

Dated: May 3, 2017.

**Karen H. Abrams,**  
Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 161128999-7428-02]

RIN 0648-BG47

**Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures for the 2017 Tribal and Non-Tribal Fisheries for Pacific Whiting**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule for the 2017 Pacific whiting fishery under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP), the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and the Pacific Whiting Act of 2006. This final rule announces the 2017 U.S. Total Allowable Catch (TAC) of 441,433 metric tons (mt) of Pacific whiting, establishes a set-aside for research and bycatch of 1,500 mt, and announces Pacific whiting allocations shown in Table 1 (see **SUPPLEMENTARY INFORMATION**) to the tribal and non-tribal fisheries for 2017. This rule will ensure that the 2017 Pacific whiting fishery is managed in accordance with the goals and objectives of the Magnuson-Stevens Act, the FMP, the Pacific Whiting Act of 2006, and other applicable laws.

**DATES:** Effective May 8, 2017.

**FOR FURTHER INFORMATION CONTACT:** Miako Ushio (West Coast Region, NMFS), phone: 206-526-4644, and email: [Miako.Ushio@noaa.gov](mailto:Miako.Ushio@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

TABLE 1—2017 PACIFIC WHITING ALLOCATIONS

Sector	2017 Pacific whiting allocation (mt)
Tribal .....	77,251

TABLE 1—2017 PACIFIC WHITING ALLOCATIONS—Continued

Sector	2017 Pacific whiting allocation (mt)
Catcher/Processor (C/P)	
Coop Program .....	123,312
Mothership Coop Program ...	87,044
Shorebased IFQ Program ....	152,327

**Electronic Access**

This final rule is accessible via the Internet at the Office of the Federal Register Web site at <https://www.federalregister.gov>. Background information and documents are available at the NMFS West Coast Region Web site at [http://www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific\\_whiting.html](http://www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific_whiting.html) and at the Pacific Fishery Management Council's Web site at <http://www.pcouncil.org/>.

The final environmental impact statement (FEIS) regarding Harvest Specifications and Management Measures for 2015–2016 and Biennial Periods Thereafter, and the Final Environmental Assessment for Pacific Coast Groundfish Harvest Specifications and Management Measures for 2017–2018 and Amendment 27 to the Pacific Coast Groundfish Fishery Management Plan, are available on the NMFS West Coast Region Web site at: [www.westcoast.fisheries.noaa.gov/publications/nepa/groundfish/groundfish\\_nepa\\_documents.html](http://www.westcoast.fisheries.noaa.gov/publications/nepa/groundfish/groundfish_nepa_documents.html) and copies are available from Chuck Tracy, Executive Director, Pacific Fishery Management Council (Council), 7700 NE Ambassador Place, Portland, OR 97220, phone: 503-820-2280.

**Background**

This final rule announces the TAC for Pacific whiting, which was determined under the terms of the Agreement with Canada on Pacific Hake/Whiting (the Agreement) and the Pacific Whiting Act of 2006 (the Whiting Act), 16 U.S.C. 7001–7010. The Agreement and the Whiting Act establish bilateral bodies to implement the terms of the Agreement, each with various responsibilities, including: The Joint Management Committee (JMC), which is the decision-making body; the Joint Technical Committee (JTC), which conducts the stock assessment; the Scientific Review Group (SRG), which reviews the stock assessment; and the Advisory Panel (AP), which provides stakeholder input to the JMC (The Agreement, Art. II; 16 U.S.C. 7001–7005). The Agreement establishes a default harvest policy (F–

40 percent with a 40/10 adjustment, where F–40 percent means the average fishing mortality rate at which biomass is at 40 percent of its estimated unfished level) and allocates 73.88 percent of the TAC to the United States and 26.12 percent of the TAC to Canada (The Agreement, Art. III). The JMC is primarily responsible for developing a TAC recommendation to the Parties (United States and Canada). The Secretary of Commerce, in consultation with the Secretary of State, has the authority to accept or reject this recommendation.

*Historic Catch*

Coastwide Pacific whiting fishery landings averaged 226,439 mt from 1966 to 2016, with a low of 89,930 mt in 1980 and a peak of 363,135 mt in 2005. The coastwide catch in 2016 was 329,427 mt of a 497,500 mt coastwide TAC, the highest since 2005, and 68 percent higher than the catch in 2015. The 2010 cohort (age-6 fish) was the numerically dominant cohort in Canadian fishery catches in 2016, while the 2014 cohort (age-2 fish) was the numerically dominant cohort in U.S. fishery catches. The 2016 U.S. harvest represented 71 percent of its allocation and Canada harvested 54 percent of its allocation.

In the U.S., the Makah Tribe was initially allocated 64,322 mt Pacific whiting for 2016, of which 34,000 mt was reallocated inseason to non-Tribal sectors on September 15, 2016 (82 FR 12922). The Makah tribe caught approximately 2,500 mt of Pacific whiting in 2016. The U.S. non-tribal sectors catch compared to their final allocations were: Catcher-Processor: 108,786 of 114,149 mt; Mothership: 65,035 of 80,575 mt; and Shorebased: 85,293 of 141,007 mt.

*2017 Pacific Whiting Stock Assessment*

The JTC prepared the stock assessment document “Status of Pacific hake (whiting) stock in U.S. and Canadian waters in 2017,” dated February 22, 2017. This assessment presents a model that depends primarily upon an acoustic survey biomass index and on catches of the transboundary Pacific whiting stock to estimate the biomass of the current stock. The most recent survey was conducted in 2015. As with past surveys, it was conducted collaboratively between the Department of Fisheries and Oceans Canada and NMFS.

The stock is currently estimated to be at its highest level since the 1980s as a result of large 2010 and 2014 cohorts. The female spawning biomass estimate is above 2 million mt, an estimated 89 percent of the unfished levels. As with

past estimates, there is a considerable range of uncertainty associated with this estimate because the youngest cohorts that make up a large portion of the survey biomass have not been observed for very long. Both age-composition data from the aggregated fisheries (1975–2016) and the acoustic survey data indicate an exceptionally strong 2010 cohort, and an above average 2014 cohort contributing to recent increases in the survey index. Coastwide catches in recent years have depended on the 2010 cohort, which comprised an estimated 70 percent of the commercial catch in 2013, 64 percent in 2014, and 71 percent in 2015. In 2016, the 2010 cohort was the most common cohort in the spring, but by fall, a majority of catch was from the 2014 (age-2) cohort.

The JTC provided tables showing catch alternatives for 2017. Using the default F–40 percent harvest rule identified in the Agreement [Paragraph 1 of Article III] results in a coastwide TAC for 2017 of 969,840 mt. Projections setting the 2017 and 2018 catch equal to the 2016 TAC of 497,500 mt show the estimated median relative spawning biomass decreasing from 89 percent in 2017 to 85 percent in 2018 and to 79 percent in 2019, with only a small chance (16 percent) of the spawning biomass falling below 40 percent of estimated historic biomass levels in 2019. There is an estimated 63 percent chance of the spawning biomass declining from 2017 to 2018, and an 80 percent chance of it declining from 2018 to 2019 under this constant catch level. However, the 2017 estimate of median stock biomass is well above the overfished threshold, and fishing intensity is well below the F–40 percent target. This indicates that the coastal Pacific whiting stock is not overfished and that overfishing is not occurring.

#### *Scientific and Management Reviews*

The SRG met in Vancouver, British Columbia (Canada), February 14–16, 2017, to review the draft stock assessment prepared by the JTC. In addition to summarizing the stock assessment, the SRG noted several key points. First, the 2017 median biomass estimate increased slightly from 2016 due to above-average recruitment in 2014. Second, the 2014 year class is estimated to be among the largest observed and is likely to be important to stock dynamics for many years. Third, the influence of the 2010 year class has declined and will continue to do so under any fishing scenario because losses of biomass through natural mortality are greater than gains from growth. The SRG recommended the base model in the 2017 assessment

as the best available scientific information available on Pacific whiting. In conclusion, the scientific advice provided the JMC with considerable flexibility in their deliberations, and the presence of two large year classes allowed consideration of increasing the TAC from last year.

The AP and JMC met on February 28–March 2, 2017, in Lynnwood, Washington. The AP provided its 2017 TAC recommendation to the JMC on March 1, 2017. The JMC reviewed the advice of the JTC, the SRG, and the AP, and agreed on a TAC recommendation for transmittal to the Parties. Paragraph 1 of Article III of the Agreement directs the default harvest rate to be used unless scientific evidence demonstrates that a different rate is necessary to sustain the offshore Pacific whiting resource.

After consideration of the 2017 stock assessment and other relevant scientific information, the JMC did not use the default harvest rate. Instead, a more conservative approach was agreed upon. There were two primary reasons for choosing a TAC well below the default level of F–40 percent: (1) A desire to minimize mortality of the potentially strong 2014 year class, of which the scale is uncertain, but which is anticipated to be important to the fishery over the next several years; and (2) extending the harvest available from the 2010 year class. This conservative TAC setting process, endorsed by the AP, resulted in a JMC-recommended TAC that is less than what it would be using the default harvest rate under the Agreement, and is consistent with Article III (1) of the Agreement.

