3,802,167	2,682,318	2,000,000	1,785,904	194,677	19,419

<sup>1</sup> These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the BS includes the Bogoslof District.

<sup>2</sup> Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and AI Pacific ocean perch), 15 percent of each TAC is put into a non-specified reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 4).

<sup>3</sup>For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and AI Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for BS Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). The 2022 hook-and-line or pot gear portion of the sablefish ITAC and CDQ reserve will not be specified until the final 2022 and 2023 harvest specifications. AI Greenland turbot, “other flatfish,” Alaska plaice, BS Pacific ocean perch, Kamchatka flounder, northern rockfish, shortraker rockfish, blackspotted/rougheye rockfish, “other rockfish,” skates, sharks, and octopuses are not allocated to the CDQ program.

<sup>4</sup>Under § 679.20(a)(5)(i)(A), the annual BS pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4 percent), is further allocated by sector for a pollock directed fishery as follows: Inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(2), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery.

<sup>5</sup>Assuming an increase in the 2022 guideline harvest level based on the actual 2021 harvest, the 2022 BS Pacific cod TAC is set to account for the 11 percent, plus 45 mt, of the BS ABC for the State of Alaska’s (State) guideline harvest level in State waters of the BS. The 2022 AI Pacific cod TAC is set to account for 39 percent of the AI ABC for the State guideline harvest level in State waters of the AI, except 39 percent of the AI ABC exceeds the State guideline harvest level of 15 million pounds (6,804 mt), in which case the TAC is set to account for the State guideline harvest level of 6,804 mt.

<sup>6</sup>The sablefish OFL and ABC is Alaska-wide and includes the Gulf of Alaska.

<sup>7</sup>“Rock sole” includes *Lepidopsetta polyxystra* (Northern rock sole) and *L. bilineata* (Southern rock sole).

<sup>8</sup>“Flathead sole” includes *Hippoglossoides elassodon* (flathead sole) and *H. robustus* (Bering flounder).

<sup>9</sup>“Other flatfish” includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

<sup>10</sup>“Blackspotted/Rougheye rockfish” includes *Sebastes melanostictus* (blackspotted) and *S. aleutianus* (rougheye).

<sup>11</sup>“Other rockfish” includes all *Sebastes* and *Sebastolobus* species except for dark rockfish, Pacific ocean perch, northern rockfish, blackspotted/rougheye rockfish, and shortraker rockfish.

**Note:** Regulatory areas and districts are defined at § 679.2 (BSAI = Bering Sea and Aleutian Islands management area, BS = Bering Sea sub-area, AI = Aleutian Islands subarea, EAI = Eastern Aleutian district, CAI = Central Aleutian district, WAI = Western Aleutian district).

#### *Groundfish Reserves and the Incidental Catch Allowance (ICA) for Pollock, Atka Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and AI Pacific Ocean Perch*

Section 679.20(b)(1)(i) requires that NMFS reserve 15 percent of the TAC for each target species (except for pollock, hook-and-line and pot gear allocation of sablefish, and Amendment 80 species) in a non-specified reserve. Section 679.20(b)(1)(ii)(B) requires that NMFS allocate 20 percent of the hook-and-line or pot gear allocation of sablefish to the fixed-gear sablefish CDQ reserve for each subarea. Section 679.20(b)(1)(ii)(D) requires that NMFS allocate 7.5 percent of the trawl gear allocations of sablefish in the BS and AI and 10.7 percent of the BS Greenland turbot and arrowtooth flounder TACs to the respective CDQ reserves. Section 679.20(b)(1)(ii)(C) requires that NMFS allocate 10.7 percent of the TACs for Atka mackerel, AI Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod to the respective CDQ reserves. Sections 679.20(a)(5)(i)(A) and 679.31(a) also require that 10 percent of the BS pollock TAC be allocated to the pollock CDQ directed fishing allowance (DFA). Sections 679.20(a)(5)(iii)(B)(2)(i) and 679.31(a) require that 10 percent of the AI pollock TAC be allocated to the pollock CDQ DFA. The entire Bogoslof District pollock TAC is allocated as an

ICA pursuant to § 679.20(a)(5)(ii) because the Bogoslof District is closed to directed fishing for pollock by regulation (§ 679.22(a)(7)(B)). With the exception of the hook-and-line or pot gear sablefish CDQ reserve, the regulations do not further apportion the CDQ allocations by gear.

Pursuant to § 679.20(a)(5)(i)(A)(1), NMFS allocates a pollock ICA of 4 percent of the BS pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS’s examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2000 through 2020. During this 21-year period, the pollock incidental catch ranged from a low of 2.2 percent in 2006 to a high of 4.6 percent in 2014, with a 21-year average of 3 percent. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), NMFS establishes a pollock ICA of 2,500 mt of the AI pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS’s examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2003 through 2020. During this 18-year period, the incidental catch of pollock ranged from a low of 5 percent in 2006 to a high of 17 percent in 2014, with an 18-year average of 9 percent.

Pursuant to § 679.20(a)(8) and (10), NMFS allocates ICAs of 3,000 mt of

flathead sole, 6,000 mt of rock sole, 4,000 mt of yellowfin sole, 10 mt of WAI Pacific ocean perch, 60 mt of CAI Pacific ocean perch, 100 mt of EAI Pacific ocean perch, 20 mt of WAI Atka mackerel, 75 mt of CAI Atka mackerel, and 800 mt of EAI and BS Atka mackerel TAC after subtracting the 10.7 percent CDQ reserve. These ICA allowances are based on NMFS’s examination of the incidental catch in other target fisheries from 2003 through 2020.

The regulations do not designate the remainder of the non-specified reserve by species or species group. Any amount of the reserve may be apportioned to a target species that contributed to the non-specified reserves during the year, provided that such apportionments are consistent with § 679.20(a)(3) and do not result in overfishing (see § 679.20(b)(1)(i)). The Regional Administrator has determined that the ITACs specified for certain species listed in Tables 1 and 2 need to be supplemented from the non-specified reserve because U.S. fishing vessels have demonstrated the capacity to catch the full TAC allocations. Therefore, in accordance with § 679.20(b), NMFS is apportioning the amounts shown in Table 3 from the non-specified reserve to increase the ITAC for AI “other rockfish” by 15 percent of the “other rockfish” TAC in 2021 and 2022.

TABLE 3—FINAL 2021 AND 2022 APPORTIONMENT OF NON-SPECIFIED RESERVES TO ITAC CATEGORIES  
[Amounts are in metric tons]

Species-area or subarea	2021 ITAC	2021 reserve amount	2021 final TAC	2022 ITAC	2022 reserve amount	2022 final TAC
Other rockfish-Aleutian Islands subarea ..	335	59	394	335	59	394
Total .....	335	59	394	335	59	394

*Allocation of Pollock TAC Under the American Fisheries Act (AFA)*

Section 679.20(a)(5)(i)(A) requires that the BS pollock TAC be apportioned as a DFA, after subtracting 10 percent for the CDQ program and 4 percent for the ICA, as follows: 50 percent to the inshore sector, 40 percent to the catcher/processor (CP) sector, and 10 percent to the mothership sector. In the BS, 45 percent of the DFA is allocated to the A season (January 20–June 10), and 55 percent of the DFA is allocated to the B season (June 10–November 1) (§§ 679.20(a)(5)(i)(B)(1) and 679.23(e)(2)). The AI directed pollock fishery allocation to the Aleut Corporation is the amount of pollock TAC remaining in the AI after subtracting 1,900 mt for the CDQ DFA (10 percent) and 2,500 mt for the ICA (§ 679.20(a)(5)(iii)(B)(2)). In the AI, the total A season apportionment of the TAC (including the AI directed fishery allocation, the CDQ DFA, and the ICA) may equal up to 40 percent of the ABC for AI pollock, and the remainder of the TAC is allocated to the B season

(§ 679.20(a)(5)(iii)(B)(3)). Tables 4 and 5 list these 2021 and 2022 amounts.

Section 679.20(a)(5)(iii)(B)(6) sets harvest limits for pollock in the A season (January 20 to June 10) in Areas 543, 542, and 541. In Area 543, the A season pollock harvest limit is no more than 5 percent of the AI pollock ABC. In Area 542, the A season pollock harvest limit is no more than 15 percent of the AI pollock ABC. In Area 541, the A season pollock harvest limit is no more than 30 percent of the AI pollock ABC.

Section 679.20(a)(5)(i)(A)(4) also includes several specific requirements regarding BS pollock allocations. First, it requires that 8.5 percent of the pollock allocated to the CP sector be available for harvest by AFA catcher vessels (CVs) with CP sector endorsements, unless the Regional Administrator receives a cooperative contract that allows for the distribution of harvest among AFA CPs and AFA CVs in a manner agreed to by all members. Second, AFA CPs not listed in the AFA are limited to harvesting not

more than 0.5 percent of the pollock allocated to the CP sector. Tables 4 and 5 list the 2021 and 2022 allocations of pollock TAC. Table 20 lists the AFA CP prohibited species sideboard limits, and Tables 21 and 22 list the AFA CV groundfish and prohibited species sideboard limits. The tables for the pollock allocations to the BS inshore pollock cooperatives and open access sector will be posted on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-groundfish-fisheries-management>.

Tables 4 and 5 also list seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest of pollock within the SCA, as defined at § 679.22(a)(7)(vii), is limited to no more than 28 percent of the annual pollock DFA before 12:00 noon, April 1, as provided in § 679.20(a)(5)(i)(C). The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector's allocated percentage of the DFA.

