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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 221206–0261]

RIN 0648–BM50

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2023–2024 Biennial Specifications and Management Measures; Inseason Adjustments

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures.

SUMMARY: This final rule announces routine inseason adjustments to management measures in commercial groundfish fisheries. This action is intended to allow fishing vessels to access more abundant groundfish stocks while protecting rebuilding stocks.

DATES: This final rule is effective August 7, 2023.

ADDRESSES: This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov.* Background information and documents are available at the Pacific Fishery Management Council's website at *https://www.pcouncil.org/.*

FOR FURTHER INFORMATION CONTACT: Dr. Sean Matson, phone: 206–526–6187 or email: *sean.matson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Pacific Coast Groundfish Fishery Management Plan (PCGFMP) and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subparts C through G, regulate fishing for over 90 species of groundfish seaward of Washington, Oregon, and California. The Pacific Fishery Management Council (Council) develops groundfish harvest specifications and management measures for 2-year periods (biennia). NMFS published the final rule to implement harvest specifications and management measures for the 2023–2024 biennium for most species managed under the PCGFMP on December 16, 2022 (87 FR 77007). The management measures set at the start of the biennial harvest specifications cycle help the various sectors of the fishery attain, but not exceed, the catch limits for each stock. The Council, in coordination with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, recommends adjustments to the management measures during the fishing year to achieve this goal.

At its June 2023 meeting, the Council recommended modifying fixed gear trip limits for limited entry (LE) and open access (OA) fisheries, for bocaccio rockfish (hereafter bocaccio), south of 40°10′ N latitude (lat.), and minimum length limits for LE and OA lingcod south of 42° N lat., after updated information regarding projected catch and attainment became available, as well as requests from industry. Pacific Coast groundfish fisheries are managed using harvest specifications or limits (*e.g.,* overfishing limits [OFL], acceptable biological catch [ABC], annual catch limits [ACL] and harvest guidelines [HG]) recommended biennially by the Council and based on the best scientific information available at that time (50 CFR 660.60(b)). During development of the harvest specifications, the Council also recommends management measures (*e.g.,* trip limits, area closures, and bag limits) that are meant to control catch so as not to exceed the harvest specifications. The harvest specifications and management measures developed for the 2023–2024 biennium used data through the 2021 fishing year. Each of the adjustments to management measures discussed below are based on updated fisheries information that was unavailable when the analysis for the current harvest specifications was completed. As new fisheries data becomes available, adjustments to management measures are projected so as to help harvesters achieve but not exceed the harvest limits.

Bocaccio South of 40°10′ N Latitude

Bocaccio on the West Coast is managed as a separate stock south of 40°10′ N lat., while bocaccio north of 40°10′ N lat. is managed as part of the minor shelf rockfish north of 40°10′ N lat. Bocaccio south of 40°10′ N lat., the subject of this action, is caught both commercially and recreationally, with commercial vessels harvesting it with both trawl and fixed gear (longlines and pots/traps) in the bottom trawl, nearshore, limited entry, and open access fixed gear fisheries. It is caught in shelf and nearshore areas, often together with chilipepper rockfish. The 2023 ACL and harvest guideline for bocaccio south of 40°10′ N lat. are 1,842 metric tons (mt), and 1,793.9 mt, respectively.

At the June 2023 Council meeting, the California Department of Fish and Wildlife (CDFW) received a request from industry to adjust bocaccio bimonthly landing accumulation (''trip'') limits for the open access (OA) fisheries south of 40°10′ N. lat.; to increase the trip limit from 4,000 pounds (1,814 kg) per period (2 month) to 6,000 pounds (2,721 kg) per period. CDFW analyzed the request, as well as increasing the LE trip limits for bocaccio, and recommended the increases to Council. The Council reviewed the analytical documents drafted by the CDFW, as well as the Groundfish Management Team (GMT), and the Groundfish Advisory Subpanel (GAP), to inform their discussion and decision making under the inseason adjustment agenda item.