The JMC recommended an unadjusted TAC of 531,501 mt for 2017. Fifteen percent of each Party's individual unadjusted 2016 TAC is added to that Party's TAC for 2016 in accordance with Article II of the Agreement, resulting in a 2017 adjusted coastwide TAC of 597,500 mt. The recommendation for an unadjusted 2017 United States TAC of 392,673 mt, plus 48,760 mt carryover of uncaught quota from 2016 results in an adjusted United States TAC of 441,433 mt for 2017 (73.88 percent of the coastwide TAC). This recommendation is consistent with the best available science, provisions of the Agreement, and the Whiting Act. The recommendation was transmitted via letter to the Parties on March 2, 2017. NMFS, under delegation of authority from the Secretary of Commerce, approved the adjusted TAC recommendation of 441,433 mt for U.S. fisheries on April 5, 2017.

#### *Tribal Fishery Allocation*

This final rule establishes the tribal allocation of Pacific whiting for 2017. NMFS issued a proposed rule regarding this allocation on March 23, 2017 (82 FR 14850). A summary of comments received during the public comment period can be found below in Comments and Responses. This action finalizes the tribal allocation. Since 1996, NMFS has been allocating a portion of the U.S. TAC of Pacific whiting to the tribal fishery using the process described in § 660.50(d)(1). According to § 660.55(b), the tribal allocation is subtracted from the total U.S. Pacific whiting TAC. The tribal Pacific whiting fishery is managed separately from the non-tribal Pacific whiting fishery, and is not governed by limited entry or open access regulations or allocations.

The proposed rule described the tribal allocation as 17.5 percent of the U.S. TAC, and projected a range of potential tribal allocations for 2017 based on a range of U.S. TACs over the last 10 years (plus or minus 25 percent to capture variability in stock abundance). As described in the proposed rule, the resulting range of potential tribal allocations was 17,842 to 80,402 mt. Applying the approach described in the proposed rule, NMFS is establishing the 2017 tribal allocation of 77,251 mt (17.5 percent of the total adjusted U.S. TAC) at § 660.50(f)(4) by this final rule. While the total amount of Pacific whiting to which the Tribes are entitled under their treaty right has not yet been determined, and new scientific information or discussions with the relevant parties may impact that decision, the best available scientific information to date suggests that 77,251 mt is within the likely range of potential treaty right amounts.

As with prior tribal Pacific whiting allocations, this final rule is not intended to establish precedent for future Pacific whiting seasons, or for the determination of the total amount of Pacific whiting to which the Tribes are entitled under their treaty right. Rather, this rule adopts an interim allocation. The long-term tribal treaty amount will be based on further development of scientific information and additional coordination and discussion with and among the coastal tribes and the State of Washington.

#### *Harvest Guidelines and Allocations*

This final rule establishes the fishery harvest guideline (HG), sometimes called the non-tribal allocation, and allocates it among the three non-tribal sectors of the Pacific whiting fishery. The 2017 fishery HG for Pacific whiting

is 362,682 mt. This amount was determined by deducting from the total U.S. TAC of 431,433 mt, the 77,251 mt tribal allocation, along with 1,500 mt for scientific research catch and fishing mortality in non-groundfish fisheries.

The HG was not included in the tribal whiting proposed rule published on March 23, 2017 (82 FR 14850) for two reasons related to timing and process. First, a recommendation on the coastwide TAC for Pacific whiting for 2017, under the terms of the Agreement with Canada, was not available during development of the proposed rule. The recommendation for a U.S. TAC was approved by NMFS, under delegation of authority from the Secretary of Commerce, on April 5, 2017. Second, the fishery HG is established following deductions from the U.S. TAC for the tribal allocation, mortality in scientific research activities, and fishing mortality in non-groundfish fisheries, which are established by the Council on an annual basis once the TAC is available, based on estimates of scientific research catch and estimated bycatch mortality in non-groundfish fisheries.

Regulations at § 660.55(i)(2) allocate the fishery HG among the non-tribal C/P Coop Program, Mothership Coop Program, and Shorebased IFQ Program sectors of the Pacific whiting fishery. The C/P Coop Program is allocated 34 percent (123,312 mt for 2017), the Mothership Coop Program is allocated 24 percent (87,044 mt for 2017), and the Shorebased IFQ Program is allocated 42 percent (152,327 mt for 2017). The fishery south of 42° N. lat. may not take more than 7,616 mt (5 percent of the Shorebased IFQ Program allocation) prior to May 15, the start of the primary Pacific whiting season north of 42° N. lat.

The 2017 allocations of canary rockfish, darkblotched rockfish, Pacific ocean perch and widow rockfish to the Pacific whiting fishery were published in a final rule on February 7, 2017 (82 FR 9634). The allocations to the Pacific whiting fishery for these species are described in the footnotes to Table 2.b to part 660, subpart C and are not changed via this rulemaking.

### Comments and Responses

On March 23, 2017, NMFS issued a proposed rule for the allocation and management of the 2017 tribal Pacific whiting fishery (82 FR 14850). The comment period on the proposed rule closed on April 24, 2017. NMFS received one public comment in support of honoring treaties with Native Americans. The regulations at 50 CFR 660.50(d) address the implementation of the treaty rights that Pacific Coast treaty

Indian tribes have to harvest groundfish in their usual and accustomed fishing areas in U.S. waters. Following the process established in 50 CFR 660.50(d), NMFS allocated a portion of the U.S. TAC of Pacific whiting to the tribal fishery. No changes were made from the proposed rule based on public comments.

### Classification

The Annual Specifications and Management Measures for the 2017 Tribal and non-Tribal Fisheries for Pacific Whiting are issued under the authority of the Magnuson-Stevens Act, and the Pacific Whiting Act of 2006, and are in accordance with 50 CFR part 660, subparts C through G, the regulations implementing the FMP. NMFS has determined that this rule is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws.

Pursuant to 5 U.S.C. 553(b)(B), the NMFS Assistant Administrator finds good cause to waive prior public notice and comment and delay in effectiveness for those provisions in this final rule that were not included in the proposed rule (March 23, 2017, 82 FR 14850), *e.g.*, the U.S. TAC, as delaying this rule would be impracticable and contrary to the public interest. The annual harvest specifications for Pacific whiting must be implemented by the start of the primary Pacific whiting season, which begins on May 15, 2017, or the primary Pacific whiting season will effectively remain closed.

Every year, NMFS conducts a Pacific whiting stock assessment in which U.S. and Canadian scientists cooperate. The 2017 stock assessment for Pacific whiting was prepared in early 2017, and included updated total catch, length and age data from the U.S. and Canadian fisheries from 2016, and biomass indices from the 2015 Joint U.S.-Canadian acoustic/midwater trawl surveys. Because of this late availability of the most recent data for the assessment, and the need for time to conduct the treaty process for determining the TAC using the most recent assessment, it would not be possible to allow for notice and comment before the start of the primary Pacific whiting season on May 15.

A delay in implementing the Pacific whiting harvest specifications to allow for notice and comment would be contrary to the public interest because it would require either a shorter primary whiting season or development of a TAC without the most recent data. A shorter season could prevent the tribal and non-tribal fisheries from attaining their 2017 allocations, which would

result in unnecessary short-term adverse economic effects for the Pacific whiting fishing vessels and the associated fishing communities. A TAC determined without the most recent data could fail to account for significant fluctuations in the biomass of this relatively short-lived species. To prevent these adverse effects and to allow the Pacific whiting season to commence, it is in the best interest of the public to waive prior notice and comment.

In addition, pursuant to 5 U.S.C. 553(d)(3), the NMFS Assistant Administrator finds good cause to waive the 30-day delay in effectiveness. Waiving the 30-day delay in effectiveness will not have a negative impact on any entities, as there are no new compliance requirements or other burdens placed on the fishing community with this rule. Failure to make this final rule effective at the start of the fishing year will undermine the intent of the rule, which is to promote the optimal utilization and conservation of Pacific whiting. Making this rule effective immediately would also serve the best interests of the public because it will allow for the longest possible Pacific whiting fishing season and therefore the best possible economic outcome for those whose livelihoods depend on this fishery. Because the 30-day delay in effectiveness would potentially cause significant financial harm without providing any corresponding benefits, this final rule is effective upon publication in the **Federal Register**.

NMFS issued Biological Opinions under the Endangered Species Act (ESA) on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999, pertaining to the effects of the Groundfish FMP fisheries on Chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley spring, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal), chum salmon (Hood Canal summer, Columbia River), sockeye salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south/central California, northern California, southern California). These biological opinions have concluded that implementation of the FMP is not expected to jeopardize the continued existence of any endangered or

threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat.

NMFS issued a Supplemental Biological Opinion on March 11, 2006, concluding that neither the higher observed bycatch of Chinook in the 2005 whiting fishery nor new data regarding salmon bycatch in the groundfish bottom trawl fishery required a reconsideration of its prior "no jeopardy" conclusion. NMFS also reaffirmed its prior determination that implementation of the FMP is not likely to jeopardize the continued existence of any of the affected Evolutionarily Significant Units (ESUs). Lower Columbia River coho (70 FR 37160, June 28, 2005) and Oregon Coastal coho (73 FR 7816, February 11, 2008) were relisted as threatened under the ESA. The 1999 biological opinion concluded that the bycatch of salmonids in the Pacific whiting fishery were almost entirely Chinook salmon, with little or no bycatch of coho, chum, sockeye, and steelhead.