TABLE 4—FINAL 2021 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>

[Amounts are in metric tons]

Area and sector	2021 Allocations	2021 A season <sup>1</sup>		2021 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bering Sea subarea TAC <sup>1</sup> .....	1,375,000	n/a	n/a	n/a
CDQ DFA .....	137,500	61,875	38,500	75,625
ICA <sup>1</sup> .....	49,500	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA .....	1,188,000	534,600	332,640	653,400
AFA Inshore .....	594,000	267,300	166,320	326,700
AFA Catcher/Processors <sup>3</sup> .....	475,200	213,840	133,056	261,360
Catch by CPs .....	434,808	195,664	n/a	239,144
Catch by CVs <sup>3</sup> .....	40,392	18,176	n/a	22,216
Unlisted CP Limit <sup>4</sup> .....	2,376	1,069	n/a	1,307
AFA Motherships .....	118,800	53,460	33,264	65,340
Excessive Harvesting Limit <sup>5</sup> .....	207,900	n/a	n/a	n/a
Excessive Processing Limit <sup>6</sup> .....	356,400	n/a	n/a	n/a
AI subarea ABC .....	51,241	n/a	n/a	n/a
AI subarea TAC <sup>1</sup> .....	19,000	n/a	n/a	n/a
CDQ DFA .....	1,900	1,900	n/a	.....
ICA .....	2,500	1,250	n/a	1,250
Aleut Corporation .....	14,600	14,600	n/a	.....
Area harvest limit <sup>7</sup> .....	n/a	n/a	n/a	n/a
541 .....	15,372	n/a	n/a	n/a
542 .....	7,686	n/a	n/a	n/a
543 .....	2,562	n/a	n/a	n/a

TABLE 4—FINAL 2021 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>—Continued

[Amounts are in metric tons]

Area and sector	2021 Allocations	2021 A season <sup>1</sup>		2021 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bogoslof District ICA <sup>8</sup>	250	n/a	n/a	n/a

<sup>1</sup> Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea (BS) subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (4 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (CP)—40 percent, and mothership sector—10 percent. In the BS subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) through (iii), the annual AI subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated up to 40 percent of the AI pollock ABC.

<sup>2</sup> In the BS subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector’s annual DFA may be taken from the SCA before noon, April 1.

<sup>3</sup> Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the DFA allocated to listed CPs shall be available for harvest only by eligible catcher vessels with a CP endorsement delivering to listed CPs, unless there is a CP sector cooperative for the year.

<sup>4</sup> Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processor sector’s allocation of pollock.

<sup>5</sup> Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

<sup>6</sup> Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

<sup>7</sup> Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the AI pollock ABC.

<sup>8</sup> Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

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

TABLE 5—FINAL 2022 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>

[Amounts are in metric tons]

Area and sector	2022 Allocations	2022 A season <sup>1</sup>		2022 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bering Sea subarea TAC <sup>1</sup>	1,400,000	n/a	n/a	n/a
CDQ DFA	140,000	63,000	39,200	77,000
ICA <sup>1</sup>	50,400	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,209,600	544,320	338,688	665,280
AFA Inshore	604,800	272,160	169,344	332,640
AFA Catcher/Processors <sup>3</sup>	483,840	217,728	135,475	266,112
Catch by CPs	442,714	199,221	n/a	243,492
Catch by CVs <sup>3</sup>	41,126	18,507	n/a	22,620
Unlisted CP Limit <sup>4</sup>	2,419	1,089	n/a	1,331
AFA Motherships	120,960	54,432	33,869	66,528
Excessive Harvesting Limit <sup>5</sup>	211,680	n/a	n/a	n/a
Excessive Processing Limit <sup>6</sup>	362,880	n/a	n/a	n/a
AI subarea ABC	50,789	n/a	n/a	n/a
AI subarea TAC <sup>1</sup>	19,000	n/a	n/a	n/a
CDQ DFA	1,900	1,900	n/a	.....
ICA	2,500	1,250	n/a	1,250
Aleut Corporation	14,600	14,600	n/a	.....
Area harvest limit <sup>7</sup>	n/a	n/a	n/a	n/a
541	15,237	n/a	n/a	n/a
542	7,618	n/a	n/a	n/a
543	2,539	n/a	n/a	n/a
Bogoslof District ICA <sup>8</sup>	100	n/a	n/a	n/a

<sup>1</sup> Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea (BS) subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (4 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (CP)—40 percent, and mothership sector—10 percent. In the BS subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) through (iii), the annual AI subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated up to 40 percent of the AI pollock ABC.

<sup>2</sup> In the BS subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector’s annual DFA may be taken from the SCA before noon, April 1.

<sup>3</sup> Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the DFA allocated to listed CPs shall be available for harvest only by eligible catcher vessels with a CP endorsement delivering to listed CPs, unless there is a CP sector cooperative for the year.

<sup>4</sup> Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processor sector’s allocation of pollock.

<sup>5</sup> Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

<sup>6</sup> Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

<sup>7</sup> Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the AI pollock ABC.

<sup>8</sup> Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

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

*Allocation of the Atka Mackerel TACs*

Section 679.20(a)(8) allocates the Atka mackerel TACs to the Amendment 80 and BSAI trawl limited access sectors, after subtracting the CDQ reserves, ICAs for the BSAI trawl limited access sector and non-trawl gear sector, and the jig gear allocation (Tables 6 and 7). The percentage of the ITAC for Atka mackerel allocated to the Amendment 80 and BSAI trawl limited access sectors is listed in Table 33 to 50 CFR part 679 and in § 679.91. Pursuant to § 679.20(a)(8)(i), up to 2 percent of the EAI and the BS Atka mackerel TAC may be allocated to vessels using jig gear. The percent of this allocation is recommended annually by the Council based on several criteria, including, among other criteria, the anticipated harvest capacity of the jig gear fleet. The Council recommended, and NMFS approves, a 0.5 percent allocation of the Atka mackerel ITAC in the EAI and BS to the jig gear sector in 2021 and 2022.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel TAC into two equal seasonal allowances. Section 679.23(e)(3) sets the first seasonal allowance for directed fishing with trawl gear from January 20 through June 10 (A season), and the second seasonal allowance from June 10 through December 31 (B season). Section 679.23(e)(4)(iii) applies Atka mackerel seasons to CDQ Atka mackerel trawl fishing. The ICAs and jig gear allocations are not apportioned by season.

Sections 679.20(a)(8)(ii)(C)(1)(i) and (ii) limits Atka mackerel catch within waters 0 nmi to 20 nmi of Steller sea lion sites listed in Table 6 to 50 CFR part 679 and located west of 178° W longitude to no more than 60 percent of the annual TACs in Areas 542 and 543, and equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3). Section 679.20(a)(8)(ii)(C)(2) requires that the annual TAC in Area 543 will be no more

than 65 percent of the ABC in Area 543. Section 679.20(a)(8)(ii)(D) requires that any unharvested Atka mackerel A season allowance that is added to the B season be prohibited from being harvested within waters 0 nmi to 20 nmi of Steller sea lion sites listed in Table 6 to 50 CFR part 679 and located in Areas 541, 542, and 543.

Tables 6 and 7 list these 2021 and 2022 Atka mackerel seasonal and area allowances, and the sector allocations. One Amendment 80 cooperative has formed for the 2021 fishing year. Because all Amendment 80 vessels are part of the sole Amendment 80 cooperative, no allocation to the Amendment 80 limited access sector is required for 2021. The 2022 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021.

TABLE 6—FINAL 2021 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC  
[Amounts are in metric tons]

Sector <sup>1</sup>	Season <sup>2,3,4</sup>	2021 allocation by area		
		Eastern Aleutian district/Bering Sea	Central Aleutian district <sup>5</sup>	Western Aleutian district
TAC	n/a	25,760	15,450	21,047
CDQ reserve	Total	2,756	1,653	2,252
	A	1,378	827	1,126
	Critical Habitat	n/a	496	676
	B	1,378	827	1,126
	Critical Habitat	n/a	496	676
Non-CDQ TAC	n/a	23,004	13,797	18,795
ICA	Total	800	75	20
	Jig <sup>6</sup>	111		
BSAI trawl limited access	Total	2,209	1,372	
	A	1,105	686	
	Critical Habitat	n/a	412	
	B	1,105	686	
	Critical Habitat	n/a	412	
Amendment 80 sector	Total	19,883	12,350	18,775
	A	9,942	6,175	9,387
	Critical Habitat	n/a	3,705	5,632
	B	9,942	6,175	9,387
	Critical Habitat	n/a	3,705	5,632

<sup>1</sup> Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, ICAs, and jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

<sup>2</sup> Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

<sup>3</sup> The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

<sup>4</sup> Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

<sup>5</sup> Section 679.20(a)(8)(ii)(C)(1)(i) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of Steller sea lion critical habitat; section 679.20(a)(8)(ii)(C)(1)(ii) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and section 679.20(a)(8)(ii)(C)(2) requires that the TAC in Area 543 shall be no more than 65 percent of ABC in Area 543.

<sup>6</sup> Sections 679.2 and 679.20(a)(8)(i) require that up to 2 percent of the EAI District and the BS subarea TAC be allocated to jig gear after subtracting the CDQ reserve and the ICA. NMFS sets the amount of this allocation for 2021 at 0.5 percent. The jig gear allocation is not apportioned by season.

