

section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would not allow for the ongoing harvest of rock sole in the BSAI by the CDQ sector. NMFS was unable to publish a notice providing time for public comment because the NSEDC Flatfish Exchange Application was received on September 18, 2026, and this is the most recent, relevant data on flathead sole, rock sole, and yellowfin. Without this inseason adjustment, NMFS could not allow the CDQ fishery for rock sole in the BSAI to be harvested in an expedient manner.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the effective date of this action. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 29, 2026.

Shannon Bettridge,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0066, RTID 0648–XG026]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock Fishing in the Winter Herring Savings Area of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels using trawl gear in the Winter Herring Savings Area of the Bering Sea and Aleutian Islands management area (BSAI). This

action is required by regulation and is necessary to prevent herring prohibited species catch (bycatch) in the Winter Herring Savings Area by vessels directing fishing for pollock using trawl gear. This action includes prohibiting directed fishing for pollock in the Winter Herring Savings Area by vessels using trawl gear participating in the Community Development Quota Program.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 30, 2026, through 1200 hours, A.l.t., March 1, 2027.

FOR FURTHER INFORMATION CONTACT: Andrew Olson, 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 and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2026 herring bycatch limit specified for the midwater pollock fishery in the BSAI is 2,359 metric tons as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026). When a trawl fishery category will catch its herring bycatch allowance, NMFS will close that fishery category to directed fishing for the areas and time periods defined in regulation as Herring Savings Areas, except when the midwater pollock fishery category reaches its specified herring bycatch allowance, the applicable Herring Savings Areas are closed to directed fishing for pollock with trawl gear (§ 679.21(e)(7)(vi)).

The Regional Administrator, Alaska Region, NMFS has determined that the 2026 herring bycatch allowance specified for the midwater pollock fishery in the BSAI has been caught. Consequently, in accordance with § 679.21(e)(7)(vi)(B)(1), NMFS is closing directed fishing for pollock by vessels using trawl gear in the Winter Herring Savings Area of the BSAI from 1200 hours, A.l.t., September 30, 2026, through 1200 hours, A.l.t., March 1, 2027. This includes prohibiting directed fishing for pollock in the Winter Herring

Savings Area of the BSAI by vessels using trawl gear participating in the Community Development Quota Program. The Winter Herring Savings Area is that part of the Bering Sea subarea that is between latitudes 58° and 60° North and longitudes 172° and 175° West from 1200 hours, A.l.t., September 1 of the current fishing year through 1200 hours, A.l.t., March 1 of the succeeding fishing year (figure 4 to 50 CFR part 679). This action is required by regulation and is necessary to prevent herring bycatch in the Winter Herring Savings Area by vessels directing fishing for pollock using trawl gear.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on herring bycatch in a timely fashion and would delay the closure of directed fishing for pollock by vessels using trawl gear in the Winter Herring Savings Area of the BSAI. Any delay in publishing this directed fishing closure could result in further bycatch of herring in the Winter Herring Savings Area by vessels directing fishing for pollock using trawl gear. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on herring bycatch by vessels using trawl gear directed fishing for pollock only became available as of August 29, 2026.

There is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 29, 2026.

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