NMFS has reinitiated section 7 consultation on the Pacific Coast Groundfish FMP with respect to its effects on listed salmonids. In the event the consultation identifies either reasonable and prudent alternatives to address jeopardy concerns, or reasonable and prudent measures to minimize incidental take, NMFS would coordinate with the Council to put additional alternatives or measures into place, as required. After reviewing the available information, NMFS has concluded that, consistent with sections 7(a)(2) and 7(d) of the ESA, this action will not jeopardize any listed salmonid species, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

On December 7, 2012, NMFS completed a biological opinion concluding that the groundfish fishery is not likely to jeopardize non-salmonid marine species, including listed eulachon, the southern distinct population segment (DPS) of green sturgeon, humpback whales, the eastern DPS of Steller sea lions, and leatherback sea turtles. The opinion also concluded that the fishery is not likely to adversely modify critical habitat for green sturgeon and leatherback sea turtles. An analysis included in the same document as the opinion concludes that the fishery is not likely to adversely affect green sea turtles, olive ridley sea turtles,

loggerhead sea turtles, sei whales, North Pacific right whales, blue whales, fin whales, sperm whales, Southern Resident killer whales, Guadalupe fur seals, or the critical habitat for Steller sea lions. Since that biological opinion, the eastern DPS of Steller sea lions was delisted on November 4, 2013 (78 FR 66140); however, this delisting did not change the designation of the codified critical habitat for the eastern DPS of Steller sea lions. On January 21, 2013, NMFS evaluated the fishery's effects on eulachon to consider whether the 2012 opinion should be reconsidered in light of new information from the 2011 fishery and the proposed chafing gear modifications. NMFS determined that information about bycatch of eulachon in 2011 and chafing gear regulations did not change the effects that were analyzed in the December 7, 2012, biological opinion, or provide any other basis to reinitiate consultation. At the Pacific Fishery Management Council's June 2015 meeting, new estimates of eulachon take from fishing activity under the FMP indicated that the incidental take threshold in the 2012 biological opinion was exceeded again in 2013. The increased bycatch may be due to increased eulachon abundance. In light of the new fishery and abundance information, NMFS has reinitiated consultation on eulachon. In the event the consultation identifies either reasonable and prudent alternatives to address jeopardy concerns, or reasonable and prudent measures to minimize incidental take, NMFS would coordinate with the Council to put additional alternatives or measures into place, as required. After reviewing the available information, NMFS concluded that, consistent with sections 7(a)(2) and 7(d) of the ESA, this action will not jeopardize any listed species, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

On November 21, 2012, the U.S. Fish and Wildlife Service (FWS) issued a biological opinion concluding that the groundfish fishery will not jeopardize the continued existence of the short-tailed albatross. The FWS also concurred that the fishery is not likely to adversely affect the marbled murrelet, California least tern, southern sea otter, bull trout, nor bull trout critical habitat. The 2012–2013 two-year average of short-tailed albatross take in the groundfish fishery, using expanded

annual estimates of black-footed albatross as a proxy, ranged from 1.35 to 2.0 for the lower short-tailed albatross population estimate to 1.45 to 2.15 for the higher population estimates, which exceeded the 2 per 2-year period identified in the incidental take statement in the biological opinion. This led NMFS to reinitiate ESA Section 7 consultation on take of this species in the Pacific Coast Groundfish Fishery in December 2016, which is expected to conclude shortly before publication of this Final Rule. Take of short-tailed albatross has not been observed in the Pacific whiting fishery, which is a midwater trawl fishery. After reviewing the available information, NMFS has concluded that, consistent with sections 7(a)(2) and 7(d) of the ESA, this action will not jeopardize listed short-tailed albatross, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures. In the event the consultation identifies either reasonable and prudent alternatives to address jeopardy concerns, or reasonable and prudent measures to minimize incidental take, NMFS will coordinate with the Council to put additional alternatives or measures into place, as required.

The Office of Management and Budget has determined that this final rule is not significant for purposes of Executive Order 12866.

NMFS published a proposed rule on March 13, 2017 (82 FR 14850), for the allocation of the 2017 tribal Pacific whiting fishery. The comment period on the proposed rule closed on April 24, 2017, and no comments were received on the initial regulatory flexibility analysis (IRFA), or the economic impacts of this action generally. The description of this action, its purpose, and its legal basis are described in the preamble to the proposed rule and are not repeated here. A final regulatory flexibility analysis (FRFA) was prepared and incorporates the initial regulatory flexibility analysis (IRFA). NMFS also prepared a Regulatory Impact Review (RIR) for this action. A copy of the RIR/FRFA is available from NMFS (see **ADDRESSES**). A summary of the FRFA, per the requirements of 5 U.S.C. 604 follows.

The FRFA describes the impacts on small entities, which are defined in the IRFA for this action and not repeated here. Because tribes are not addressed in the RFA, they are not considered small entities; however, they are considered in the FRFA for this action. The current

tribal fleet is composed of 5 trawlers but in recent years, there have been fewer vessels actually fishing. We expect one tribal entity, the Makah Tribe, to fish in 2017. Currently, the Shorebased IFQ Program is composed of 172 quota share permits/accounts, 152 vessel accounts, and 44 first receivers, only a portion of which participate in the Pacific whiting fishery. These regulations also directly affect participants in the MS Coop Program, a general term to describe the limited access program that applies to eligible harvesters and processors in the MS sector of the Pacific whiting-at-sea trawl fishery. The MS Coop program currently consists of six MS processor permits, and a catcher vessel fleet currently composed of a single coop, with 34 Mothership/Catcher Vessel (MS/CV) endorsed permits (with three permits each having two catch history assignments). These regulations also directly affect the C/P Coop Program, composed of 10 C/P endorsed permits owned by three companies that have formed a single coop. These co-ops are considered large entities from two perspectives; they have participants that are large entities, and have in total more than 750 employees worldwide including affiliates. Although there are three non-tribal sectors, many companies participate in two sectors and some participate in all three sectors. As part of the permit application processes for the non-tribal fisheries, based on the NMFS and Small Business Administration size criteria described above, permit applicants were asked if they considered themselves a small business, and to provide detailed ownership information. After accounting for cross participation, multiple quota share account holders, and affiliation through ownership, NMFS estimates that there are 103 non-tribal entities directly affected by these final regulations, 89 of which are considered small businesses.

Sector allocations in 2017 are 20 percent higher than in 2016. NMFS concludes that this rule will be

beneficial to both large and small entities, and will not adversely affect small entities.

There are no reporting or recordkeeping requirements associated with this final rule. No Federal rules have been identified that duplicate, overlap, or conflict with this action.

NMFS considered two alternatives for this action: The “No-Action” alternative and the “Proposed Action” alternative. Under the Proposed Action alternative, NMFS proposed to set the tribal allocation percentage at 17.5 percent, as requested by the tribes. These requests reflect the level of participation in the fishery that will allow the tribes to exercise their treaty right to fish for Pacific whiting. Consideration of a percentage lower than the tribal request of 17.5 percent is not appropriate in this instance. As a matter of policy, NMFS has historically supported the harvest levels requested by the tribes. Based on the information available to NMFS, the tribal request is within their tribal treaty rights. A higher percentage would arguably also be within the scope of the treaty right. However, a higher percentage would unnecessarily limit the non-tribal fishery. Under the no-action alternative, NMFS would not make an allocation to the tribal sector. This alternative was considered, but the regulatory framework provides for a tribal allocation on an annual basis only. Therefore, the no-action alternative would result in no allocation of Pacific whiting to the tribal sector in 2017, which would be inconsistent with NMFS’ responsibility to manage the fishery consistent with the tribes’ treaty rights. Given that there is a tribal request for allocation in 2017, this alternative received no further consideration.

The preamble to the proposed rule and this final rule serve as the small entity compliance guide required by Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. This action does not require any additional compliance from small entities that is not described in the

preamble. Copies of this final rule are available from NMFS at the following Web site: [http://www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific\\_whiting.html](http://www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific_whiting.html)

Pursuant to Executive Order 13175, this final rule was developed after meaningful collaboration with tribal officials from the area covered by the FMP. Consistent with the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council is a representative of an Indian tribe with federally recognized fishing rights from the area of the Council’s jurisdiction. In addition, NMFS has coordinated specifically with the tribes interested in the whiting fishery regarding the issues addressed by this final rule.

**List of Subjects in 50 CFR Part 660**

Fisheries, Fishing, Indian fisheries.

Dated: May 3, 2017.

**Alan D. Risenhoover,**

*Acting Deputy Assistant Administrator for Regulatory Programs, 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 § 660.50, revise paragraph (f)(4) to read as follows:

**§ 660.50 Pacific Coast treaty Indian fisheries.**

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(f) \* \* \*

(4) *Pacific whiting.* The tribal allocation for 2017 is 77,251 mt.