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

TABLE 7—FINAL 2022 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATION OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector <sup>1</sup>	Season <sup>2,3,4</sup>	2022 allocation by area		
		Eastern Aleutian district/Bering Sea <sup>5</sup>	Central Aleutian district <sup>5</sup>	Western Aleutian district <sup>5</sup>
TAC	n/a	23,880	14,330	19,507
CDQ reserve	Total	2,555	1,533	2,087
	A	1,278	767	1,044
	Critical Habitat	n/a	460	626
	B	1,278	767	1,044
	Critical Habitat	n/a	460	626
non-CDQ TAC	n/a	21,325	12,797	17,420
ICA	Total	800	75	20
Jig <sup>6</sup>	Total	103		
BSAI trawl limited access	Total	2,042	1,272	
	A	1,021	636	
	Critical Habitat	n/a	382	
	B	1,021	636	
	Critical Habitat	n/a	382	
Amendment 80 sectors <sup>7</sup>	Total	18,380	11,450	17,400
	A	9,190	5,725	8,700
	Critical Habitat	n/a	3,435	5,220
	B	9,190	5,725	8,700
	Critical Habitat	n/a	3,435	5,220

<sup>1</sup> Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, ICAs, and jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

<sup>2</sup> Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

<sup>3</sup> The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

<sup>4</sup> Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

<sup>5</sup> Section 679.20(a)(8)(ii)(C)(1)(i) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of Steller sea lion critical habitat; section 679.20(a)(8)(ii)(C)(1)(ii) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and section 679.20(a)(8)(ii)(C)(2) requires that the TAC in Area 543 shall be no more than 65 percent of ABC in Area 543.

<sup>6</sup> Sections 679.2 and 679.20(a)(8)(i) require that up to 2 percent of the EAI District and the BS subarea TAC be allocated to jig gear after subtracting the CDQ reserve and the ICA. NMFS sets the amount of this allocation for 2022 at 0.5 percent. The jig gear allocation is not apportioned by season.

<sup>7</sup> The 2022 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021.

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

*Allocation of the Pacific Cod TAC*

The Council separated BSAI subarea OFLs, ABCs, and TACs for Pacific cod in 2014 (79 FR 12108, March 4, 2014). Section 679.20(b)(1)(ii)(C) allocates 10.7 percent of the BS TAC and the AI TAC to the CDQ program. After CDQ allocations have been deducted from the respective BS and AI Pacific cod TACs, the remaining BSAI Pacific cod TACs are combined for calculating further BSAI Pacific cod sector allocations. If the non-CDQ Pacific cod TAC is or will be reached in either the BS or the AI subareas, NMFS will prohibit non-CDQ directed fishing for Pacific cod in that subarea as provided in § 679.20(d)(1)(iii).

Sections 679.20(a)(7)(i) and (ii) allocate to the non-CDQ sectors the Pacific cod TAC in the combined BSAI, after subtracting 10.7 percent for the CDQ program, as follows: 1.4 percent to vessels using jig gear; 2.0 percent to hook-and-line or pot CVs less than 60 ft (18.3 m) length overall (LOA); 0.2 percent to hook-and-line CVs greater than or equal to 60 ft (18.3 m) LOA; 48.7 percent to hook-and-line CPs; 8.4 percent to pot CVs greater than or equal to 60 ft (18.3 m) LOA; 1.5 percent to pot CPs; 2.3 percent to AFA trawl CPs; 13.4 percent to Amendment 80 sector; and 22.1 percent to trawl CVs. The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the

hook-and-line and pot sectors. For 2021 and 2022, the Regional Administrator establishes an ICA of 400 mt based on anticipated incidental catch by these sectors in other fisheries.

The ITAC allocation of Pacific cod to the Amendment 80 sector is established in Table 33 to 50 CFR part 679 and § 679.91. One Amendment 80 cooperative has formed for the 2021 fishing year. Because all Amendment 80 vessels are part of the sole Amendment 80 cooperative, no allocation to the Amendment 80 limited access sector is required for 2021. The 2022 allocations for Pacific cod between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for

participation in the program by November 1, 2021.

The sector allocations of Pacific cod are apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7)(i)(B), 679.20(a)(7)(iv)(A), and 679.23(e)(5)). In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a seasonal Pacific cod allowance for any sector, except the jig sector, will become available at the beginning of that sector's next seasonal allowance.

Section 679.20(a)(7)(vii) requires that the Regional Administrator establish an Area 543 Pacific cod harvest limit based on Pacific cod abundance in Area 543

as determined by the annual stock assessment process. Based on the 2020 stock assessment, the Regional Administrator determined for 2021 and 2022 the estimated amount of Pacific cod abundance in Area 543 is 15.7 percent of the total AI abundance. To calculate the Area 543 Pacific cod harvest limit, NMFS first subtracts the State GHLPacific cod amount from the AI Pacific cod ABC. Then NMFS determines the harvest limit in Area 543 by multiplying the percentage of Pacific cod estimated in Area 543 (15.7 percent) by the remaining ABC for AI Pacific cod. Based on these calculations, the Area 543 harvest limit is 2,166 mt for 2021 and 2022.

On March 21, 2019, the final rule adopting Amendment 113 to the FMP (81 FR 84434, November 23, 2016) was vacated by the U.S. District Court for the District of Columbia (*Groundfish Forum v. Ross*, No. 16–2495 (D.D.C. March 21, 2019)), and the corresponding regulations implementing Amendment 113 are no longer in effect. Therefore, this final rule is not specifying amounts for the AI Pacific Cod Catcher Vessel Harvest Set-Aside Program (see § 679.20(a)(7)(viii)).

Table 8 and Table 9 list the CDQ and non-CDQ seasonal allowances by gear, as well as the non-CDQ sector allocations, based on the final 2021 and 2022 Pacific cod TACs.

TABLE 8—FINAL 2021 SECTOR ALLOCATIONS AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC  
[Amounts are in metric tons]

Sector	Percent	2021 share of total	2021 share of sector total	2021 seasonal apportionment	
				Season	Amount
BS TAC .....	n/a	111,380	n/a	n/a .....	n/a
BS CDQ .....	n/a	11,918	n/a	see § 679.20(a)(7)(i)(B) .....	n/a
BS non-CDQ TAC .....	n/a	99,462	n/a	n/a .....	n/a
AI TAC .....	n/a	13,796	n/a	n/a .....	n/a
AI CDQ .....	n/a	1,476	n/a	see § 679.20(a)(7)(i)(B) .....	n/a
AI non-CDQ TAC .....	n/a	12,320	n/a	n/a .....	n/a
Western Aleutian Island Limit .....	n/a	2,166	n/a	n/a .....	n/a
Total BSAI non-CDQ TAC <sup>1</sup> .....	100	111,782	n/a	n/a .....	n/a
Total hook-and-line/pot gear .....	60.8	67,964	n/a	n/a .....	n/a
Hook-and-line/pot ICA <sup>2</sup> .....	n/a	400	n/a	see § 679.20(a)(7)(ii)(B) .....	n/a
Hook-and-line/pot sub-total .....	n/a	67,564	n/a	n/a .....	n/a
Hook-and-line catcher/processor .....	48.7	n/a	54,118	Jan 1–Jun 10 .....	27,600
				Jun 10–Dec 31 .....	26,518
Hook-and-line catcher vessel ≥60 ft LOA .....	0.2	n/a	222	Jan 1–Jun 10 .....	113
				Jun 10–Dec 31 .....	109
Pot catcher/processor .....	1.5	n/a	1,667	Jan 1–Jun 10 .....	850
				Sept 1–Dec 31 .....	817
Pot catcher vessel ≥60 ft LOA .....	8.4	n/a	9,334	Jan 1–Jun 10 .....	4,761
				Sept 1–Dec 31 .....	4,574
Catcher vessel <60 ft LOA using hook-and-line or pot gear .....	2.0	n/a	2,222	n/a .....	n/a
Trawl catcher vessel .....	22.1	24,704	n/a	Jan 20–Apr 1 .....	18,281
				Apr 1–Jun 10 .....	2,717
				Jun 10–Nov 1 .....	3,706
AFA trawl catcher/processor .....	2.3	2,571	n/a	Jan 20–Apr 1 .....	1,928
				Apr 1–Jun 10 .....	643
				Jun 10–Nov 1 .....	
Amendment 80 .....	13.4	14,979	n/a	Jan 20–Apr 1 .....	11,234
				Apr 1–Jun 10 .....	3,745
				Jun 10–Dec 31 .....	
Jig .....	1.4	1,565	n/a	Jan 1–Apr 30 .....	939
				Apr 30–Aug 31 .....	313
				Aug 31–Dec 31 .....	313

<sup>1</sup> The sector allocations and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after the subtraction of the reserves for the CDQ program. If the TAC for Pacific cod in either the AI or BS is or will be reached, then directed fishing for Pacific cod in that subarea will be prohibited, even if a BSAI allowance remains (§ 679.20(d)(1)(iii)).

<sup>2</sup> The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 400 mt for 2021 based on anticipated incidental catch in these fisheries.