The intent of increasing trip limits is to increase harvest opportunities, by reducing discard, for vessels catching bocaccio, while targeting chilipepper rockfish. The new OA trip limits would match existing chilipepper trip limits, which are reported to currently be caught in equal amounts to bocaccio. To evaluate potential increases to bocaccio trip limits for both the OA and LE fisheries, the CDFW made model-based catch projections under current regulations and alternative bocaccio trip limits, including the limits ultimately recommended by the Council, beginning on July 1 through the remainder of 2023. Table 1 shows the projected bocaccio landings by fishery, relevant bocaccio allocations, and the projected attainment as a percentage of the landing target, under both the current trip limits and the Council's recommended adjusted trip limits. These projections were based on the most recent catch information available through June 16, 2023.

TABLE 1—PROJECTED LANDINGS, ALLOCATION, AND PROJECTED PERCENTAGE OF BOCACCIO ATTAINED THROUGH 2023 BY TRIP LIMIT AND FISHERY

Option	Fishery	Trip limit	Projected catch (mt)	Projected sum catch (mt)	Percent attainment 2023 non-trawl share (337.8 mt)
Current regulation	LE South of 40°10′ N lat	6,000 lb (2,721 kg)/2 months	16.2	51.6	15
	OA South of 40°10′ N lat	4,000 lb (1,814 kg)/2 months	35.4		
Council-recommended	LE South of 40°10′ N lat	8,000 lb (3,629 kg)/2 months	19.6	65	19
	OA South of 40°10′ N lat	6,000 lb (2,721 kg)/2 months	45.4		

As shown in Table 1, under the current trip limits, the model predicts catch of bocaccio will be at 15 percent, or 51.6 mt of the 337.8 mt commercial non-trawl share for LE and OA fisheries combined, south of 40°10′ N lat.; while under the Council-recommended trip limits, attainment would be 19 percent, or 65 mt of the 337.8 mt commercial non-trawl share, for the LE and OA fisheries combined, south of 40°10′ N lat. Under the Council's recommended trip limits, bocaccio attainment is projected to increase by 4 percent in the LE and OA fisheries south of 40°10′ N lat., from 15 to 19 percent. The Council as a matter of practice, consistently maintains trip limits in LE fisheries at a higher level than those of OA, in order to afford a measure of additional opportunity to fishers with LE permits. Thus, in this case, the bocaccio LE trip limits were also recommended to be raised, to maintain a 2,000 lb (907 kg) per 2 months difference between the LE and OA sectors. Raising the LE trip limits for bocaccio to 8,000 lb (3,629 kg) per 2 months also made them equal to the chilipepper rockfish trip limits (which were reported by industry to be caught in approximately equal amounts), south of 34°27′ N lat.; and close to chilipepper limits between 34°27′ N lat. and 40°10′ N lat., currently 10,000 lb (4,536 kg) per 2 months.

Trip limit increases for bocaccio are intended to increase attainment of the non-trawl harvest guideline (HG), and convert regulatory discard into landed catch. The proposed trip limit increases do not change projected impacts to co-occurring rebuilding species compared to the impacts anticipated in the 2023–2024 harvest specifications because the projected impacts to those species assume that the entire bocaccio ACL is harvested. Therefore, the Council recommended and NMFS is implementing, by modifying Table 2 south to part 660, subpart E, and Table 3 south to part 660, subpart F, trip limit changes for the LE and OA fixed gear fisheries south of 40°10′ N lat. as shown above in Table 1. These changes will start with Period 4 (July and August) and remain in place through the end of 2023 and beyond, unless otherwise modified.

Lingcod

For the June 2023 meeting, the GMT received a request to reduce the lingcod minimum total length limit south of 42° N lat. from 24 inches (61 cm) to 22 inches (56 cm), in groundfish fisheries (both trawl and non-trawl), during periods 4 through 6 of 2023, in order to reduce regulatory discards and increase economic opportunity. Industry reported that constraints from copper and quillback rockfishes off California are leading to nearshore participants to seek more opportunity in the live fish market, which prefers fish smaller than the current commercial limit of 24 inches (61 cm). Lingcod is managed with two separate ACLs, north and south of 40°10′ N lat. The 2023 ACL for lingcod south of 40°10′ N lat. is 726 mt. The limit of 24 inches (61 cm) for commercial fisheries south of 42° N lat. has been in place since 1998.