\* \* \* \* \*

■ 3. Tables 1a and 1b to part 660, subpart C, are revised to read as follows:

**TABLE 1a—TO PART 660, SUBPART C—2017, SPECIFICATIONS OF OFL, ABC, ACL, ACT AND FISHERY HARVEST GUIDELINES**

[Weights in metric tons]

Species	Area	OFL	ABC	ACL <sup>a</sup>	Fishery hg <sup>b</sup>
BOCACCI <sup>c</sup>	S. of 40°10' N. lat.	2,139	2,044	790	775
COWCOD <sup>d</sup>	S. of 40°10' N. lat.	70	63	10	8
DARKBLOTCHED ROCKFISH <sup>e</sup>	Coastwide	671	641	641	564
PACIFIC OCEAN PERCH <sup>f</sup>	N. of 40°10' N. lat.	964	922	281	232
YELLOWWEY ROCKFISH <sup>g</sup>	Coastwide	57	47	20	15
Arrowtooth flounder <sup>h</sup>	Coastwide	16,571	13,804	13,804	11,706
Big skate <sup>i</sup>	Coastwide	541	494	494	437
Black rockfish <sup>j</sup>	California (South of 42° N. lat.)	349	334	334	333

TABLE 1a—TO PART 660, SUBPART C—2017, SPECIFICATIONS OF OFL, ABC, ACL, ACT AND FISHERY HARVEST GUIDELINES—Continued  
[Weights in metric tons]

Species	Area	OFL	ABC	ACL <sup>a</sup>	Fishery hg <sup>b</sup>
Black rockfish <sup>k</sup>	Oregon (Between 46°16' N. lat. and 42° N. lat.).	577	527	527	526
Black rockfish <sup>l</sup>	Washington (N. of 46°16' N. lat.)	319	305	305	287
Blackgill rockfish <sup>m</sup>	S. of 40°10' N. lat.	NA	NA	NA	NA
Cabazon <sup>n</sup>	California (South of 42° N. lat.)	157	150	150	150
Cabazon <sup>o</sup>	Oregon (Between 46°16' lat. and 42° N. lat.).	49	47	47	47
California scorpionfish <sup>p</sup>	S. of 34°27' N. lat.	289	264	150	148
Canary rockfish <sup>q</sup>	Coastwide	1,793	1,714	1,714	1,467
Chilipepper <sup>r</sup>	S. of 40°10' N. lat.	2,727	2,607	2,607	2,561
Dover sole <sup>s</sup>	Coastwide	89,702	85,755	50,000	48,406
English sole <sup>t</sup>	Coastwide	10,914	9,964	9,964	9,751
Lingcod <sup>u</sup>	N. of 40°10' N. lat.	3,549	3,333	3,333	3,055
Lingcod <sup>v</sup>	S. of 40°10' N. lat.	1,502	1,251	1,251	1,242
Longnose skate <sup>w</sup>	Coastwide	2,556	2,444	2,000	1,853
Longspine thomyhead <sup>x</sup>	Coastwide	4,571	3,808	NA	NA
Longspine thomyhead	N. of 34°27' N. lat.	NA	NA	2,894	2,847
Longspine thomyhead	S. of 34°27' N. lat.	NA	NA	914	911
Pacific cod <sup>y</sup>	Coastwide	3,200	2,221	1,600	1,091
Pacific whiting <sup>z</sup>	Coastwide	969,840	z	z	362,682
Petrale sole <sup>aa</sup>	Coastwide	3,280	3,136	3,136	2,895
Sablefish	Coastwide	8,050	7,350	NA	NA
Sablefish <sup>bb</sup>	N. of 36° N. lat.	NA	NA	5,252	See Table Ic
Sablefish <sup>cc</sup>	S. of 36° N. Lat.	NA	NA	1,864	1,859
Shortbelly rockfish <sup>dd</sup>	Coastwide	6,950	5,789	500	489
Shortspine thomyhead <sup>ee</sup>	Coastwide	3,144	2,619	NA	NA
Shortspine thomyhead	N. of 34°27' N. lat.	NA	NA	1,713	1,654
Shortspine thomyhead	S. of 34°27' N. lat.	NA	NA	906	864
Spiny dogfish <sup>ff</sup>	Coastwide	2,514	2,094	2,094	1,756
Splitnose rockfish <sup>gg</sup>	S. of 40°10' N. lat.	1,841	1,760	1,760	1,749
Starry flounder <sup>hh</sup>	Coastwide	1,847	1,282	1,282	1,272
Widow rockfish <sup>ii</sup>	Coastwide	14,130	13,508	13,508	13,290
Yellowtail rockfish <sup>jj</sup>	N. of 40°10' N. lat.	6,786	6,196	6,196	5,166
Minor Nearshore Rockfish <sup>kk</sup>	N. of 40°10' N. lat.,	118	105	105	103
Minor Shelf Rockfish <sup>ll</sup>	N. of 40°10' N. lat.	2,303	2,049	2,049	1,965
Minor Slope Rockfish <sup>mm</sup>	N. of 40°10' N. lat.	1,897	1,755	1,755	1,690
Minor Nearshore Rockfish <sup>nn</sup>	S. of 40°10' N. lat.	1,329	1,166	1,163	1,159
Minor Shelf Rockfish <sup>oo</sup>	S. of 40°10' N. lat.	1,917	1,624	1,623	1,576
Minor Slope Rockfish <sup>pp</sup>	S. of 40°10' N. lat.	827	718	707	687
Other Flatfish <sup>qq</sup>	Coastwide	11,165	8,510	8,510	8,306
Other Fish <sup>rr</sup>	Coastwide	537	474	474	474

<sup>a</sup> Annual catch limits (ACLs), annual catch targets (ACTs) and harvest guidelines (HGs) are specified as total catch values.

<sup>b</sup> Fishery harvest guidelines means the harvest guideline or quota after subtracting Pacific Coast treaty Indian tribes allocations and projected catch, projected research catch, deductions for fishing mortality in non-groundfish fisheries, and deductions for EFPs from the ACL or ACT.

<sup>c</sup> Bocaccio. A stock assessment was conducted in 2015 for the bocaccio stock between the U.S.-Mexico border and Cape Blanco. The stock is managed with stock-specific harvest specifications south of 40°10' N. lat. and within the Minor Shelf Rockfish complex north of 40°10' N. lat. A historical catch distribution of approximately 7.4 percent was used to apportion the assessed stock to the area north of 40°10' N. lat. The bocaccio stock was estimated to be at 36.8 percent of its unfished biomass in 2015. The OFL of 2,139 mt is projected in the 2015 stock assessment using an F<sub>MSY</sub> proxy of F<sub>50%</sub>. The ABC of 2,044 mt is a 4.4 percent reduction from the OFL (σ=0.36/P\*=0.45) because it is a category 1 stock. The 790 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2022 and an SPR harvest rate of 77.7 percent. 15.4 mt is deducted from the ACL to accommodate the incidental open access fishery (0.8 mt), EFP catch (10 mt) and research catch (4.6 mt), resulting in a fishery HG of 774.6 mt. The California recreational fishery has an HG of 326.1 mt.

<sup>d</sup> Cowcod. A stock assessment for the Conception Area was conducted in 2013 and the stock was estimated to be at 33.9 percent of its unfished biomass in 2013. The Conception Area OFL of 58 mt is projected in the 2013 rebuilding analysis using an F<sub>MSY</sub> proxy of F<sub>50%</sub>. The OFL contribution of 12 mt for the unassessed portion of the stock in the Monterey area is based on depletion-based stock reduction analysis. The OFLs for the Monterey and Conception areas were summed to derive the south of 40°10' N. lat. OFL of 70 mt. The ABC for the area south of 40°10' N. lat. is 63 mt. The assessed portion of the stock in the Conception Area is considered category 2, with a Conception area contribution to the ABC of 53 mt, which is an 8.7 percent reduction from the Conception area OFL (σ=0.72/P\*=0.45). The unassessed portion of the stock in the Monterey area is considered a category 3 stock, with a contribution to the ABC of 10 mt, which is a 16.6 percent reduction from the Monterey area OFL (σ=1.44/P\*=0.45). A single ACL of 10 mt is being set for both areas combined. The ACL of 10 mt is based on the rebuilding plan with a target year to rebuild of 2020 and an SPR harvest rate of 82.7 percent, which is equivalent to an exploitation rate (catch over age 11+ biomass) of 0.007. 2 mt is deducted from the ACL to accommodate the incidental open access fishery (less than 0.1 mt), EFP fishing (less than 0.1 mt) and research activity (2 mt), resulting in a fishery HG of 8 mt. Any additional mortality in research activities will be deducted from the ACL. A single ACT of 4 mt is being set for both areas combined.

<sup>e</sup> Darkblotched rockfish. A 2015 stock assessment estimated the stock to be at 39 percent of its unfished biomass in 2015. The OFL of 671 mt is projected in the 2015 stock assessment using an F<sub>MSY</sub> proxy of F<sub>50%</sub>. The ABC of 641 mt is a 4.4 percent reduction from the OFL (σ=0.36/P\*=0.45) because it is a category 1 stock. The ACL is set equal to the ABC, as the stock is projected to be above its target biomass of B<sub>40%</sub> in 2017. 77.3 mt is deducted from the ACL to accommodate the Tribal fishery (0.2 mt), the incidental open access fishery (24.5 mt), EFP catch (0.1 mt), research catch (2.5 mt) and an additional deduction for unforeseen catch events (50 mt), resulting in a fishery HG of 563.8 mt.