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

TABLE 9—FINAL 2022 SECTOR ALLOCATIONS AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC  
[Amounts are in metric tons]

Sector	Percent	2022 share total	2022 share of sector total	2022 seasonal apportionment	
				Season	Amount
BS TAC .....	n/a	95,053	n/a	n/a .....	n/a
BS CDQ .....	n/a	10,171	n/a	see § 679.20(a)(7)(i)(B) .....	n/a
BS non-CDQ TAC .....	n/a	84,882	n/a	n/a .....	n/a
AI TAC .....	n/a	13,796	n/a	n/a .....	n/a
AI CDQ .....	n/a	1,476	n/a	see § 679.20(a)(7)(i)(B) .....	n/a
AI non-CDQ TAC .....	n/a	12,320	n/a	n/a .....	n/a
Western Aleutian Island Limit .....	n/a	2,166	n/a	n/a .....	n/a
Total BSAI non-CDQ TAC <sup>1</sup> .....	n/a	97,202	n/a	n/a .....	n/a
Total hook-and-line/pot gear .....	60.8	59,099	n/a	n/a .....	n/a
Hook-and-line/pot ICA <sup>2</sup> .....	n/a	400	n/a	see § 679.20(a)(7)(ii)(B) .....	n/a
Hook-and-line/pot sub-total .....	n/a	58,699	n/a	n/a .....	n/a
Hook-and-line catcher/processor .....	48.7	n/a	47,017	Jan 1–Jun 10 .....	23,979
				Jun 10–Dec 31 .....	23,038
Hook-and-line catcher vessel ≥60 ft LOA .....	0.2	n/a	193	Jan 1–Jun 10 .....	98
				Jun 10–Dec 31 .....	95
Pot catcher/processor .....	1.5	n/a	1,448	Jan 1–Jun 10 .....	739
				Sept 1–Dec 31 .....	710
Pot catcher vessel ≥60 ft LOA .....	8.4	n/a	8,110	Jan 1–Jun 10 .....	4,136
				Sept 1–Dec 31 .....	3,974
Catcher vessel <60 ft LOA using hook-and-line or pot gear .....	2.0	n/a	1,931	n/a .....	n/a
Trawl catcher vessel .....	22.1	21,482	n/a	Jan 20–Apr 1 .....	15,896
				Apr 1–Jun 10 .....	2,363
				Jun 10–Nov 1 .....	3,222
AFA trawl catcher/processor .....	2.3	2,236	n/a	Jan 20–Apr 1 .....	1,677
				Apr 1–Jun 10 .....	559
				Jun 10–Nov 1 .....	
Amendment 80 .....	13.4	13,025	n/a	Jan 20–Apr 1 .....	9,769
				Apr 1–Jun 10 .....	3,256
				Jun 10–Dec 31 .....	
Jig .....	1.4	1,361	n/a	Jan 1–Apr 30 .....	816
				Apr 30–Aug 31 .....	272
				Aug 31–Dec 31 .....	272

<sup>1</sup> The sector allocations and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after the subtraction of the reserves for the CDQ program. If the TAC for Pacific cod in either the AI or BS is or will be reached, then directed fishing for Pacific cod in that subarea will be prohibited, even if a BSAI allowance remains (§ 679.20(d)(1)(iii)).

<sup>2</sup> The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 400 mt for 2022 based on anticipated incidental catch in these fisheries.

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

*Sablefish Gear Allocation*

Sections 679.20(a)(4)(iii) and (iv) require allocation of the sablefish TAC for the BS and AI subareas between the trawl gear and hook-and-line or pot gear sectors. Gear allocations of the sablefish TAC for the BS are 50 percent for trawl gear and 50 percent for hook-and-line or pot gear. Gear allocations of the TAC for the AI are 25 percent for trawl gear and 75 percent for hook-and-line or pot gear. Section 679.20(b)(1)(ii)(B) requires that NMFS apportion 20 percent of the

hook-and-line or pot gear allocation of sablefish TAC to the CDQ reserve for each subarea. Also, § 679.20(b)(1)(ii)(D)(1) requires that in the BS and AI 7.5 percent of the trawl gear allocation of sablefish TAC from the non-specified reserve, established under § 679.20(b)(1)(i), be assigned to the CDQ reserve.

The Council recommended that only trawl sablefish TAC be established biennially. The harvest specifications for the hook-and-line gear or pot gear sablefish Individual Fishing Quota (IFQ)

fisheries are limited to the 2021 fishing year to ensure those fisheries are conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries remain closed at the beginning of each fishing year until the final harvest specifications for the sablefish IFQ fisheries are in effect. Table 10 lists the 2021 and 2022 gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 10—FINAL 2021 AND 2022 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS  
[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2021 share of TAC	2021 ITAC	2021 CDQ reserve	2022 share of TAC	2022 ITAC	2022 CDQ reserve
Bering Sea: Trawl <sup>1</sup> .....	50	1,698	1,443	127	2,432	2,067	182

TABLE 10—FINAL 2021 AND 2022 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS—Continued  
[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2021 share of TAC	2021 ITAC	2021 CDQ reserve	2022 share of TAC	2022 ITAC	2022 CDQ reserve
Hook-and-line/pot gear <sup>2</sup> .....	50	1,698	1,358	340	n/a	n/a	n/a
Total .....	100	3,396	2,802	467	2,432	2,067	182
Aleutian Islands:							
Trawl <sup>1</sup> .....	25	1,179	1,002	88	1,265	1,075	95
Hook-and-line/pot gear <sup>2</sup> .....	75	3,538	2,830	708	n/a	n/a	n/a
Total .....	100	4,717	3,833	796	1,265	1,075	95

<sup>1</sup> For the sablefish trawl gear allocations, 15 percent of TAC is apportioned to the non-specified reserve (§ 679.20(b)(1)(i)). The ITAC is the remainder of the TAC after subtracting this reserve. In the BS and AI, 7.5 percent of the trawl gear allocation from the non-specified reserve is assigned to the CDQ reserve (§ 679.20(b)(1)(ii)(D)(1)).

<sup>2</sup> For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC for the BS and AI is reserved for use by CDQ participants (§ 679.20(b)(1)(ii)(B)). The Council recommended that specifications for the hook-and-line or pot gear sablefish IFQ fisheries be limited to one year.

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

*Allocation of the AI Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs*

Sections 679.20(a)(10)(i) and (ii) require that NMFS allocate AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole ITACs between the Amendment 80 sector and the BSAI trawl limited access sector, after subtracting 10.7 percent for the CDQ reserves and ICAs for the BSAI trawl limited access sector and vessels

using non-trawl gear. The allocations of the ITACs for AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole to the Amendment 80 sector are established in accordance with Tables 33 and 34 to 50 CFR part 679 and § 679.91.

One Amendment 80 cooperative has formed for the 2021 fishing year. Because all Amendment 80 vessels are part of the sole Amendment 80 cooperative, no allocation to the

Amendment 80 limited access sector is required for 2021. The 2022 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021. Tables 11 and 12 list the 2021 and 2022 allocations of the AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs.

TABLE 11—FINAL 2021 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAs), AND AMENDMENT 80 ALLOCATIONS OF THE AI PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
TAC .....	8,419	6,198	10,500	25,000	54,500	200,000
CDQ .....	901	663	1,124	2,675	5,832	21,400
ICA .....	100	60	10	3,000	6,000	4,000
BSAI trawl limited access .....	742	547	187	.....	.....	34,782
Amendment 80 .....	6,676	4,927	9,179	19,325	42,669	139,818

**Note:** Sector apportionments may not total precisely due to rounding.

TABLE 12—FINAL 2022 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAs), AND AMENDMENT 80 ALLOCATIONS OF THE AI PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
TAC .....	8,041	5,919	10,500	25,000	54,500	200,000
CDQ .....	860	633	1,124	2,675	5,832	21,400
ICA .....	100	60	10	3,000	6,000	4,000
BSAI trawl limited access .....	708	523	187	.....	.....	34,782

TABLE 12—FINAL 2022 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE AI PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS—Continued

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
Amendment 80 <sup>1</sup>	6,373	4,703	9,179	19,325	42,669	139,818

<sup>1</sup> The 2022 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021.

**Note:** Sector apportionments may not total precisely due to rounding.

Section 679.2 defines the ABC surplus for flathead sole, rock sole, and yellowfin sole as the difference between the annual ABC and TAC for each species. Section 679.20(b)(1)(iii) establishes ABC reserves for flathead sole, rock sole, and yellowfin sole. The ABC surpluses and the ABC reserves are necessary to mitigate the operational variability, environmental conditions, and economic factors that may constrain the CDQ groups and the Amendment 80 cooperatives from achieving, on a

continuing basis, the optimum yield in the BSAI groundfish fisheries. NMFS, after consultation with the Council, may set the ABC reserve at or below the ABC surplus for each species, thus maintaining the TAC below ABC limits. An amount equal to 10.7 percent of the ABC reserves will be allocated as CDQ ABC reserves for flathead sole, rock sole, and yellowfin sole. Section 679.31(b)(4) establishes the annual allocations of CDQ ABC reserves among the CDQ groups. The Amendment 80

ABC reserves are the ABC reserves minus the CDQ ABC reserves. Section 679.91(i)(2) establishes each Amendment 80 cooperative ABC reserve to be the ratio of each cooperatives' quota share units and the total Amendment 80 quota share units, multiplied by the Amendment 80 ABC reserve for each respective species. Table 13 lists the 2021 and 2022 ABC surplus and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole.