The intended, and most likely impact of this small change to minimum size length is to convert regulatory discards of slightly smaller fish into landings, resulting in a negligible overall change in overall commercial fishing mortality. Additionally, the ACL for lingcod south of 42° N lat. has shown low attainment (mean of 38, coefficient of variation of 35, and maximum of 60 percent, Table 2) over the past 10 years, and it is highly unlikely that the modest reduction to minimum length would have impacts of any conservation concern. Further, 70–90 percent of lingcod south of 40° 10′ N lat. mortality occurs in the California recreational fishery, for which the size limit is already 22 inches (56 cm); thus, impacts of this action will only affect a small fraction of overall lingcod fishing mortality.

TABLE 2—COMMERCIAL, RECREATIONAL, AND TOTAL MORTALITY OF LINGCOD SOUTH OF 40°10′ N LAT., ALONG WITH ACL AND ACL ATTAINMENT, 2014–2022

Year	Commercial mortality (mt)	Recreational mortality (mt)	Total mortality (mt) [a]	ACL (mt)	ACL attainment (percent)
2014	76	426	510	1,276	40
2015	113	597	718	1,205	60
2016	82	593	682	1,136	60
2017	89	453	552	1,502	37
2018	103	346	457	1,373	33
2019	123	269	397	1,143	35
2020	88	200	290	977	30
2021	82	228	311	1,255	25
2022 [b]	94	226	322	1,334	24

[a] Commercial and recreational mortality may not sum up to the total mortality, because the total mortality values also include mortality from research and non-groundfish fisheries.

[b] 2022 mortality values are a combination of landings data and a 3-year average discard mortality estimate. Final 2022 discard mortality estimates are not available until Fall 2023.

TABLE 3—OPTIONS FOR INSEASON ACTION ON THE LINGCOD SIZE LIMIT SOUTH OF 42° N LAT.

Option	Description
Current regulation	The commercial minimum size limit for lingcod is 24 inches (61 cm) total length south of 42° N lat.
Council recommendation	The commercial minimum size limit for lingcod is 22 inches (56 cm) total length south of 42° N lat.

Minimum size limit changes for lingcod are intended to reduce regulatory discards, increase retention, and potentially marginally increase attainment of the non-trawl, and trawl allocations. The proposed size limit reductions do not change projected impacts to co-occurring rebuilding species (yelloweye rockfish) compared to the impacts anticipated in the 2023–2024 harvest specifications, due a projection of yelloweye bycatch levels assuming the entire lingcod allocation is attained, in the harvest specifications analysis.

The Council recommendation reads to lower ''the minimum lingcod size limit to 22 inches for commercial fisheries south of 42° N lat.''. Groundfish regulations allow for limited retention of bycatch of lingcod in the commercial pink shrimp fishery, and also specifies a minimum size limit for retention of lingcod (currently of 24 inches (61 cm) total length). However, the Council and ancillary bodies did not discuss making a change to lingcod size limits in the pink shrimp fishery, or other non-groundfish fisheries with incidental groundfish catch at the June 2023 meeting. Thus, no changes to the pink shrimp fishery regulations are implemented within this rule.

Therefore, the Council recommended and NMFS is implementing, by modifying Table 2 North, and South to part 660, subpart E, and Table 3 North, and South to part 660, subpart F, minimum size limit changes for LE and OA lingcod south of 42° N lat. as shown above in Table 3. These changes will start with Period 4 (July and August) and remain in place through the end of 2023 and beyond, unless otherwise modified.

The regulation text is also revised in § 660.60, paragraph (h)(5)(ii)(A)(*2*)(*ii*) to read as follows: ''South of 42° N lat., for lingcod with the head removed, the minimum size limit is 18 inches (46 cm), which corresponds to 22 inches (56 cm) total length for whole fish'' (limited entry fixed gear and open access); and in § 660.60, paragraph (h)(5)(ii)(B)(*2*)(*ii*) to read as follows: ''The minimum size limit for lingcod South of 42° N lat. is 22 inches (56 cm) total length for whole fish, which corresponds to 18 inches (46 cm) with the head removed'' (shorebased IFQ fishery).

Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures, based on the best scientific information available, consistent with the PCGFMP and its implementing regulations.

This action is taken under the authority of 50 CFR 660.60(c) and is exempt from review under Executive Order 12866.

The aggregate data upon which these actions are based, are available for public inspection by contacting Dr. Sean Matson in NMFS West Coast Region (see **FOR FURTHER INFORMATION CONTACT,** above), or view at the NMFS West Coast Groundfish website: *https://www.fisheries.noaa.gov/species/west-coast-groundfish.*

Pursuant to 5 U.S.C. 553(b), NMFS finds good cause to waive prior public notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. The adjustments to management measures in this document increase trip limits and decrease size limits for fisheries off California to allow additional economic opportunity while keeping catch within allocations established by the 2023–2024 harvest specifications. The trip limit increases are for the LE and OA sectors for bocaccio south of 40°10′ N lat. Over the year 2023, these changes are projected to potentially increase economic value of the fisheries for bocaccio alone, by $18,519 for LE and $40,565 for OA, as well as reduce regulatory discards in these fisheries. The decreases to minimum length limits for lingcod off California fishery are needed to provide alternative opportunity due to conservation related constraints in the nearshore, in the form of smaller lingcod which are preferred for live markets; and to convert regulatory discards to landed catch. No aspect of this action is controversial, and changes of this nature were anticipated in the final rule for the 2023–2024 harvest specifications and management measures which published on December 16, 2022 (87 FR 77007).

Delaying implementation to allow for public comment would likely reduce the economic benefits to the commercial fishing industry and the businesses that rely on that industry, because it is unlikely the new regulations would publish and could be implemented in time to realize the projected benefits to fishing communities and the resource. A delay in implementation could also contribute to unnecessarily discarded and largely wasted fish, which could otherwise be landed to provide food and revenue, and responsible use of the resource. Therefore, providing a comment period for this action could significantly limit the economic benefits to the fishery, and would hamper the achievement of optimum yield from the affected fisheries.

Therefore, the NMFS finds reason to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) so that this final rule may become effective upon publication in the **Federal Register**. The adjustments to management measures in this document affect fisheries by increasing opportunity and allowing greater economic benefit. These adjustments were requested by the Council's advisory bodies, as well as members of industry during the Council's June 2023 meeting, and recommended unanimously by the Council. No aspect of this action is controversial, and changes of this nature were anticipated in the biennial harvest specifications and management measures established through a notice and comment rulemaking for 2023–2024 (87 FR 77007).

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian fisheries.

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

Dated: August 1, 2023.

Jennifer M. Wallace,

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

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

PART 660–FISHERIES OFF WEST COAST STATES

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

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

■ 2. In § 660.60, revise paragraph (h)(5)(ii)(A)(*2*)(*ii*) and (h)(5)(ii)(B)(2)(*ii*) to read as follows:

§ 660.60 Specifications and management measures.

* * * * *

(h) * * *

(5) * * *

(ii) * * *

(A) * * *

(*2*) * * *

(*ii*) South of 42° N lat., for lingcod with the head removed, the minimum size limit is 18 inches (46 cm), which corresponds to 22 inches (56 cm) total length for whole fish.

* * * * *

(B) * * *

(2) * * *

(*ii*) The minimum size limit for lingcod South of 42° N lat. is 22 inches (56 cm) total length for whole fish, which corresponds to 18 inches (46 cm) with the head removed.