<sup>f</sup> Pacific ocean perch. A stock assessment was conducted in 2011 and the stock was estimated to be at 19.1 percent of its unfished biomass in 2011. The OFL of 964 mt for the area north of 40°10' N. lat. is based on an updated catch-only projection of the 2011 rebuilding analysis using an  $F_{50\%}$   $F_{MSY}$  proxy. The ABC of 922 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL is based on the current rebuilding plan with a target year to rebuild of 2051 and a constant catch amount of 281 mt in 2017 and 2018, followed in 2019 and beyond by ACLs based on an SPR harvest rate of 86.4 percent. 49.4 mt is deducted from the ACL to accommodate the Tribal fishery (9.2 mt), the incidental open access fishery (10 mt), research catch (5.2 mt) and an additional deduction for unforeseen catch events (25 mt), resulting in a fishery HG of 231.6 mt.

<sup>g</sup> Yelloweye rockfish. A stock assessment update was conducted in 2011. The stock was estimated to be at 21.4 percent of its unfished biomass in 2011. The 57 mt coastwide OFL is based on a catch-only update of the 2011 stock assessment, assuming actual catches since 2011 and using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 47 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) because it is a category 2 stock. The 20 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2074 and an SPR harvest rate of 76.0 percent. 5.4 mt is deducted from the ACL to accommodate the Tribal fishery (2.3 mt), the incidental open access fishery (0.4 mt), EFP catch (less than 0.1 mt) and research catch (2.7 mt), resulting in a fishery HG of 14.6 mt. Recreational HGs are: 3.3 mt (Washington); 3 mt (Oregon); and 3.9 mt (California).

<sup>h</sup> Arrowtooth flounder. The arrowtooth flounder stock was last assessed in 2007 and was estimated to be at 79 percent of its unfished biomass in 2007. The OFL of 16,571 mt is derived from a catch-only update of the 2007 stock assessment assuming actual catches since 2007 and using an  $F_{30\%}$   $F_{MSY}$  proxy. The ABC of 13,804 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{25\%}$ . 2,098.1 mt is deducted from the ACL to accommodate the Tribal fishery (2,041 mt), the incidental open access fishery (40.8 mt), and research catch (16.4 mt), resulting in a fishery HG of 11,705.9 mt.

<sup>i</sup> Big skate. The OFL of 541 mt is based on an estimate of trawl survey biomass and natural mortality. The ABC of 494 mt is an 8.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.45$ ) as it is a category 2 stock. The ACL is set equal to the ABC. 57.4 mt is deducted from the ACL to accommodate the Tribal fishery (15 mt), the incidental open access fishery (38.4 mt), and research catch (4 mt), resulting in a fishery HG of 436.6 mt.

<sup>j</sup> Black rockfish (California). A 2015 stock assessment estimated the stock to be at 33 percent of its unfished biomass in 2015. The OFL of 349 mt is projected in the 2015 stock assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 334 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is projected to be above its target biomass of  $B_{40\%}$  in 2017. 1 mt is deducted from the ACL to accommodate EFP catch (1 mt), resulting in a fishery HG of 333 mt.

<sup>k</sup> Black rockfish (Oregon). A 2015 stock assessment estimated the stock to be at 60 percent of its unfished biomass in 2015. The OFL of 577 mt is projected in the 2015 stock assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 527 mt is an 8.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.45$ ) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 0.6 mt is deducted from the ACL to accommodate the incidental open access fishery (0.6 mt), resulting in a fishery HG of 526.4 mt.

<sup>l</sup> Black rockfish (Washington). A 2015 stock assessment estimated the stock to be at 43 percent of its unfished biomass in 2015. The OFL of 319 mt is projected in the 2015 stock assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 305 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 18 mt is deducted from the ACL to accommodate the Tribal fishery, resulting in a fishery HG of 287 mt.

<sup>m</sup> Blackgill rockfish. Blackgill rockfish contributes to the harvest specifications for the Minor Slope Rockfish South complex. See footnote/pp.

<sup>n</sup> Cabezon (California). A cabezon stock assessment was conducted in 2009. The cabezon spawning biomass in waters off California was estimated to be at 48.3 percent of its unfished biomass in 2009. The OFL of 157 mt is calculated using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The ABC of 150 mt is based on a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 0.3 mt is deducted from the ACL to accommodate the incidental open access fishery, resulting in a fishery HG of 149.7 mt.

<sup>o</sup> Cabezon (Oregon). A cabezon stock assessment was conducted in 2009. The cabezon spawning biomass in waters off Oregon was estimated to be at 52 percent of its unfished biomass in 2009. The OFL of 49 mt is calculated using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The ABC of 47 mt is based on a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 species. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . There are no deductions from the ACL so the fishery HG is also equal to the ACL of 47 mt.

<sup>p</sup> California scorpionfish. A California scorpionfish assessment was conducted in 2005 and was estimated to be at 79.8 percent of its unfished biomass in 2005. The OFL of 289 mt is based on projections from a catch-only update of the 2005 assessment assuming actual catches since 2005 and using an  $F_{MSY}$  harvest rate proxy of  $F_{50\%}$ . The ABC of 264 mt is an 8.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.45$ ) because it is a category 2 stock. The ACL is set at a constant catch amount of 150 mt. 2.2 mt is deducted from the ACL to accommodate the incidental open access fishery (2 mt) and research catch (0.2 mt), resulting in a fishery HG of 147.8 mt. An ACT of 111 mt is established.

<sup>q</sup> Canary rockfish. A stock assessment was conducted in 2015 and the stock was estimated to be at 55.5 percent of its unfished biomass coastwide in 2015. The coastwide OFL of 1,793 mt is projected in the 2015 assessment using an  $F_{MSY}$  harvest rate proxy of  $F_{50\%}$ . The ABC of 1,714 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 247 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (1.2 mt), EFP catch (1 mt), research catch (7.2 mt), and an additional deduction for unforeseen catch events (188 mt), resulting in a fishery HG of 1,466.6 mt. Recreational HGs are: 50 mt (Washington); 75 mt (Oregon); and 135 mt (California).

<sup>r</sup> Chilipepper. A coastwide update assessment of the chilipepper stock was conducted in 2015 and estimated to be at 64 percent of its unfished biomass in 2015. Chilipepper are managed with stock-specific harvest specifications south of 40°10' N. lat. and within the Minor Shelf Rockfish complex north of 40°10' N. lat. Projected OFLs are stratified north and south of 40°10' N. lat. based on the average historical assessed area catch, which is 93 percent for the area south of 40°10' N. lat. and 7 percent for the area north of 40°10' N. lat. The OFL of 2,727 mt for the area south of 40°10' N. lat. is projected in the 2015 assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 2,607 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 45.9 mt is deducted from the ACL to accommodate the incidental open access fishery (5 mt), EFP fishing (30 mt), and research catch (10.9 mt), resulting in a fishery HG of 2,561.1 mt.

<sup>s</sup> Dover sole. A 2011 Dover sole assessment estimated the stock to be at 83.7 percent of its unfished biomass in 2011. The OFL of 89,702 mt is based on an updated catch-only projection from the 2011 stock assessment assuming actual catches since 2011 and using an  $F_{MSY}$  proxy of  $F_{30\%}$ . The ABC of 85,755 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL could be set equal to the ABC because the stock is above its target biomass of  $B_{25\%}$ . However, the ACL of 50,000 mt is set at a level below the ABC and higher than the maximum historical landed catch. 1,593.7 mt is deducted from the ACL to accommodate the Tribal fishery (1,497 mt), the incidental open access fishery (54.8 mt), and research catch (41.9 mt), resulting in a fishery HG of 48,406.3 mt.

<sup>t</sup> English sole. A 2013 stock assessment was conducted, which estimated the stock to be at 88 percent of its unfished biomass in 2013. The OFL of 10,914 mt is projected in the 2013 assessment using an  $F_{MSY}$  proxy of  $F_{30\%}$ . The ABC of 9,964 mt is an 8.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.45$ ) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{25\%}$ . 212.8 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (7.0 mt) and research catch (5.8 mt), resulting in a fishery HG of 9,751.2 mt.

<sup>u</sup> Lingcod north. The 2009 lingcod assessment modeled two populations north and south of the California-Oregon border (42° N. lat.). Both populations were healthy with stock depletion estimated at 62 and 74 percent for the north and south, respectively in 2009. The OFL is based on an updated catch-only projection from the 2009 assessment assuming actual catches since 2009 and using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The OFL is apportioned north of 40°10' N. lat. by adding 48% of the OFL from California, resulting in an OFL of 3,549 mt for the area north of 40°10' N. lat. The ABC of 3,333 mt is based on a 4.4 percent reduction ( $\sigma=0.36/P^*=0.45$ ) from the OFL contribution for the area north of 42° N. lat. because it is a category 1 stock, and an 8.7 percent reduction ( $\sigma=0.72/P^*=0.45$ ) from the OFL contribution for the area between 42° N. lat. and 40°10' N. lat. because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 278.2 mt is deducted from the ACL for the Tribal fishery (250 mt), the incidental open access fishery (16 mt), EFP catch (0.5 mt) and research catch (11.7 mt), resulting in a fishery HG of 3,054.8 mt.