TABLE 13—FINAL 2021 AND 2022 ABC SURPLUS, ABC RESERVES, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2021 Flathead sole	2021 Rock sole	2021 Yellowfin sole	2022 <sup>1</sup> Flathead sole	2022 <sup>1</sup> Rock sole	2022 <sup>1</sup> Yellowfin sole
ABC	62,567	140,306	313,477	64,119	206,605	344,140
TAC	25,000	54,500	200,000	25,000	54,500	200,000
ABC surplus	37,567	85,806	113,477	39,119	152,105	144,140
ABC reserve	37,567	85,806	113,477	39,119	152,105	144,140
CDQ ABC reserve	4,020	9,181	12,142	4,186	16,275	15,423
Amendment 80 ABC reserve	33,547	76,625	101,335	34,933	135,830	128,717

<sup>1</sup> The 2022 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021.

*PSC Limits for Halibut, Salmon, Crab, and Herring*

Sections 679.21(b), (e), (f), and (g) sets forth the BSAI PSC limits. Pursuant to § 679.21(b)(1), the annual BSAI halibut PSC limits total 3,515 mt. Section 679.21(b)(1) allocates 315 mt of the halibut PSC limit as the PSQ reserve for use by the groundfish CDQ program, 1,745 mt of the halibut PSC limit for the Amendment 80 sector, 745 mt of the halibut PSC limit for the BSAI trawl limited access sector, and 710 mt of the halibut PSC limit for the BSAI non-trawl sector.

Sections 679.21(b)(1)(iii)(A) and (B) authorize apportionment of the BSAI non-trawl halibut PSC limit into PSC allowances among six fishery categories in Table 17, and §§ 679.21(b)(1)(ii)(A) and (B), (e)(3)(i)(B), and (e)(3)(iv) require

apportionment of the trawl PSC limits in Tables 15 and 16 into PSC allowances among seven fishery categories.

Pursuant to Section 3.6 of the FMP, the Council recommends, and NMFS agrees, that certain specified non-trawl fisheries be exempt from the halibut PSC limit. As in past years, after consultation with the Council, NMFS exempts the pot gear fishery, the jig gear fishery, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions for the following reasons: (1) The pot gear fisheries have low halibut bycatch mortality; (2) NMFS estimates halibut mortality for the jig gear fleet to be negligible because of the small size of the fishery and the selectivity of the gear; and (3) the sablefish and halibut IFQ fisheries have low halibut bycatch mortality because the IFQ program requires that legal-size

halibut be retained by vessels using fixed gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)).

The 2020 total groundfish catch for the pot gear fishery in the BSAI was 41,517 mt, with an associated halibut bycatch mortality of 5 mt. The 2020 jig gear fishery harvested about 10 mt of groundfish. Most vessels in the jig gear fleet are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. As mentioned above, NMFS estimates a negligible amount of halibut bycatch mortality because of the selective nature of jig gear and the low mortality rate of halibut caught with jig gear and released.

Under § 679.21(f)(2), NMFS annually allocates portions of either 33,318, 45,000, 47,591, or 60,000 Chinook salmon PSC limits among the AFA sectors, depending on past bycatch performance, on whether Chinook salmon bycatch incentive plan agreements (IPAs) are formed, and on whether NMFS determines it is a low Chinook salmon abundance year. NMFS will determine that it is a low Chinook salmon abundance year when abundance of Chinook salmon in western Alaska is less than or equal to 250,000 Chinook salmon. The State of Alaska provides to NMFS an estimate of Chinook salmon abundance using the 3-System Index for western Alaska based on the Kuskokwim, Unalakleet, and Upper Yukon aggregate stock grouping.

If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6), and if it is not a low Chinook salmon abundance year, then NMFS will allocate a portion of the 60,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(A). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), and if it is not a low abundance year, then NMFS will allocate a portion of the 47,591 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(C). If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6), in a low abundance year, then NMFS will allocate a portion of the 45,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(B). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), and if in a low abundance year, then NMFS will allocate a portion of the 33,318 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(D).

NMFS has determined that 2020 was a low Chinook salmon abundance year, based on the State's estimate that Chinook salmon abundance in western Alaska is less than 250,000 Chinook salmon. Therefore, in 2021, the Chinook salmon PSC limit is 45,000 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(B). The AFA sector Chinook salmon PSC limits are also seasonally apportioned with 70 percent for the A season pollock fishery, and 30 percent for the B season pollock fishery (§§ 679.21(f)(3)(i) and 679.23(e)(2)). In 2021, the Chinook salmon bycatch performance standard under § 679.21(f)(6) is 33,318 Chinook

salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(D).

NMFS publishes the approved IPAs, allocations, and reports at <https://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm>.

Section 679.21(g)(2)(i) specifies 700 fish as the 2021 and 2022 Chinook salmon PSC limit for the AI pollock fishery. Section 679.21(g)(2)(ii) allocates 7.5 percent, or 53 Chinook salmon, as the AI PSQ reserve for the CDQ program, and allocates the remaining 647 Chinook salmon to the non-CDQ fisheries.

Section 679.21(f)(14)(i) specifies 42,000 fish as the 2021 and 2022 non-Chinook salmon PSC limit for vessels using trawl gear from August 15 through October 14 in the Catcher Vessel Operational Area (CVOA). Section 679.21(f)(14)(ii) allocates 10.7 percent, or 4,494 non-Chinook salmon, in the CVOA as the PSQ reserve for the CDQ program, and allocates the remaining 37,506 non-Chinook salmon in the CVOA to the non-CDQ fisheries.

PSC limits for crab and herring are specified annually based on abundance and spawning biomass. Section 679.21(e)(3)(i)(A)(1) allocates 10.7 percent from each trawl gear PSC limit specified for crab as a PSQ reserve for use by the groundfish CDQ program.

Based on the most recent (2019) survey data, the red king crab mature female abundance is estimated at 9.6668 million red king crabs, and the effective spawning biomass is estimated at 25.120 million lbs (11,394 mt). Based on the criteria set out at § 679.21(e)(1)(i), the 2021 and 2022 PSC limit of red king crab in Zone 1 for trawl gear is 97,000 animals. This limit derives from the mature female abundance estimate of more than 8.4 million mature red king crab and the effective spawning biomass estimate of more than 14.5 million lbs (6,577 mt) but less than 55 million lbs (24,948 mt).

Section 679.21(e)(3)(ii)(B)(2) establishes criteria under which NMFS must specify an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS) if the State has established a GHF fishery for red king crab in the Bristol Bay area in the previous year. The regulations limit the RKCSS red king crab bycatch limit to 25 percent of the red king crab PSC limit, based on the need to optimize the groundfish harvest relative to red king crab bycatch. In December 2020, the Council recommended and NMFS concurs that the RKCSS red king crab bycatch limit for 2021 and 2022 be equal to 25 percent of the red king crab PSC limit (Table 15).

Based on the most recent (2019) survey data, Tanner crab (*Chionoecetes bairdi*) abundance is estimated at 541 million animals. Pursuant to criteria set out at § 679.21(e)(1)(ii), the calculated 2021 and 2022 *C. bairdi* crab PSC limit for trawl gear is 980,000 animals in Zone 1, and 2,970,000 animals in Zone 2. The limit in Zone 1 is based on the abundance of *C. bairdi* estimated at 541 million animals, which is greater than 400 million animals. The limit in Zone 2 is based on the abundance of *C. bairdi* estimated at 541 million animals, which is greater than 400 million animals.

Pursuant to § 679.21(e)(1)(iii), the PSC limit for trawl gear for snow crab (*Chionoecetes opilio*) is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit in the *C. opilio* bycatch limitation zone (COBLZ) is set at 0.1133 percent of the BS abundance index minus 150,000 crabs, unless the minimum or maximum PSC limit applies. Based on the most recent (2019) survey estimate of 6.48 billion animals, the calculated *C. opilio* crab PSC limit is 7,191,840 animals.

Pursuant to § 679.21(e)(1)(v), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern BS herring biomass. The best estimate of 2021 and 2022 herring biomass is 272,281 mt. This amount was developed by the Alaska Department of Fish and Game based on biomass for spawning aggregations. Therefore, the herring PSC limit for 2021 and 2022 is 2,723 mt for all trawl gear as listed in Tables 14 and 15.

Section 679.21(e)(3)(i)(A) requires that PSQ reserves be subtracted from the total trawl gear crab PSC limits. The crab and halibut PSC limits apportioned to the Amendment 80 and BSAI trawl limited access sectors are listed in Table 35 to 50 CFR part 679. The resulting 2021 and 2022 allocations of PSC limit to CDQ PSQ reserves, the Amendment 80 sector, and the BSAI trawl limited access sector are listed in Table 14. Pursuant to §§ 679.21(b)(1)(i), 679.21(e)(3)(vi), and 679.91(d) through (f), crab and halibut trawl PSC limits assigned to the Amendment 80 sector are then further allocated to Amendment 80 cooperatives as cooperative quota. Crab and halibut PSC cooperative quota assigned to Amendment 80 cooperatives is not allocated to specific fishery categories. In 2021, there are no vessels in the Amendment 80 limited access sector and one Amendment 80 cooperative. The 2022 PSC allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector

will not be known until eligible participants apply for participation in the program by November 1, 2021. Section 679.21(e)(3)(i)(B) requires that NMFS, after consultation with the Council, apportion each trawl PSC limit for crab and herring not assigned to CDQ PSQ reserves or Amendment 80 cooperatives into PSC bycatch allowances for seven specified fishery categories in § 679.21(e)(3)(iv).

