

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 665**

[Docket No. 231215–0306]

RIN 0648–BM34

Pacific Island Fisheries; 5-Year Extension of Moratorium on Harvest of Gold Corals

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

ACTION: Final rule.

SUMMARY: This final rule extends the region-wide moratorium on the harvest of gold corals in the U.S. Pacific Islands through June 30, 2028. NMFS intends this final rule to prevent overfishing and to stimulate research on gold corals.

DATES: This rule is effective January 25, 2024.

ADDRESSES: Background information on Pacific Island precious coral fisheries is found in the fishery ecosystem plans (FEPs) available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, telephone 808–522–8220, fax 808–522–8226, or <https://www.wpcouncil.org>. Copies of supporting documents for this action are available from <https://www.regulations.gov/docket/NOAA-NMFS-2023-0071>, or from Sarah Malloy, Acting Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Pua Borges, NMFS PIRO Sustainable Fisheries, 808–725–5184.

SUPPLEMENTARY INFORMATION: Precious corals (also called deep-sea corals) include black, pink, red, bamboo, and gold corals, and are harvested for use in high quality jewelry. NMFS and the Council manage the fishery for precious corals in the U.S. Pacific Islands under FEPs for American Samoa, Hawaii, the Mariana Archipelago (Guam and the Northern Mariana Islands), and the Pacific Remote Island Areas. The U.S. fishery for gold corals in the Pacific Islands has been dormant since 2001.

In 2008, the Council recommended, and NMFS implemented, a 5-year moratorium on the harvest of gold corals in the Pacific Islands Region (73 FR 47098, August 13, 2008). The measure was a precautionary response to research that suggested that gold coral

growth rates and recruitment were much lower than previously known.

The Council considered additional research in 2012 that included refined gold coral growth rates and the identification of previously unknown habitat requirements. Based on that information, in 2013 the Council recommended that NMFS extend the moratorium for 5 years, which the agency did in May 2013 (78 FR 32181, May 29, 2013) and again in 2018 (83 FR 27716, June 14, 2018).

The current moratorium expired on June 30, 2023, but the Council continues to be concerned about uncertainties related to slow gold coral growth rates, taxonomy, and complex habitat requirements. Extending the moratorium another 5 years will provide additional time for further research and for the Council to develop sustainable management measures for gold corals. Based on the Council's concerns, NMFS is extending the moratorium on harvesting gold corals for 5 years, through June 30, 2028.

Additional background information on this action is in the preamble to the proposed rule (88 FR 65356, September 22, 2023).

Comments and Responses

On September 22, 2023, NMFS published a proposed rule and request for public comments (88 FR 65356). The comment period ended October 23, 2023. NMFS received comments from three individuals that generally supported the rule. One of these comments also suggested that the moratorium be made permanent. NMFS summarizes the comments and responds below.

Comment 1: The age and slow growth of gold corals make them vulnerable to exploitation, so this regulation is necessary to protect their populations, prevent overfishing and to allow time for more research.

Response: NMFS agrees and will continue to regulate Federal fisheries to ensure that they are sustainable, consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the FEP and implementing regulations. Extending the moratorium another 5 years will provide additional time for further research related to gold coral growth rates, taxonomy, and complex habitat requirements.

Comment 2: The harvest of gold corals should be permanently banned.

Response: Among management alternatives considered by the Council at their 194th meeting in March 2023 was an option to permanently ban harvest of gold coral. There are

currently uncertainties and knowledge gaps in our understanding of gold coral biology, but these uncertainties do not warrant a permanent closure of the fishery at this time. Instead the Council recommended continuing a precautionary approach through a 5-year extension of the moratorium on harvest through June 30, 2028. This extension will allow the Council time to calculate maximum sustainable yield, continue to evaluate new and existing information to inform future management strategies, and consider a long-term solution for the fishery.