<sup>v</sup>Lingcod south. The 2009 lingcod assessment modeled two populations north and south of the California-Oregon border (42° N. lat.). Both populations were healthy with stock depletion estimated at 62 and 74 percent for the north and south, respectively in 2009. The OFL is based on an updated catch-only projection of the 2009 stock assessment assuming actual catches since 2009 using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The OFL is apportioned by subtracting 48% of the California OFL, resulting in an OFL of 1,502 mt for the area south of 40°10' N. lat. The ABC of 1,251 mt is based on a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 9 mt is deducted from the ACL to accommodate the incidental open access fishery (6.9 mt), EFP fishing (1 mt), and research catch (1.1 mt), resulting in a fishery HG of 1,242 mt.

<sup>w</sup>Longnose skate. A stock assessment was conducted in 2007 and the stock was estimated to be at 66 percent of its unfished biomass. The OFL of 2,556 mt is derived from the 2007 stock assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The ABC of 2,444 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL of 2,000 mt is a fixed harvest level that provides greater access to the stock and is less than the ABC. 147 mt is deducted from the ACL to accommodate the Tribal fishery (130 mt), incidental open access fishery (3.8 mt), and research catch (13.2 mt), resulting in a fishery HG of 1,853 mt.

<sup>x</sup>Longspine thornyhead. A 2013 longspine thornyhead coastwide stock assessment estimated the stock to be at 75 percent of its unfished biomass in 2013. A coastwide OFL of 4,571 mt is projected in the 2013 stock assessment using an  $F_{50\%}$   $F_{MSY}$  proxy. The coastwide ABC of 3,808 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) because it is a category 2 stock. For the portion of the stock that is north of 34°27' N. lat., the ACL is 2,894 mt, and is 76 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 46.8 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (3.3 mt), and research catch (13.5 mt), resulting in a fishery HG of 2,847.2 mt. For that portion of the stock south of 34°27' N. lat. the ACL is 914 mt and is 24 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 3.2 mt is deducted from the ACL to accommodate the incidental open access fishery (1.8 mt), and research catch (1.4 mt), resulting in a fishery HG of 910.8 mt.

<sup>y</sup>Pacific cod. The 3,200 mt OFL is based on the maximum level of historic landings. The ABC of 2,221 mt is a 30.6 percent reduction from the OFL ( $\sigma=1.44/P^*=0.40$ ) because it is a category 3 stock. The 1,600 mt ACL is the OFL reduced by 50 percent as a precautionary adjustment. 509 mt is deducted from the ACL to accommodate the Tribal fishery (500 mt), research catch (7 mt), and the incidental open access fishery (2 mt), resulting in a fishery HG of 1,091 mt.

<sup>z</sup>Pacific whiting. The coastwide (U.S. and Canada) stock assessment was published in 2017 and estimated the spawning stock to be at 89 percent of its unfished biomass. The 2017 coastwide OFL of 969,840 mt is based on the 2017 assessment with an  $F_{40\%}$   $F_{MSY}$  proxy. The 2017 coastwide, unadjusted Total Allowable Catch (TAC) of 531,501 mt is based on the 2017 stock assessment and the recommendation by the Joint Management Committee (JMC), based on a precautionary approach. The U.S. TAC is 73.88 percent of the coastwide TAC, or 392,673 mt unadjusted TAC for 2017. 15 percent of each party's unadjusted 2016 TAC (48,760 mt for the U.S) is added to each party's 2017 unadjusted TAC, resulting in a U.S. adjusted 2017 TAC of 431,433 mt. The 2017 fishery HG for Pacific whiting is 362,682 mt. This amount was determined by deducting from the total U.S. TAC of 431,433 mt, the 77,251 mt tribal allocation, along with 1,500 mt for scientific research catch and fishing mortality in non-groundfish fisheries.

<sup>aa</sup>Petrale sole. A 2015 stock assessment update was conducted, which estimated the stock to be at 31 percent of its unfished biomass in 2015. The OFL of 3,280 mt is projected in the 2015 assessment using an  $F_{MSY}$  proxy of  $F_{30\%}$ . The ABC of 3,136 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{25\%}$ . 240.9 mt is deducted from the ACL to accommodate the Tribal fishery (220 mt), the incidental open access fishery (3.2 mt) and research catch (17.7 mt), resulting in a fishery HG of 2,895.1 mt.

<sup>bb</sup>Sablefish north. A coastwide sablefish stock assessment update was conducted in 2015. The coastwide sablefish biomass was estimated to be at 33 percent of its unfished biomass in 2015. The coastwide OFL of 8,050 mt is projected in the 2015 stock assessment using an  $F_{MSY}$  proxy of  $F_{45\%}$ . The ABC of 7,350 mt is an 8.7 percent reduction from the OFL ( $\sigma=0.36/P^*=0.40$ ). The 40–10 adjustment is applied to the ABC to derive a coastwide ACL value because the stock is in the precautionary zone. This coastwide ACL value is not specified in regulations. The coastwide ACL value is apportioned north and south of 36° N. lat., using the 2003–2014 average estimated swept area biomass from the NMFS NWFSC trawl survey, with 73.8 percent apportioned north of 36° N. lat. and 26.2 percent apportioned south of 36° N. lat. The northern ACL is 5,252 mt and is reduced by 525 mt for the Tribal allocation (10 percent of the ACL north of 36° N. lat.). The 525 mt Tribal allocation is reduced by 1.5 percent to account for discard mortality. Detailed sablefish allocations are shown in Table 1c.

<sup>cc</sup>Sablefish south. The ACL for the area south of 36° N. lat. is 1,864 mt (26.2 percent of the calculated coastwide ACL value). 5 mt is deducted from the ACL to accommodate the incidental open access fishery (2 mt) and research catch (3 mt), resulting in a fishery HG of 1,859 mt.

<sup>dd</sup>Shortbelly rockfish. A non-quantitative shortbelly rockfish assessment was conducted in 2007. The spawning stock biomass of shortbelly rockfish was estimated to be 67 percent of its unfished biomass in 2005. The OFL of 6,950 mt is based on the estimated  $MSY$  in the 2007 stock assessment. The ABC of 5,789 mt is a 16.7 percent reduction of the OFL ( $\sigma=0.72/P^*=0.40$ ) because it is a category 2 stock. The 500 mt ACL is set to accommodate incidental catch when fishing for co-occurring healthy stocks and in recognition of the stock's importance as a forage species in the California Current ecosystem. 10.9 mt is deducted from the ACL to accommodate the incidental open access fishery (8.9 mt) and research catch (2 mt), resulting in a fishery HG of 489.1 mt.

<sup>ee</sup>Shortspine thornyhead. A 2013 coastwide shortspine thornyhead stock assessment estimated the stock to be at 74.2 percent of its unfished biomass in 2013. A coastwide OFL of 3,144 mt is projected in the 2013 stock assessment using an  $F_{50\%}$   $F_{MSY}$  proxy. The coastwide ABC of 2,619 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) because it is a category 2 stock. For the portion of the stock that is north of 34°27' N. lat., the ACL is 1,713 mt. The northern ACL is 65.4 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 59 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (1.8 mt), and research catch (7.2 mt), resulting in a fishery HG of 1,654 mt for the area north of 34°27' N. lat. For that portion of the stock south of 34°27' N. lat. the ACL is 906 mt. The southern ACL is 34.6 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 42.3 mt is deducted from the ACL to accommodate the incidental open access fishery (41.3 mt) and research catch (1 mt), resulting in a fishery HG of 863.7 mt for the area south of 34°27' N. lat.

<sup>ff</sup>Spiny dogfish. A coastwide spiny dogfish stock assessment was conducted in 2011. The coastwide spiny dogfish biomass was estimated to be at 63 percent of its unfished biomass in 2011. The coastwide OFL of 2,514 mt is derived from the 2011 assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The coastwide ABC of 2,094 mt is a 16.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.40$ ) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of  $B_{40\%}$ . 338 mt is deducted from the ACL to accommodate the Tribal fishery (275 mt), the incidental open access fishery (49.5 mt), EFP catch (1 mt), and research catch (12.5 mt), resulting in a fishery HG of 1,756 mt.

<sup>gg</sup>Splitnose rockfish. A coastwide splitnose rockfish assessment was conducted in 2009 that estimated the stock to be at 66 percent of its unfished biomass in 2009. Splitnose rockfish in the north is managed in the Minor Slope Rockfish complex and with stock-specific harvest specifications south of 40°10' N. lat. The coastwide OFL is projected in the 2009 assessment using an  $F_{MSY}$  proxy of  $F_{50\%}$ . The coastwide OFL is apportioned north and south of 40°10' N. lat. based on the average 1916–2008 assessed area catch, resulting in 64.2 percent of the coastwide OFL apportioned south of 40°10' N. lat., and 35.8 percent apportioned for the contribution of splitnose rockfish to the northern Minor Slope Rockfish complex. The southern OFL of 1,841 mt results from the apportionment described above. The southern ABC of 1,760 mt is a 4.4 percent reduction from the southern OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is estimated to be above its target biomass of  $B_{40\%}$ . 10.7 mt is deducted from the ACL to accommodate the incidental open access fishery (0.2 mt), research catch (9 mt) and EFP catch (1.5 mt), resulting in a fishery HG of 1,749.3 mt.