Sections 679.21(b)(2) and (e)(5) authorize NMFS, after consulting with the Council, to establish seasonal

apportionments of halibut and crab PSC amounts for the BSAI trawl limited access and non-trawl sectors in order to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors to be considered are (1) seasonal distribution of prohibited species, (2) seasonal distribution of target groundfish species relative to prohibited species distribution, (3) PSC bycatch needs on a seasonal basis relevant to prohibited species biomass and expected catches of target groundfish

species, (4) expected variations in bycatch rates throughout the year, (5) expected changes in directed groundfish fishing seasons, (6) expected start of fishing effort, and (7) economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry. Based on this criteria, the Council recommended and NMFS approves the seasonal PSC apportionments in Tables 16 and 17 to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC.

TABLE 14—FINAL 2021 AND 2022 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species and area and zone <sup>1</sup>	Total PSC	Non-trawl PSC	CDQ PSQ reserve <sup>2</sup>	Trawl PSC remaining after CDQ PSQ	Amendment 80 sector <sup>3</sup>	BSAI trawl limited access sector	BSAI PSC limits not allocated <sup>3</sup>
Halibut mortality (mt)							
BSAI .....	3,515	710	315	n/a	1,745	745	.....
Herring (mt) BSAI .....	2,723	n/a	n/a	n/a	n/a	n/a	.....
Red king crab (animals)							
Zone 1 .....	97,000	n/a	10,379	86,621	43,293	26,489	16,839
<i>C. opilio</i> (animals)							
COBLZ .....	7,191,840	n/a	769,527	6,422,313	3,156,567	2,064,131	1,201,615
<i>C. bairdi</i> crab (animals)							
Zone 1 .....	980,000	n/a	104,860	875,140	368,521	411,228	95,390
<i>C. bairdi</i> crab (animals)							
Zone 2 .....	2,970,000	n/a	317,790	2,652,210	627,778	1,241,500	782,932

<sup>1</sup> Refer to § 679.2 for definitions of areas and zones.

<sup>2</sup> The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

<sup>3</sup> The Amendment 80 program reduced apportionment of the trawl PSC limits for crab below the total PSC limit. These reductions are not apportioned to other gear types or sectors.

TABLE 15—FINAL 2021 AND 2022 HERRING AND RED KING CRAB SAVINGS SUBAREA PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

Fishery categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole .....	118	n/a
Rock sole/flathead sole/Alaska plaice/other flatfish <sup>1</sup> .....	58	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish .....	8	n/a
Rockfish .....	8	n/a
Pacific cod .....	14	n/a
Midwater trawl pollock .....	2,472	n/a
Pollock/Atka mackerel/other species <sup>2,3</sup> .....	45	n/a
Red king crab savings subarea non-pelagic trawl gear <sup>4</sup> .....	n/a	24,250
Total trawl PSC .....	2,723	97,000

<sup>1</sup> "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

<sup>2</sup> Pollock other than midwater trawl pollock, Atka mackerel, and "other species" fishery category.

<sup>3</sup> "Other species" for PSC monitoring includes skates, sharks, and octopuses.

<sup>4</sup> In December 2020, the Council recommended and NMFS approves that the red king crab bycatch limit for non-pelagic trawl fisheries within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(2)).

**Note:** Species allowances may not total precisely due to rounding.

TABLE 16—FINAL 2021 AND 2022 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access fisheries	Prohibited species and area and zone <sup>1</sup>				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ	<i>C. bairdi</i> (animals)	
				Zone 1	Zone 2
Yellowfin sole .....	265	23,338	1,945,831	346,228	1,185,500
Rock sole/flathead sole/Alaska plaice/other flatfish <sup>2</sup> .....					

TABLE 16—FINAL 2021 AND 2022 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR—Continued

BSAI trawl limited access fisheries	Prohibited species and area and zone <sup>1</sup>				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ	<i>C. bairdi</i> (animals)	
				Zone 1	Zone 2
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish .....					
Rockfish April 15–December 31 .....	5		3,214		1,000
Pacific cod .....	300	2,954	82,939	60,000	50,000
Pollock/Atka mackerel/other species <sup>3</sup> .....	175	197	32,147	5,000	5,000
<b>Total BSAI trawl limited access PSC .....</b>	<b>745</b>	<b>26,489</b>	<b>2,064,131</b>	<b>411,228</b>	<b>1,241,500</b>

<sup>1</sup> Refer to § 679.2 for definitions of areas and zones.

<sup>2</sup> “Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

<sup>3</sup> “Other species” for PSC monitoring includes skates, sharks, and octopuses.

**Note:** Seasonal or sector allowances may not total precisely due to rounding.

TABLE 17—FINAL 2021 AND 2022 HALIBUT PROHIBITED SPECIES BYCATCH ALLOWANCES FOR NON-TRAWL FISHERIES

Halibut mortality (mt) BSAI				
Non-trawl fisheries	Seasons	Catcher/processor	Catcher vessel	All Non-Trawl
Pacific cod .....	Total Pacific cod .....	648	13	661.
	January 1–June 10 .....	388	9	n/a.
	June 10–August 15 .....	162	2	n/a.
	August 15–December 31 .....	98	2	n/a.
Non-Pacific cod non-trawl-Total .....	May 1–December 31 .....	n/a	n/a	49.
Groundfish pot and jig .....	n/a .....	n/a	n/a	Exempt.
Sablefish hook-and-line .....	n/a .....	n/a	n/a	Exempt.
<b>Total for all non-trawl PSC .....</b>	<b>n/a .....</b>	<b>n/a</b>	<b>n/a</b>	<b>710.</b>

**Note:** Seasonal or sector allowances may not total precisely due to rounding.

*Estimates of Halibut Biomass and Stock Condition*

The International Pacific Halibut Commission (IPHC) annually assesses the abundance and potential yield of the Pacific halibut stock using all available data from the commercial and sport fisheries, other removals, and scientific surveys. Additional information on the Pacific halibut stock assessment may be found in the IPHC’s 2020 Pacific halibut stock assessment (December 2020), available on the IPHC website at [www.iphc.int](http://www.iphc.int). The IPHC considered the 2020 Pacific halibut stock assessment at its January 2021 annual meeting when it set the 2021 commercial halibut fishery catch limits.

*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 BSAI stock assessment process. The DMR methodology and findings are included as an appendix to the annual BSAI 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, SSC, and the Council. A summary of the revised methodology is included in the BSAI proposed 2017 and 2018 harvest specifications (81 FR 87863, 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 used 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.

At the December 2020 meeting, the SSC, AP, and the Council concurred with the revised DMR estimation methodology, and NMFS adopts for 2021 and 2022 the DMRs calculated under the revised methodology, which

uses an updated 2-year reference period. The final 2021 and 2022 DMRs in this rule are unchanged from the DMRs in the proposed 2021 and 2022 harvest specifications (85 FR 78096, December 3, 2020). Table 18 lists these final 2021 and 2022 DMRs.

TABLE 18—2021 AND 2022 PACIFIC HALIBUT DISCARD MORTALITY RATES (DMR) FOR THE BSAI

Gear	Sector	Halibut discard mortality rate (percent)
Pelagic trawl	All	100
Non-pelagic trawl	Motherhip and catcher/processor	84
Non-pelagic trawl	Catcher vessel	59
Hook-and-line	Catcher/processor	9
Hook-and-line	Catcher vessel	9
Pot	All	32

*Directed Fishing Closures*

In accordance with § 679.20(d)(1)(i), the Regional Administrator may establish a DFA for a species or species group if the Regional Administrator determines that any allocation or apportionment of a target species has been or will be reached. If the Regional Administrator establishes a DFA, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified subarea, regulatory area, or district (see § 679.20(d)(1)(iii)). Similarly, pursuant to §§ 679.21(b)(4) and (e)(7), if the Regional Administrator determines that a fishery category’s bycatch allowance

of halibut, red king crab, *C. bairdi* crab, or *C. opilio* crab for a specified area has been reached, the Regional Administrator will prohibit directed fishing for each species or species group in that fishery category in the area specified by regulation for the remainder of the season or fishing year.

Based on historic catch patterns and anticipated fishing activity, the Regional Administrator has determined that the groundfish allocation amounts in Table 19 will be necessary as incidental catch to support other anticipated groundfish fisheries for the 2021 and 2022 fishing years. Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species and species groups in Table

19 as zero mt. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for these sectors and species or species groups in the specified areas effective at 1,200 hours, A.l.t., February 25, 2021, through 2,400 hours, A.l.t., December 31, 2022. Also, for the BSAI trawl limited access sector, bycatch allowances of halibut, red king crab, *C. bairdi* crab, and *C. opilio* crab listed in Table 19 are insufficient to support directed fisheries. Therefore, in accordance with §§ 679.21(b)(4)(i) and (e)(7), NMFS is prohibiting directed fishing for these sectors, species, and fishery categories in the specified areas effective at 1200 hours, A.l.t., February 25, 2021, through 2,400 hours, A.l.t., December 31, 2022.

TABLE 19—2021 AND 2022 DIRECTED FISHING CLOSURES <sup>1</sup>

[Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals.]