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■ 3. Revise Table 2 (North) to part 660, subpart E, to read as follows:

BILLING CODE 3510–22–P

Table 2 (North) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear North of 40°10' N lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 7/1/2023

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 46°16' N lat.	shoreline - 100 fm line[1/]					
2	46°16' N lat. - 40°10' N lat.	30 fm line[1/] - 100 fm line[1/]					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Bank, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
3	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	8,000 lb/ 2 months					
4	**Pacific ocean perch**	3,600 lb/ 2 months					
5	**Sablefish**	4,500 lb/ week, not to exceed 9,000 lb /2 months					
6	**Longspine thornyhead**	10,000 lb/ 2 months					
7	**Shortspine thornyhead**	2,000 lb/ 2 months			2,500 lb/ 2 months		
8 9 10	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/ 7/]**	10,000 lb/ month					
11	**Whiting**	10,000 lb/ trip					
12	**Minor Shelf Rockfish[2/]**	800 lb/ month					
13	**Widow rockfish**	4,000 lb/ 2 months					
14	**Yellowtail rockfish**	3,000 lb/ month					
15	**Canary rockfish**	4,000 lb/ 2 months					
16	**Yelloweye rockfish**	CLOSED					
17	**Minor Nearshore Rockfish, Oregon black/blue/deacon rockfish, & black rockfish[4/]**						
18	North of 42°00' N lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish[3/]					
19	42°00' N lat. - 40°10' N lat. Minor Nearshore Rockfish	2,000 lb/ 2 months, of which no more than 75 lb may be quillback rockfish, and of which no more than 75 lb may be copper rockfish					
20	42°00' N lat. - 40°10' N lat. Black Rockfish	7,000 lb/ 2 months					
21	**Lingcod[5/]**						
22	North of 42°00' N lat.	7,000 lb/ 2 months					
23	42°00' N lat. - 40°10' N lat.	2, 000 lb/ 2 months					
24	**Pacific cod**	1,000 lb/ 2 months					
25	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
26	**Longnose skate**	Unlimited					
27	**Other Fish[6/]& Cabezon in California**	Unlimited					
28	**Oregon Cabezon/Kelp Greenling**	Unlimited					
29	**Big skate**	Unlimited					

TABLE 2 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Minor Shelf and Slope Rockfish complexes are defined at § 660.11. Bocaccio, chilipepper and cowcod are included in the trip limits for Minor Shelf Rockfish. Splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N lat.), and between Destruction Is. (47°40' N lat.) and Leadbetter Pnt. (46°38.17' N lat.), there is an additional limit of 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N lat. and 22 inches (56 cm) total length South of 42° N lat.

6/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

7/ LEFG vessels may be allowed to fish inside groundfish conservation areas using hook and line only. See § 660.230 (d) of the regulations for more information.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 4. Revise Table 2 (South) to part 660, subpart E, to read as follows:

Table 2 (South) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10' N lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 7/1/2023

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	40°10' N lat. - 38°57.5' N lat.	40 fm line[1/] - 125 fm line[1/]					
2	38°57.5' N lat. -34°27' N lat.	50 fm line[1/] - 125 fm line[1/]					
3	South of 34°27' N lat.	100 fm line[1/] - 150 fm line[1/] (also applies around islands)					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
4	**Minor Slope rockfish[2/] & Darkblotched rockfish**	40,000 lb/ 2 months, of which no more than 6,000 lb may be blackgill rockfish					
5	**Splitnose rockfish**	40,000 lb/ 2 months					
6	**Sablefish**						
7	40°10' N lat. - 36°00' N lat.	4,500 lb/ week, not to exceed 9,000 lb /2 months					
8	South of 36°00' N lat.	2,500 lb/ week					
9	**Longspine thornyhead**	10,000 lb/ 2 months					
10	**Shortspine thornyhead**						
11	40°10' N lat. - 34°27' N lat.	2,000 lb/ 2 months			2,500 lb/ 2 months		
12	South of 34°27' N lat.	3,000 lb/ 2 months					
13 14 15	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/8/]**	10,000 lb/ month					
16	**Whiting**	10,000 lb/ trip					
17	**Minor Shelf Rockfish[2/]**						
18	40°10' N lat. - 34°27' N lat.	8,000 lb/ 2 months, of which no more than 500 lb may be vermilion					
19	South of 34°27' N lat.	5,000 lb/ 2 months, of which no more than 3,000 lb may be vermilion					
20	**Widow**						
21	40°10' N lat. - 34°27' N lat.	10,000 lb/ 2 months					
22	South of 34°27' N lat.	8,000 lb/ 2 months					
23	**Chilipepper**						
24	40°10' N lat. - 34°27' N lat.	10,000 lb. / 2 months					
25	South of 34°27' N lat.	8,000 lb. / 2 months					
26	**Canary rockfish**	4,000 lb/ 2 months					
27	**Yelloweye rockfish**	CLOSED					
28	**Cowcod**	CLOSED					
29	**Bronzespotted rockfish**	CLOSED					
30	**Bocaccio**	8,000 lb/ 2 months					
31	**Minor Nearshore Rockfish**						
32	Shallow nearshore[4/]	2,000 lb/ 2 months					
33	Deeper nearshore[5/]	2,000 lb/ 2 months, of which no more than 75 lb may be quillback rockfish, and of which no more than 75 lb may be copper rockfish					
34	**California Scorpionfish**	3,500 lb/ 2 months					
35	**Lingcod[6/]**	1,600 lb / 2 months					
36	**Pacific cod**	1,000 lb/ 2 months					
37	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
38	**Longnose skate**	Unlimited					
39	**Other Fish[7/] & Cabezon in California**	Unlimited					
40	**Big Skate**	Unlimited					

