

Dated: August 25, 2023.

Jennifer M. Wallace,
*Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.*
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 230306-0065; RTID 0648-
XD264]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; modification of
a closure; request for comments.

SUMMARY: NMFS is opening directed
fishing for Pacific cod by catcher vessels
less than 60 feet (18.3 meters) length
overall (LOA) using hook-and-line or
pot gear in the Bering Sea and Aleutian
Islands Management Area (BSAI). This
action is necessary to fully use the 2023
total allowable catch of Pacific cod
allocated to catcher vessels less than 60
feet (18.3 meters) LOA using hook-and-
line or pot gear in the BSAI.

DATES: Effective 1200 hours, Alaska
local time (A.l.t.), September 1, 2023,
through 2400 hours, A.l.t., December 31,
2023. Comments must be received at the
following address no later than 4:30
p.m., A.l.t., September 14, 2023.

ADDRESSES: You may submit comments
on this document, identified by docket
number NOAA-NMFS-2022-0094, by
any of the following methods:

Electronic Submission: Submit all
electronic public comments via the
Federal e-Rulemaking Portal. Go to
<https://www.regulations.gov> and enter
NOAA-NMFS-2022-0094 in the Search
box. Click on the "Comment" icon,
complete the required fields, and enter
or attach your comments.

Mail: Submit written comments to
Gretchen Harrington, Assistant Regional
Administrator, Sustainable Fisheries
Division, Alaska Region NMFS. Mail
comments to P.O. Box 21668, Juneau,
AK 99802-1668.

Instructions: Comments sent by any
other method, to any other address or
individual, or received after the end of
the comment period, may not be
considered by NMFS. All comments

received are a part of the public record
and will generally be posted for public
viewing on <https://www.regulations.gov>
without change. All personal identifying
information (e.g., name, address, etc.),
confidential business information, or
otherwise sensitive information
submitted voluntarily by the sender will
be publicly accessible. NMFS will
accept anonymous comments (enter "N/
A" in the required fields if you wish to
remain anonymous).

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

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

NMFS closed directed fishing for
Pacific cod by catcher vessels less than
60 feet (18.3 meters) LOA using hook-
and-line or pot gear in the BSAI under
§ 679.20(d)(1)(iii) on January 16, 2023
(88 FR 3318, January 19, 2023).

NMFS has determined that as of
August 24, 2023, approximately 1,400
metric tons of Pacific cod remain in the
2023 Pacific cod apportionment for
catcher vessels less than 60 feet (18.3
meters) LOA using hook-and-line or pot
gear in the BSAI. Therefore, in
accordance with § 679.25(a)(1)(i),
(a)(2)(i)(C), and (a)(2)(iii)(D), and to fully
use the 2023 total allowable catch (TAC)
of Pacific cod in the BSAI, NMFS is
terminating the previous closure and is
opening directed fishing for Pacific cod
by catcher vessels less than 60 feet (18.3
meters) LOA using hook-and-line or pot
gear in the BSAI. The Administrator,
Alaska Region, NMFS, (Regional
Administrator) considered the following
factors in reaching this decision: (1) the
current catch of Pacific cod by catcher
vessels less than 60 feet (18.3 meters)
LOA using hook-and-line or pot gear in
the BSAI and, (2) the harvest capacity
and stated intent on future harvesting
patterns of vessels in participating in
this fishery.

Classification

NMFS issues this action pursuant to
section 305(d) of the Magnuson-Stevens
Act. This action is required by 50 CFR
part 679, which was issued pursuant to

section 304(b), and is exempt from
review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there
is good cause to waive prior notice and
an opportunity for public comment on
this action, as notice and comment
would be impracticable and contrary to
the public interest, as it would prevent
NMFS from responding to the most
recent fisheries data in a timely fashion,
and would delay the opening of directed
fishing for Pacific cod by catcher vessels
less than 60 feet (18.3 meters) LOA
using hook-and-line or pot gear in the
BSAI. NMFS was unable to publish a
notice providing time for public
comment because the most recent,
relevant data only became available as
of August 24, 2023.

The Assistant Administrator for
Fisheries, NOAA also finds good cause
to waive the 30-day delay in the
effective date of this action under 5
U.S.C. 553(d)(3). This finding is based
upon the reasons provided above for
waiver of prior notice.

Without this inseason adjustment,
NMFS could not allow the fishery for
Pacific cod by catcher vessels less than
60 feet (18.3 meters) LOA using hook-
and-line or pot gear in the BSAI to be
harvested in an expedient manner and
in accordance with the regulatory
schedule. Under § 679.25(c)(2),
interested persons are invited to submit
written comments on this action to the
above address (see **ADDRESSES**) until
September 14, 2023.

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

Dated: August 25, 2023.

Jennifer M. Wallace,
*Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.*
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National Oceanic and Atmospheric Administration

50 CFR Part 679

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