Area	Sector	Species	2021 Incidental catch allowance	2022 Incidental catch allowance
Bogoslof District	All	Pollock	250	100
Aleutian Islands subarea	All	ICA pollock	2,500	2,500
		“Other rockfish” <sup>2</sup>	394	394
Aleutian Islands subarea	Trawl non-CDQ	Sablefish	1,002	1,075
Eastern Aleutian District/Bering Sea.	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Atka mackerel	800	800
Eastern Aleutian District/Bering Sea.	All	Blackspotted/Rougheye rockfish	266	128
Eastern Aleutian District	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Pacific ocean perch	100	100
Central Aleutian District	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Atka mackerel	75	75
		ICA Pacific ocean perch	60	60
Western Aleutian District	Non-amendment 80, CDQ and BSAI trawl limited access.	ICA Atka mackerel	20	20
		ICA Pacific ocean perch	10	10
Western and Central Aleutian Districts.	All	Blackspotted/Rougheye rockfish	144	150
Bering Sea subarea	Trawl non-CDQ	Sablefish	1,443	2,067
Bering Sea subarea	All	Pacific ocean perch	9,165	8,753
		“Other rockfish” <sup>2</sup>	444	255
		ICA pollock	49,500	50,400
		Shortraker rockfish	425	191
		Skates	15,300	13,600
		Sharks	170	170
		Octopuses	595	595
	Hook-and-line and pot gear	ICA Pacific cod	400	400
	Non-amendment 80 and CDQ	ICA flathead sole	3,000	3,000
		ICA rock sole	6,000	6,000

TABLE 19—2021 AND 2022 DIRECTED FISHING CLOSURES<sup>1</sup>—Continued  
 [Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals.]

Area	Sector	Species	2021 Incidental catch allowance	2022 Incidental catch allowance
	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA yellowfin sole .....	4,000	4,000
	BSAI trawl limited access .....	Rock sole/flathead sole/other flatfish—halibut mortality, red king crab Zone 1, <i>C. opilio</i> COBLZ, <i>C. bairdi</i> Zone 1 and 2. Turbot/arrowtooth/Kamchatka/sablefish—halibut mortality, red king crab Zone 1, <i>C. opilio</i> COBLZ, <i>C. bairdi</i> Zone 1 and 2. Rockfish—red king crab Zone 1 ....	.....	.....

<sup>1</sup> Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.  
<sup>2</sup> “Other rockfish” includes all *Sebastes* and *Sebastolobus* species except for dark rockfish, Pacific ocean perch, northern rockfish, blackspotted/rougheye rockfish, and shortraker rockfish.

Closures implemented under the final 2020 and 2021 BSAI harvest specifications for groundfish (85 FR 13553, March 9, 2020) remain effective under authority of these final 2021 and 2022 harvest specifications and until the date specified in those notices. Closures are posted at the following website under the Alaska filter for Management Area: <https://www.fisheries.noaa.gov/rules-and-announcements/bulletins>. While these closures are in effect, the maximum retainable amounts at §§ 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found at 50 CFR part 679.

*Listed AFA Catcher/Processor Sideboard Limits*

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of listed AFA CPs to engage in directed fishing for

groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA fishery and from fishery cooperatives in the directed pollock fishery. These restrictions are set out as sideboard limits on catch. On February 8, 2019, NMFS published a final rule (84 FR 2723) that implemented regulations to prohibit non-exempt AFA CPs from directed fishing for groundfish species or species groups subject to sideboard limits (see § 679.20(d)(1)(iv)(D) and Table 54 to 50 CFR part 679). Section 679.64(a)(1)(v) exempts AFA CPs from a yellowfin sole sideboard limit because the final 2021 and 2022 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt. Section 679.64(a)(2) and Tables 40 and 41 to 50 CFR part 679 establish a formula for calculating PSC sideboard limits for halibut and crab caught by

listed AFA CPs. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). PSC species listed in Table 20 that are caught by listed AFA CPs participating in any groundfish fishery other than pollock will accrue against the final 2021 and 2022 PSC sideboard limits for the listed AFA CPs. Sections 679.21(b)(4)(iii), (e)(3)(v), and (e)(7) authorize NMFS to close directed fishing for groundfish other than pollock for listed AFA CPs once a final 2021 or 2022 PSC sideboard limit listed in Table 20 is reached. Pursuant to §§ 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by listed AFA CPs while fishing for pollock will accrue against the PSC allowances annually specified for the pollock/Atka mackerel/“other species” fishery categories, according to §§ 679.21(b)(1)(ii)(B) and (e)(3)(iv).

TABLE 20—FINAL 2021 AND 2022 BSAI AFA LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS

PSC species and area <sup>1</sup>	Ratio of PSC catch to total PSC	2021 and 2022 PSC available to trawl vessels after subtraction of PSQ <sup>2</sup>	2021 and 2022 AFA catcher/processor sideboard limit <sup>2</sup>
Halibut mortality BSAI .....	n/a	n/a	286
Red king crab Zone 1 .....	0.0070	86,621	606
<i>C. opilio</i> (COBLZ) .....	0.1530	6,422,313	982,614
<i>C. bairdi</i> Zone 1 .....	0.1400	875,140	122,520
<i>C. bairdi</i> Zone 2 .....	0.0500	2,652,210	132,611

<sup>1</sup> Refer to § 679.2 for definitions of areas.  
<sup>2</sup> Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

*AFA Catcher Vessel Sideboard Limits*

Pursuant to § 679.64(b), the Regional Administrator is responsible for

restricting the ability of AFA CVs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish

fisheries from adverse effects resulting from the AFA fishery and from fishery cooperatives in the pollock directed fishery. On February 8, 2019, NMFS

published a final rule (84 FR 2723) that implemented regulations to prohibit non-exempt AFA C/Vs from directed fishing for a majority of the groundfish species or species groups subject to sideboard limits (see § 679.20(d)(1)(iv)(D) and Table 55 to 50 CFR part 679). Section 679.64(b)(6) exempts AFA CVs from a yellowfin sole

sideboard limit because the 2021 and 2022 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt. The remainder of the sideboard limits for non-exempt AFA C/Vs are in Table 21. Section 679.64(b)(3) and (b)(4) establish formulas for setting AFA CV groundfish and halibut and crab PSC

sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). Table 21 lists the final 2021 and 2022 AFA CV groundfish sideboard limits.

TABLE 21—FINAL 2021 AND 2022 BSAI PACIFIC COD SIDEBOARD LIMITS FOR AMERICAN FISHERIES ACT CATCHER VESSELS (CVs)

[Amounts are in metric tons]

Fishery by area/gear/season	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2021 initial TAC	2021 AFA catcher vessel sideboard limits	2022 initial TAC	2022 AFA catcher vessel sideboard limits
BSAI .....	n/a	n/a	n/a	n/a	n/a
Trawl gear CV .....	n/a	n/a	n/a	n/a	n/a
Jan 20–Apr 1 .....	0.8609	18,281	15,738	15,896	13,685
Apr 1–Jun 10 .....	0.8609	2,717	2,339	2,363	2,034
Jun 10–Nov 1 .....	0.8609	3,706	3,190	3,222	2,774

**Note:** Section 679.64(b)(6) exempts AFA catcher vessels from a yellowfin sole sideboard limit because the 2021 and 2022 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Halibut and crab PSC limits listed in Table 22 that are caught by AFA CVs participating in any groundfish fishery other than pollock will accrue against the 2021 and 2022 PSC sideboard limits for the AFA CVs. Sections 679.21(b)(4)(iii), (e)(3)(v), and (e)(7)

authorize NMFS to close directed fishing for groundfish other than pollock for AFA CVs once a final 2021 and 2022 PSC sideboard limit listed in Table 22 is reached. Pursuant to §§ 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by AFA CVs while

fishing for pollock in the BS will accrue against the PSC allowances annually specified for the pollock/Atka mackerel/“other species” fishery categories under §§ 679.21(b)(1)(ii)(B) and (e)(3)(iv).

TABLE 22—FINAL 2021 AND 2022 AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI <sup>1</sup>

PSC species and area <sup>1</sup>	Target fishery category <sup>2</sup>	AFA catcher vessel PSC sideboard limit ratio	2021 and 2022 PSC limit after subtraction of PSQ reserves <sup>3</sup>	2021 and 2022 AFA catcher vessel PSC sideboard limit <sup>3</sup>
Halibut .....	Pacific cod trawl .....	n/a	n/a	887
	Pacific cod hook-and-line or pot .....	n/a	n/a	2
	Yellowfin sole total .....	n/a	n/a	101
	Rock sole/flathead sole/Alaska plaice/other flatfish <sup>4</sup> .	n/a	n/a	228
	Greenland turbot/arrowtooth/Kamchatka/sablefish.	n/a	n/a	
	Rockfish .....	n/a	n/a	2
Red king crab Zone 1 .....	Pollock/Atka mackerel/other species <sup>5</sup> .....	n/a	n/a	5
	n/a .....	0.2990	86,621	25,900
	<i>C. opilio</i> COBLZ .....	0.1680	6,422,313	1,078,949
	<i>C. bairdi</i> Zone 1 .....	0.3300	875,140	288,796
	<i>C. bairdi</i> Zone 2 .....	0.1860	2,652,210	493,311

<sup>1</sup> Refer to § 679.2 for definitions of areas.

<sup>2</sup> Target trawl fishery categories are defined at §§ 679.21(b)(1)(ii)(B) and (e)(3)(iv).

<sup>3</sup> Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

<sup>4</sup> Other flatfish for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

<sup>5</sup> “Other species” for PSC monitoring includes skates, sharks, and octopuses.

**Response to Comments**

NMFS received no comments during the public comment period for the

proposed BSAI groundfish harvest specifications.

**Classification**

NMFS has determined that the final harvest specifications are consistent

with the FMP and with the Magnuson-Stevens Act and other applicable laws.