TABLE 2 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Minor Shelf and Slope Rockfish complexes are defined at § 660.11. Pacific ocean perch is included in the trip limits for Minor Slope Rockfish. Blackgill rockfish have a species specific trip sub-limit within the Minor Slope Rockfish cumulative limit. Yellowtail rockfish are included in the trip limits for Minor Shelf Rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other Flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ "Shallow Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*1*).

5/ "Deeper Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*2*).

6/ The commercial mimimum size limit for lingcod is 22 inches (56 cm) total length South of 42° N lat.

7/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

8/ LEFG vessels may be allowed to fish inside groundfish conservation areas using hook and line only. See § 660.230 (d) of the regulations for more information.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 5. Revise Table 3 (North) to part 660, subpart F, to read as follows:

Table 3 (North) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears North of 40°10' N lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table

7/1/2023

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 46°16' N lat.	shoreline - 100 fm line[1/]					
2	46°16' N lat. - 40°10' N lat.	30 fm line[1/] - 100 fm line[1/]					
	See §§660.60, 660.330 and 660.333 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Bank, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
3	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	2,000 lb/ month					
4	**Pacific ocean perch**	100 lb/ month					
5	**Sablefish**	3,000 lb/ week, not to exceed 6,000 lb/ 2 months					
6	**Shortpine thornyheads**	50 lb/ month					
7	**Longspine thornyheads**	50 lb/ month					
8	**Dover sole, arrowtooth flounder, petrale**	5,000 lb/ month					
9	**sole, English sole, starry flounder,**						
10	**Other Flatfish[3/ 7/]**						
11	**Whiting**	300 lb/ month					
12	**Minor Shelf Rockfish[2/]**	800 lb/ month					
13	**Widow rockfish**	2,000 lb/ 2 months					
14	**Yellowtail rockfish**	1,500 lb/ month					
15	**Canary rockfish**	2,000 lb/ 2 months					
16	**Yelloweye rockfish**	CLOSED					
17	**Minor Nearshore Rockfish, Oregon black/blue/deacon rockfish, & black rockfish**						
18	North of 42°00' N lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish[4/]					
19	42°00' N lat. - 40°10' N lat. Minor Nearshore Rockfish	2,000 lb/ 2 months, of which no more than 75 lb may be quillback rockfish, and of which no more than 75 lb may be copper rockfish					
20	42°00' N lat. - 40°10' N lat. Black rockfish	7,000 lb/ 2 months					
21	**Lingcod[5/]**						
22	North of 42°00' N lat.	3,500 lb/ month					
23	42°00' N lat. - 40°10' N lat.	1,000 lb/ month					
24	**Pacific cod**	1,000 lb/ 2 months					
25	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
26	**Longnose skate**	Unlimited					
27	**Big skate**	Unlimited					
28	**Other Fish[6/] & Cabezon in California**	Unlimited					
29	**Oregon Cabezon/Kelp Greenling**	Unlimited					
30	**SALMON TROLL** *(subject to RCAs when retaining all species of groundfish, except for yellowtail rockfish and lingcod, as described below)*						
31	North	*Salmon trollers may retain and land up to 500 lb of yellowtail rockfish per month as long as salmon is on board, both within and outside of the RCA. Salmon trollers may retain and land up to 1 lingcod per 2 Chinook per trip, plus 1 lingcod per trip, up to a trip limit of 10 lingcod, on a trip where any fishing occurs within the RCA. The lingcod limit only applies during times when lingcod retention is allowed, and is not "CLOSED." Theses limits are within the per month limits described in the table above, and not in addition to those limits. All groundfish species are subject to the open access limits, seasons, size limits and RCA restrictions listed in the table above, unless otherwise stated here.*					
32	**PINK SHRIMP NON-GROUNDFISH TRAWL** *(not subject to RCAs)*						
33	North	Effective April 1 - October 31: Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.					