<sup>hh</sup>Starry flounder. The stock was assessed in 2005 and was estimated to be above 40 percent of its unfished biomass in 2005 (44 percent in Washington and Oregon, and 62 percent in California). The coastwide OFL of 1,847 mt is set equal to the 2016 OFL, which was derived from the 2005 assessment using an  $F_{MSY}$  proxy of  $F_{30\%}$ . The ABC of 1,282 mt is a 30.6 percent reduction from the OFL ( $\sigma=1.44/P^*=0.40$ ) because it is a category 3 stock. The ACL is set equal to the ABC because the stock was estimated to be above its target biomass of  $B_{25\%}$  in 2017. 10.3 mt is deducted from the ACL to accommodate the Tribal fishery (2 mt), and the incidental open access fishery (8.3 mt), resulting in a fishery HG of 1,271.7 mt.



<sup>ii</sup>Widow rockfish. The widow rockfish stock was assessed in 2015 and was estimated to be at 75 percent of its unfished biomass in 2015. The OFL of 14,130 mt is projected in the 2015 stock assessment using the F50% FMSY proxy. The ABC of 13,508 mt is a 4.4 percent reduction from the OFL ( $\sigma=0.36/P^*=0.45$ ) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of B40%. 217.7 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (0.5 mt), EFP catch (9 mt) and research catch (8.2 mt), resulting in a fishery HG of 13,290.3 mt.

<sup>jj</sup>Yellowtail rockfish. A 2013 yellowtail rockfish stock assessment was conducted for the portion of the population north of 40°10' N. lat. The estimated stock depletion was 67 percent of its unfished biomass in 2013. The OFL of 6,786 mt is projected in the 2013 stock assessment using an FMSY proxy of F50%. The ABC of 6,196 mt is an 8.7 percent reduction from the OFL ( $\sigma=0.72/P^*=0.45$ ) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of B40%. 1,030 mt is deducted from the ACL to accommodate the Tribal fishery (1,000 mt), the incidental open access fishery (3.4 mt), EFP catch (10 mt) and research catch (16.6 mt), resulting in a fishery HG of 5,166.1 mt.

<sup>kk</sup>Minor Nearshore Rockfish north. The OFL for Minor Nearshore Rockfish north of 40°10' N. lat. of 118 mt is the sum of the OFL contributions for the component species managed in the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.72 for category 2 stocks (blue/deacon rockfish in California, brown rockfish, China rockfish, and copper rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. The resulting ABC of 105 mt is the summed contribution of the ABCs for the component species. The ACL of 105 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contributions for blue/deacon rockfish in California where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 1.8 mt is deducted from the ACL to accommodate the Tribal fishery (1.5 mt) and the incidental open access fishery (0.3 mt), resulting in a fishery HG of 103.2 mt. Between 40°10' N. lat. and 42° N. lat. the Minor Nearshore Rockfish complex north has a harvest guideline of 40.2 mt. Blue/deacon rockfish south of 42° N. lat. has a stock-specific HG, described in footnote nn/.

<sup>ll</sup>Minor Shelf Rockfish north. The OFL for Minor Shelf Rockfish north of 40°10' N. lat. of 2,303 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.36 for a category 1 stock (chilipepper), a sigma value of 0.72 for category 2 stocks (greenspotted rockfish between 40°10' and 42° N. lat. and greenstriped rockfish), and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. The resulting ABC of 2,049 mt is the summed contribution of the ABCs for the component species. The ACL of 2,049 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of greenspotted rockfish in California where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 83.8 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (26 mt), EFP catch (3 mt), and research catch (24.8 mt), resulting in a fishery HG of 1,965.2 mt.

<sup>mm</sup>Minor Slope Rockfish north. The OFL for Minor Slope Rockfish north of 40°10' N. lat. of 1,897 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the Minor Slope Rockfish complexes are based on a sigma value of 0.39 for aurora rockfish, a sigma value of 0.36 for the other category 1 stock (splitnose rockfish), a sigma value of 0.72 for category 2 stocks (roughey rockfish, blackspotted rockfish, and sharpchin rockfish), and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. A unique sigma of 0.39 was calculated for aurora rockfish because the variance in estimated spawning biomass was greater than the 0.36 used as a proxy for other category 1 stocks. The resulting ABC of 1,755 mt is the summed contribution of the ABCs for the component species. The ACL is set equal to the ABC because all the assessed component stocks (*i.e.*, roughey rockfish, blackspotted rockfish, sharpchin rockfish, and splitnose rockfish) are above the target biomass of B40%. 65.1 mt is deducted from the ACL to accommodate the Tribal fishery (36 mt), the incidental open access fishery (18.6 mt), EFP catch (1 mt), and research catch (9.5 mt), resulting in a fishery HG of 1,689.9 mt.

<sup>nn</sup>Minor Nearshore Rockfish south. The OFL for the Minor Nearshore Rockfish complex south of 40°10' N. lat. of 1,329 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Nearshore Rockfish complex is based on a sigma value of 0.72 for category 2 stocks (*i.e.*, blue/deacon rockfish north of 34°27' N. lat., brown rockfish, China rockfish, and copper rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. The resulting ABC of 1,166 mt is the summed contribution of the ABCs for the component species. The ACL of 1,163 mt is the sum of the contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution for blue/deacon rockfish north of 34°27' N. lat. and China rockfish where the 40–10 adjustment was applied to the ABC contributions for these two stocks because they are in the precautionary zone. 4.1 mt is deducted from the ACL to accommodate the incidental open access fishery (1.4 mt) and research catch (2.7 mt), resulting in a fishery HG of 1,158.9 mt. Blue/deacon rockfish south of 42° N. lat. has a stock-specific HG set equal to the 40–10-adjusted ACL for the portion of the stock north of 34°27' N. lat. (243.7 mt) plus the ABC contribution for the unassessed portion of the stock south of 34°27' N. lat. (60.8 mt). The California (*i.e.* south of 42° N. lat.) blue/deacon rockfish HG is 304.5 mt.

<sup>oo</sup>Minor Shelf Rockfish south. The OFL for the Minor Shelf Rockfish complex south of 40°10' N. lat. of 1,917 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Shelf Rockfish complex is based on a sigma value of 0.72 for category 2 stocks (greenspotted and greenstriped rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. The resulting ABC of 1,624 mt is the summed contribution of the ABCs for the component species. The ACL of 1,623 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of greenspotted rockfish in California where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 47.2 mt is deducted from the ACL to accommodate the incidental open access fishery (8.6 mt), EFP catch (30 mt), and research catch (8.6 mt), resulting in a fishery HG of 1,575.8 mt.

<sup>pp</sup>Minor Slope Rockfish south. The OFL of 827 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Slope Rockfish complex is based on a sigma value of 0.39 for aurora rockfish, a sigma value of 0.72 for category 2 stocks (blackgill rockfish, roughey rockfish, blackspotted rockfish, and sharpchin rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. A unique sigma of 0.39 was calculated for aurora rockfish because the variance in estimated biomass was greater than the 0.36 used as a proxy for other category 1 stocks. The resulting ABC of 718 mt is the summed contribution of the ABCs for the component species. The ACL of 707 mt is the sum of the contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of blackgill rockfish where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 20.2 mt is deducted from the ACL to accommodate the incidental open access fishery (17.2 mt), EFP catch (1 mt), and research catch (2 mt), resulting in a fishery HG of 686.8 mt. Blackgill rockfish has a stock-specific HG for the entire groundfish fishery south of 40°10' N. lat. set equal to the species' contribution to the 40–10-adjusted ACL. Harvest of blackgill rockfish in all groundfish fisheries counts against this HG of 120.2 mt. Nontrawl fisheries are subject to a blackgill rockfish HG of 44.5 mt.

<sup>qq</sup>Other Flatfish. The Other Flatfish complex is comprised of flatfish species managed in the PCGFMP that are not managed with stock-specific OFLs/ABCs/ACLs. Most of the species in the Other Flatfish complex are unassessed and include: butter sole, curfin sole, flathead sole, Pacific sanddab, rock sole, sand sole, and rex sole. The Other Flatfish OFL of 11,165 mt is based on the sum of the OFL contributions of the component stocks. The ABC of 8,510 mt is based on a sigma value of 0.72 for a category 2 stock (rex sole) and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.40. The ACL is set equal to the ABC. The ACL is set equal to the ABC because all of the assessed stocks (*i.e.*, Pacific sanddabs and rex sole) were above their target biomass of B25%. 204 mt is deducted from the ACL to accommodate the Tribal fishery (60 mt), the incidental open access fishery (125 mt), and research catch (19 mt), resulting in a fishery HG of 8,306 mt.

<sup>rr</sup>Other Fish. The Other Fish complex is comprised of kelp greenling coastwide, cabezon off Washington, and leopard shark coastwide. The 2015 assessment for the kelp greenling stock off of Oregon projected an estimated depletion of 80 percent in 2015. All other stocks are unassessed. The OFL of 537 mt is the sum of the OFL contributions for kelp greenling coastwide, cabezon off Washington, and leopard shark coastwide. The ABC for the Other Fish complex is based on a sigma value of 0.44 for kelp greenling off Oregon and a sigma value of 1.44 for category 3 stocks (all others) with a  $P^*$  of 0.45. A unique sigma of 0.44 was calculated for kelp greenling off Oregon because the variance in estimated spawning biomass was greater than the 0.36 sigma used as a proxy for other category 1 stocks. The resulting ABC of 474 mt is the summed contribution of the ABCs for the component species. The ACL is set equal to the ABC because all of the assessed stocks (kelp greenling off Oregon) were above their target biomass of B40%. There are no deductions from the ACL so the fishery HG is equal to the ACL of 474 mt.