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 Record of Decision (ROD) for the Final EIS. In January 2021, NMFS prepared a Supplementary Information Report (SIR) for this action to provide a subsequent assessment of the action and to address the need to prepare a Supplemental EIS (SEIS) (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 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. The preferred alternative is a harvest strategy in which TACs are set at a level within the range of ABCs recommended by the Council's 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 annual SIR evaluates the need to prepare a SEIS for the 2021 and 2022 groundfish harvest specifications. An SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (2) significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(d)(1)). After reviewing the information contained in the SIR and SAFE reports, the Regional Administrator has determined that (1) approval of the 2021 and 2022 harvest specifications, which were set according to the preferred harvest strategy in the Final EIS, does not constitute a substantial change in the action; and (2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the action or its impacts. Additionally, the 2021 and 2022 harvest specifications

will result in environmental, social, and economic impacts within the scope of those analyzed and disclosed in the Final EIS. Therefore, an SEIS is not necessary to implement the 2021 and 2022 harvest specifications.

A final regulatory flexibility analysis (FRFA) was prepared. Section 604 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 604) requires that, when an agency promulgates a final rule under 5 U.S.C. 553, after being required by that section, or any other law, to publish a general notice of proposed rulemaking, the agency shall prepare a FRFA. The following constitutes the FRFA prepared in the final action.

Section 604 of the RFA describes the required contents of a final regulatory flexibility analysis: (1) A statement of the need for, and objectives of, the rule; (2) a statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (6) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency that affect the impact on small entities was rejected.

A description of this action, its purpose, and its legal basis are included at the beginning of the preamble to this final rule and are not repeated here.

NMFS published the proposed rule on December 3, 2020 (85 FR 78096). NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) to accompany the proposed action, and included the IRFA in the proposed rule.

The comment period closed on January 4, 2021. No comments were received on the IRFA or on the economic impacts of the rule more generally. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments on the proposed rule.

The entities directly regulated by this action are those that harvest groundfish in the exclusive economic zone of the BSAI and in parallel fisheries within State waters. These include entities operating catcher vessels and catcher/processors within the action area and entities receiving direct allocations of groundfish.

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 gross receipts not in excess of \$11 million for all its affiliated operations worldwide.

Using the most recent data available (2019), the estimated number of directly regulated small entities include approximately 605 catcher vessels, 56 catcher/processors, and six CDQ groups. Some of these vessels are members of AFA inshore pollock cooperatives, Gulf of Alaska rockfish cooperatives, or BSAI Crab Rationalization Program cooperatives, and, since under the RFA the aggregate gross receipts of all participating members of the cooperative must meet the "under \$11 million" threshold, the cooperatives are considered to be large entities within the meaning of the RFA. Thus, the estimate of 605 catcher vessels may be an overstatement of the number of small entities. Average gross revenues in 2019 were \$500,000 for small hook-and-line vessels, \$1.4 million for small pot vessels, \$2.9 million for small trawl vessels, \$7.0 million for hook-and-line CPs, and \$3.5 million for pot gear CPs.

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

This action implements the final 2021 and 2022 harvest specifications, apportionments, and prohibited species catch limits for the groundfish fishery of the BSAI. 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 final harvest

specifications is governed by the Council's harvest strategy that governs the catch of groundfish in the BSAI. The harvest strategy was previously selected from among five alternatives. Under this preferred alternative harvest strategy, TACs are set within the range of ABCs recommended by the SSC; the sum of the TACs must achieve the OY specified in the FMP; and while the specific TAC numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant. This final action implements the preferred alternative harvest strategy previously chosen by the Council to set TACs that fall within the range of ABCs recommended through the Council harvest specifications process and as recommended by the Council. This is the method for determining TACs that has been used in the past.

The final 2021 and 2022 TACs associated with preferred harvest strategy are those recommended by the Council in December 2020. OFLs and ABCs for each species or species group were based on recommendations prepared by the Council's Plan Team, and reviewed by the Council's SSC. The Council's TAC recommendations are consistent with the SSC's OFL and ABC recommendations, and the sum of all TACs remains within the OY for the BSAI consistent with § 679.20(a)(1)(i)(A). Because setting all TACs equal to ABCs would cause the sum of TACs to exceed an OY of 2.0 million mt, TACs for some species or species groups are lower than the ABCs recommended by the Plan Team and the SSC.

The final 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 final 2021 and 2022 TACs are based on the best available biological and socioeconomic information. The final 2021 and 2022 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2020 SAFE report, which is the most recent, completed SAFE report. Accounting for the most recent biological information to set the final OFLs, ABCs, and TACs is consistent with the objectives for this action, as well as National Standard 2 of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(2)) that actions shall be based on the best scientific information available.

Under this action, the ABCs reflect harvest amounts that are less than the

specified overfishing levels. The TACs are within the range of ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs and overfishing levels). For some species and species groups in the BSAI, the Council recommended, and NMFS sets, TACs equal to ABCs, which is intended to maximize harvest opportunities in the BSAI. However, NMFS cannot set TACs for all species in the BSAI equal to their ABCs due to the constraining OY limit of 2.0 million mt. For this reason, some final TACs are less than the final ABCs. These specific reductions were reviewed and adopted by the Council for the final 2021 and 2022 TACs.

Based on the best available scientific data, and in consideration of the Council's objectives for this action, there are no significant alternatives 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 final rule on small entities. This action is economically beneficial to entities operating in the BSAI, including small entities. The action specifies TACs for commercially-valuable species in the BSAI 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 these final harvest specifications would best accomplish the stated objectives articulated in the preamble for this final rule and in applicable statutes, and would minimize to the extent practicable adverse economic impacts on the universe of directly regulated small entities.

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

Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the 30-day delay in effectiveness for this rule because delaying this rule is contrary to the public interest. The Plan Team review of the 2020 SAFE report occurred in November 2020, and based on the 2020 SAFE report the Council considered and recommended the final harvest specifications in December 2020. Accordingly, NMFS's review of the final 2021 and 2022 harvest specifications could not begin until after the December 2020 Council meeting,

and after the public had time to comment on the proposed action.

For all fisheries not currently closed because the TACs established under the final 2020 and 2021 harvest specifications (85 FR 13553, March 9, 2020) were not reached, it is possible that they would be closed prior to the expiration of a 30-day delayed effectiveness period because their TACs could be reached within that period. If implemented immediately, this rule would allow these fisheries to continue fishing because some of the new TACs implemented by this rule are higher than the TACs under which they are currently fishing.

In addition, immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources based on the best available scientific information. This is particularly pertinent for those species that have lower 2021 ABCs and TACs than those established in the 2020 and 2021 harvest specifications (85 FR 13553, March 9, 2020). If implemented immediately, this rule would ensure that NMFS can properly manage those fisheries for which this rule sets lower 2021 ABCs and TACs, which are based on the most recent biological information on the condition of stocks, rather than managing species under the higher TACs set in the previous year's harvest specifications.

Certain fisheries, such as those for pollock, are intensive, fast-paced fisheries. Other fisheries, such as those for sablefish, flatfish, rockfish, Atka mackerel, skates, sharks, and octopuses, are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch the TAC allocations in many of these fisheries. If the effectiveness of this rule were delayed 30 days and if a TAC were reached during those 30 days, NMFS would close directed fishing or prohibit retention for the applicable species. Any delay in allocating the final TACs in these fisheries would cause confusion to the industry and potential economic harm through unnecessary discards, thus undermining the intent of this rule. Waiving the 30-day delay allows NMFS to prevent economic loss to fishermen that could otherwise occur should the 2021 TACs (set under the 2020 and 2021 harvest specifications) be reached. Determining which fisheries may close is nearly impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one

fishery has a cascading effect on other fisheries by freeing-up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries, and causing them to close at an accelerated pace.

In fisheries subject to declining sideboard limits, a failure to implement the updated sideboard limits before initial season's end could deny the intended economic protection to the non-sideboard limited sectors. Conversely, in fisheries with increasing sideboard limits, economic benefit could be denied to the sideboard-limited sectors.

If the final harvest specifications are not effective by March 6, 2021, which is the start of the 2021 Pacific halibut season as specified by the IPHC, the fixed gear sablefish fishery will not begin concurrently with the Pacific halibut IFQ season. Delayed effectiveness of this action would result in confusion for sablefish harvesters and economic harm from unnecessary discard of sablefish that are caught along with Pacific halibut, as both fixed

gear sablefish and Pacific halibut are managed under the same IFQ program. Immediate effectiveness of the final 2021 and 2022 harvest specifications will allow the sablefish IFQ fishery to begin concurrently with the Pacific halibut IFQ season.

Finally, immediate effectiveness also would provide the fishing industry the earliest possible opportunity to plan and conduct its fishing operations with respect to new information about TAC limits. Therefore, NMFS finds good cause to waive the 30-day delay in the date of effectiveness under 5 U.S.C. 553(d)(3).

#### Small Entity Compliance Guide

This final rule is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary purpose is to announce the final 2021 and 2022 harvest specifications and prohibited species bycatch allowances for the groundfish fisheries of the BSAI. This action is necessary to establish harvest

limits and associated management measures 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. This action directly affects all fishermen who participate in the BSAI fisheries. The specific amounts of OFL, ABC, TAC, and PSC amounts are provided in tables to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

**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: February 17, 2021.

#### Samuel D. Rauch, III

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

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