TABLE 3 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Minor Shelf and Slope Rockfish complexes are defined at § 660.11. Bocaccio, chilipepper and cowcod rockfishes are included in the trip limits for Minor Shelf Rockfish. Splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N lat.), and between Destruction Is. (47°40' N lat.) and Leadbetter Pnt. (46°38.17' N lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N lat. and 22 inches (56 cm) South of 42° N lat.

6/ "Other fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

7/ Open access vessels may be allowed to fish inside groundfish conservation areas using hook and line only. See § 660.330 (d) of the regulations for more information.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 6. Revise Table 3 (South) to part 660, subpart F, to read as follows:

Table 3 (South) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears South of 40°10' N lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 7/1/2023

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	40°10' N lat. - 38°57.5' N lat.	40 fm line[1/] - 125 fm line[1/]					
2	38°57.5' N lat. -34°27' N lat.	50 fm line[1/] - 125 fm line[1/]					
3	South of 34°27' N lat.	100 fm line[1/] - 150 fm line[1/] (also applies around islands)					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
4	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	10,000 lb/ 2 months, of which no more than 2,500 lb may be blackgill rockfish					
5	**Splitnose rockfish**	200 lb/ month					
6	**Sablefish**						
7	40°10' N lat. - 36°00' N lat.	3,000 lb/ week, not to exceed 6,000 lb/ 2 months					
8	South of 36°00' N lat.	2,000 lb/ week, not to exceed 6,000 lb/ 2 months					
9	**Shortpine thornyheads**						
10	40°10' N lat. - 34°27' N lat.	50 lb/ month					
11	**Longspine thornyheads**						
12	40°10' N lat. - 34°27' N lat.	50 lb/ month					
13	**Shortpine thornyheads and longspine thornyheads**						
14	South of 34°27' N lat.	100 lb/ day, no more than 1,000 lb/ 2 months					
15	**Dover sole, arrowtooth flounder, petrale**						
16	**sole, English sole, starry flounder, Other**	5,000 lb/ month					
17	**Flatfish[3/8/]**						
18	**Whiting**	300 lb/ month					
19	**Minor Shelf Rockfish[2/]**						
20	40°10' N lat. - 34°27' N lat.	4,000 lb/ 2 months, of which no more than 400 lb may be vermilion					
21	South of 34°27' N lat.	3,000 lb/ 2 months, of which no more than 1,200 lb may be vermilion					
22	**Widow rockfish**						
23	40°10' N lat. - 34°27' N lat.	6,000 lb/ 2 months					
24	South of 34°27' N lat.	4,000 lb/ 2 months					
25	**Chilipepper**						
26	40°10' N lat. - 34°27' N lat.	6,000 lb/ 2 months					
27	South of 34°27' N lat.	4,000 lb/ 2 months					
28	**Canary rockfish**	2,000 lb/ 2 months					
29	**Yelloweye rockfish**	CLOSED					
30	**Cowcod**	CLOSED					
31	**Bronzespotted rockfish**	CLOSED					
32	**Bocaccio**	6,000 lb/ 2 months					
33	**Minor Nearshore Rockfish**						
34	Shallow nearshore[4/]	2,000 lb/ 2 months					
35	Deeper nearshore[5/]	2,000 lb/ 2 months, of which no more than 75 lb may be quillback rockfish, and of which no more than 75 lb may be copper rockfish					
36	**California Scorpionfish**	3,500 lb/ 2 months					
37	**Lingcod[6/]**	700 lb / month					
38	**Pacific cod**	1,000 lb/ 2 months					
39	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
40	**Longnose skate**	Unlimited					
41	**Big skate**	Unlimited					
42	**Other Fish[7/] & Cabezon in California**	Unlimited					