TABLE 1B—TO PART 660, SUBPART C—2017, ALLOCATIONS BY SPECIES OR SPECIES GROUP  
[Weight in metric tons]

Species	Area	Fishery HG or ACT	Trawl		Non-trawl	
			Percent	Mt	Percent	Mt
BOCACCIO <sup>a</sup>	S. of 40°10' N. lat.	774.6	39	302.4	61	472.2
COWCOD <sup>a,b</sup>	S. of 40°10' N. lat.	4.0	36	1.4	64	2.6
DARK BLOTCHED ROCKFISH <sup>c</sup>	Coastwide	563.8	95	535.6	5	28.2
PACIFIC OCEAN PERCH <sup>e</sup>	N. of 40°10' N. lat.	231.6	95	220.0	5	11.6
YELLOWEYE ROCKFISH <sup>a</sup>	Coastwide	14.6	NA	1.1	NA	13.1
Arrowtooth flounder	Coastwide	11,705.9	95	11,120.6	5	585.3
Big skate <sup>a</sup>	Coastwide	436.6	95	414.8	5	21.8
Canary rockfish <sup>a,d</sup>	Coastwide	1,466.6	NA	1,060.1	NA	406.5
Chilipepper	S. of 40°10' N. lat.	2,561.1	75	1,920.08	25	640.3
Dover sole	Coastwide	48,406.3	95	45,986.0	5	2,420.3
English sole	Coastwide	9,751.2	95	9,263.6	5	487.6
Lingcod	N. of 40°10' N. lat.	3,054.8	45	1,374.7	55	1,680.2
Lingcod	S. of 40°10' N. lat.	1,242.0	45	558.9	55	683.1
Longnose skate <sup>a</sup>	Coastwide	1,853.0	90	1,667.7	10	185.3
Longspine thornyhead	N. of 34°27' N. lat.	2,847.2	95	2,704.8	5	142.4
Pacific cod	Coastwide	1,091.0	95	1,036.4	5	54.5
Pacific whiting <sup>f</sup>	Coastwide	362,682.0	100	362,682.0	0	0.0
Petrale sole	Coastwide	2,895.1	95	2,750.3	5	144.8
Sablefish	N. of 36° N. lat.	N/A	See Table 1c			
Sablefish	S. of 36° N. lat.	1,859.0	42	780.8	58	1,078.2
Shortspine thornyhead	N. of 34°27' N. lat.	1,654.0	95	1,571.3	5	82.7
Shortspine thornyhead	S. of 34°27' N. lat.	863.7	NA	50.0	NA	813.7
Splitnose rockfish	S. of 40°10' N. lat.	1,749.3	95	1,661.8	5	87.5
Stary flounder	Coastwide	1,271.7	50	635.9	50	635.9
Widow rockfish <sup>g</sup>	Coastwide	13,290.3	91	12,094.2	9	1,196.1
Yellowtail rockfish	N. of 40°10' N. lat.	5,166.1	88	4,546.1	12	619.9
Minor Shelf Rockfish <sup>a</sup>	N. of 40°10' N. lat.	1,965.2	60	1,183.1	40	782.1
Minor Slope Rockfish	N. of 40°10' N. lat.	1,689.9	81	1,368.8	19	321.1
Minor Shelf Rockfish <sup>a</sup>	S. of 40°10' N. lat.	1,575.8	12	192.2	88	1,383.6
Minor Slope Rockfish	S. of 40°10' N. lat.	686.8	63	432.7	37	254.1
Other Flatfish	Coastwide	8,306.0	90	7,475.4	10	830.6

<sup>a</sup> Allocations decided through the biennial specification process.

<sup>b</sup> The cowcod fishery harvest guideline is further reduced to an ACT of 4.0 mt.

<sup>c</sup> Consistent with regulations at § 660.55(c), 9 percent (48.2 mt) of the total trawl allocation for darkblotched rockfish is allocated to the Pacific whiting fishery, as follows: 20.2 mt for the Shorebased IFQ Program, 11.6 mt for the MS sector, and 16.4 mt for the C/P sector. The tonnage calculated here for the Pacific whiting IFQ fishery contributes to the total shorebased trawl allocation, which is found at § 660.140(d)(1)(ii)(D).

<sup>d</sup> Canary rockfish is allocated approximately 72 percent to trawl and 28 percent to non-trawl. 46 mt of the total trawl allocation of canary rockfish is allocated to the MS and C/P sectors, as follows: 30 mt for the MS sector, and 16 mt for the C/P sector.

<sup>e</sup> Consistent with regulations at § 660.55(c), 17 percent (37.4 mt) of the total trawl allocation for POP is allocated to the Pacific whiting fishery, as follows: 15.7 mt for the Shorebased IFQ Program, 9.0 mt for the MS sector, and 12.7 mt for the C/P sector. The tonnage calculated here for the Pacific whiting IFQ fishery contributes to the total shorebased trawl allocation, which is found at § 660.140(d)(1)(ii)(D).

<sup>f</sup> Consistent with regulations at § 660.55(1), the commercial harvest guideline for Pacific whiting is allocated as follows: 34 percent (123,312 mt) for the C/P Coop Program; 24 percent (87,044 mt) for the MS Coop Program; and 42 percent (152,326.5 mt) for the Shorebased IFQ Program. No more than 5 percent of the Shore based IFQ Program allocation (7,616 mt) may be taken and retained south of 42° N. lat. before the start of the primary Pacific whiting season north of 42° N. lat.

<sup>g</sup> Consistent with regulations at § 660.55(c), 10 percent (1,209.4 mt) of the total trawl allocation for widow rockfish is allocated to the whiting fisheries, as follows: 508.0 mt for the shorebased IFQ fishery, 290.3 mt for the mothership fishery, and 411.2 mt for the catcher/processor fishery. The tonnage calculated here for the whiting portion of the shorebased IFQ fishery contributes to the total shorebased trawl allocation, which is found at § 660.140(d)(1)(ii)(D).

\* \* \* \* \*

**§ 660.140 Shorebased IFQ Program.**

(ii) \* \* \*

■ 4. In § 660.140, revise paragraph (d)(1)(ii)(D) to read as follows:

(d) \* \* \*  
(1) \* \* \*

(D) For the trawl fishery, NMFS will issue QP based on the following shorebased trawl allocations:

IFQ species	Area	2017 Shorebased trawl allocation (mt)	2018 Shorebased trawl allocation (mt)
Arrowtooth flounder	Coastwide	11,050.6	10,992.6
BOCACCIO	South of 40°10' N. lat.	302.4	283.3
Canary rockfish	Coastwide	1,014.1	1,014.1
Chilipepper	South of 40°10' N. lat.	1,920.8	1,845.8
COWCOD	South of 40°10' N. lat.	1.40	1.40
DARKBLOTCHED ROCKFISH	Coastwide	507.6	518.4
Dover sole	Coastwide	45,981.0	45,981.0

IFQ species	Area	2017 Shorebased trawl allocation (mt)	2018 Shorebased trawl allocation (mt)
English sole .....	Coastwide .....	9,258.6	6,953.0
Lingcod .....	North of 40°10' N. lat. ....	1,359.7	1,259.32
Lingcod .....	South of 40°10' N. lat. ....	558.9	510.75
Longspine thornyhead .....	North of 34°27' N. lat. ....	2,699.8	2,560.2
Minor Shelf Rockfish complex .....	North of 40°10' N. lat. ....	1,148.1	1,146.8
Minor Shelf Rockfish complex .....	South of 40°10' N. lat. ....	192.2	192.4
Minor Slope Rockfish complex .....	North of 40°10' N. lat. ....	1,268.8	1,268.0
Minor Slope Rockfish complex .....	South of 40°10' N. lat. ....	432.7	433.9
Other Flatfish complex .....	Coastwide .....	7,455.4	6,349.3
Pacific cod .....	Coastwide .....	1,031.4	1,031.4
PACIFIC OCEAN PERCH .....	North of 40°10' N. lat. ....	198.3	198.3
Pacific whiting .....	Coastwide .....	152,326.5	.....
Petrale sole .....	Coastwide .....	2,745.3	2,628.5
Sablefish .....	North of 36° N; lat. ....	2,416.4	2,521.9
Sablefish .....	South of 36° N. lat. ....	780.8	814.4
Shortspine thornyhead .....	North of 34°27' N. lat. ....	1551.3	1,537.0
Shortspine thornyhead .....	South of 34°27' N. lat. ....	50.0	50.0
Splitnose rockfish .....	South of 40°10' N. lat. ....	1661.8	1,662.8
Starry flounder .....	Coastwide .....	630.9	630.9
Widow rockfish .....	Coastwide .....	11,392.7	10,661.5
YELLOWEYE ROCKFISH .....	Coastwide .....	1.10	1.10
Yellowtail rockfish .....	North of 40°10' N. lat. ....	4,246.1	4,075.4

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