Changes From the Proposed Rule

This final rule contains no changes from the proposed rule.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

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

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, American Samoa, Deep sea coral, Fisheries, Fishing, Guam, Hawaii, Northern Mariana Islands, Pacific Remote Island Areas, Precious coral.

Dated: December 18, 2023.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR part 665 continues to read as follows:

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

■ 2. Revise § 665.169 to read as follows:

§ 665.169 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2028.

■ 3. Amend § 665.269 by revising Note 2 to § 665.269 to read as follows:

§ 665.269 Annual Catch Limits (ACL).

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Note 2 to § 665.269: A moratorium on gold coral harvesting is in effect through June 30, 2028.

■ 4. Revise § 665.270 to read as follows:

§ 665.270 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2028.

■ 5. Revise § 665.469 to read as follows:

§ 665.469 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2028.

■ 6. Revise § 665.669 to read as follows:

§ 665.669 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2028.

[FR Doc. 2023–28221 Filed 12–22–23; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 230306–0065]

RTID 0648–XD597

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2024 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific Cod Total Allowable Catch Amounts

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

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: NMFS is adjusting the 2024 total allowable catch (TAC) amounts for the Bering Sea and Aleutian Islands (BSAI) pollock, Atka mackerel, and Pacific cod fisheries. This action is

necessary because NMFS has determined these TACs are incorrectly specified, and will ensure the BSAI pollock, Atka mackerel, and Pacific cod TACs are the appropriate amounts based on the best scientific information available. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 0001 hours, Alaska local time (A.l.t.), January 1, 2024, until the effective date of the final 2024 and 2025 harvest specifications for BSAI groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., January 10, 2024.

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: Adam Zaleski, 907–586–7228.

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 (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 parts 600 and 679.

The final 2023 and 2024 harvest specifications for groundfish in the BSAI (88 FR 14926, March 10, 2023) set the 2024 Aleutian Islands (AI) pollock TAC at 19,000 metric tons (mt), the 2024 Bering Sea (BS) pollock TAC at 1,302,000 mt, the 2024 BSAI Atka mackerel TAC at 66,855 mt, the 2024 BS Pacific cod TAC at 123,295 mt, and the 2024 AI Pacific cod TAC at 8,425 mt. In December 2023, the Council recommended a 2024 BS pollock TAC of 1,300,000 mt, which is less than the 1,302,000 mt TAC established by the final 2023 and 2024 harvest specifications for groundfish in the BSAI. The Council also recommended a 2024 BSAI Atka mackerel TAC of 72,987 mt, which is more than the 66,855 mt TAC established by the final 2023 and 2024 harvest specifications for groundfish in the BSAI. Furthermore, the Council recommended a 2024 BS Pacific cod TAC of 147,753 mt, and an AI Pacific cod TAC of 8,080 mt, which is more than the BS Pacific cod TAC of 123,295 mt, and less than the AI Pacific cod TAC of 8,425 mt established by the final 2023 and 2024 harvest specifications for groundfish in the BSAI. The Council’s recommended 2024 TACs, and the area and seasonal apportionments, are based on the Stock Assessment and Fishery Evaluation report (SAFE), dated November 2023, which NMFS has determined is the best scientific information available for these fisheries.

Steller sea lions occur in the same location as the pollock, Atka mackerel, and Pacific cod fisheries and are listed as endangered under the Endangered Species Act (ESA). Pollock, Atka mackerel, and Pacific cod are a principal prey species for Steller sea lions in the BSAI. The seasonal apportionment of pollock, Atka mackerel, and Pacific cod harvest is necessary to ensure the groundfish fisheries are not likely to cause jeopardy of extinction or adverse modification of critical habitat for Steller sea lions. NMFS published regulations and the revised harvest limit amounts for pollock, Atka mackerel, and Pacific cod fisheries to implement Steller sea lion protection measures to insure that groundfish fisheries of the BSAI are not likely to jeopardize the continued existence of the western distinct population segment of Steller sea lions or destroy or adversely modify their designated critical habitat (79 FR 70286, November 25, 2014).