TABLE 3 (South)

Table 3 (South) Continued

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 7/1/2023

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
43	40°10' N lat. - 38°57.5' N lat.	40 fm line[1/] - 125 fm line[1/]					
44	38°57.5' N lat. -34°27' N lat.	50 fm line[1/] - 125 fm line[1/]					
45	South of 34°27' N lat.	100 fm line[1/] - 150 fm line[1/] (also applies around islands)					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
46	**SALMON TROLL** *(subject to RCAs when retaining all species of groundfish, except for yellowtail rockfish, as described below)*						
47	South of 40°10' N lat.	Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lb of Chinook salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 4,000 lb per 2 month limit for minor shelf rockfish between 40°10' and 34°27' N lat., and not in addition to that limit. All groundfish species are subject to the open access limits, seasons, size limits and RCA restrictions listed in the table above, unless otherwise stated here.					
48	**RIDGEBACK PRAWN AND, SOUTH OF 38°57.50' N lat., CA HALIBUT AND SEA CUCUMBER NON-GROUNDFISH TRAWL**						
49	**NON-GROUNDFISH TRAWL Rockfish Conservation Area (RCA) for CA Halibut, Sea Cucumber & Ridgeback Prawn:**						
50	*40°10' N lat. - 38°00' N lat.*	*100 fm line[1/] - 200 fm line[1/]*	*100 fm line[1/] - 150 fm line[1/]*				*100 fm line[1/] - 200 fm line[1/]*
51	*38°00' N lat. - 34°27' N lat.*	*100 fm line[1/] - 150 fm line[1/]*					
52	*South of 34°27' N lat.*	*100 fm line[1/] - 150 fm line[1/]*					
53		Groundfish: 300 lb/trip. Species-specific limits described in the table above also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57.50' N lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 29).					
54	**PINK SHRIMP NON-GROUNDFISH TRAWL GEAR** *(not subject to RCAs)*						
55	South	Effective April 1 - October 31: Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/ day and 1,500 lb/ trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary rockfish, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/ trip groundfish limits. Landings of all groundfish species count toward the per day, per trip or other species-specific sublimits described here and the species-specific limits described in the table above do not apply. The amount of groundfish landed may not exceed the amount of pink shrimp landed.					

TABLE 3 (South) Continued

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Minor Shelf and Slope Rockfish complexes are defined at § 660.11. Pacific ocean perch is included in the trip limits for minor slope rockfish. Blackgill rockfish have a species specific trip sub-limit within the minor slope rockfish cumulative limits. Yellowtail rockfish is included in the trip limits for minor shelf rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ "Shallow Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*1*).

5/ "Deeper Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*2*).

6/ The commercial mimimum size limit for lingcod is 22 inches (56 cm) South of 42° N lat.

7/ "Other fish" are defined at § 660.11 and includes kelp greenling off California and leopard shark.

8/ Open access vessels may be allowed to fish inside groundfish conservation areas using hook and line only. See § 660.330 (d) of the regulations for more information.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 230224–0053]

RTID 0648–XD088

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using jig gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2023 total allowable catch (TAC) of Pacific cod by vessels using jig gear in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), August 2, 2023, through 2400 hours, A.l.t., December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Krista Milani, 907–581–2062.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2023 Pacific cod TAC apportioned to vessels using jig gear in the Western Regulatory Area of the GOA is 131 metric tons (mt) as established by the final 2023 and 2024 harvest specifications for groundfish in the GOA (88 FR 13238, March 2, 2023).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the 2023 Pacific cod TAC apportioned to vessels using jig gear in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 130 mt and is setting aside the remaining 1 mt as bycatch to support other anticipated groundfish fisheries. In accordance with