

Exposure; Building to the Federal Flood Risk Management Standard,” which would revise HUD’s regulations governing floodplain management and the protection of wetlands to implement the Federal Flood Risk Management Standard (FFRMS). The proposed rule provided for a 60-day comment period, which would have ended May 23, 2023. HUD has determined that a 14-day extension of the comment period, until June 6, 2023, is appropriate. This extension will allow interested persons additional time to analyze the proposal and prepare their comments.

**DATES:** The comment period for the proposed rule published on March 24, 2023, at 88 FR 17755, is extended. Comments should be received on or before June 6, 2023.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the [www.regulations.gov](http://www.regulations.gov) website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

**Note:** To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

*No Facsimile Comments:* Facsimile (FAX) comments are not acceptable.

*Public Inspection of Comments.* All properly submitted comments and

communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>. Copies of all comments submitted are available for inspection and downloading at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Kristin L. Fontenot, Director, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW, Room 7282, Washington, DC 20410–8000. For inquiry by phone or email, contact Lauren Hayes Knutson, Director, Environmental Planning Division, Office of Environment and Energy, Office of Community Planning and Development, at 202–402–4270 (this is not a toll-free number), or email to: [EnvironmentalPlanningDivision@hud.gov](mailto:EnvironmentalPlanningDivision@hud.gov). For questions regarding the Minimum Property Standards, contact Elissa Saunders, Director, Office of Single Family Program Development, 202–708–2121. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

**SUPPLEMENTARY INFORMATION:** On March 24, 2023, at 88 FR 17755, HUD published a notice of proposed rulemaking entitled “Floodplain Management and Protection of Wetlands; Minimum Property Standards for Flood Hazard Exposure; Building to the Federal Flood Risk Management Standard,” proposing to revise HUD’s regulations governing floodplain management and the protection of wetlands to implement the Federal Flood Risk Management Standard (FFRMS). Consistent with Executive Order 13690, “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,” the

rule proposes revisions to HUD’s regulations to improve the resilience of HUD-assisted or financed projects to the effects of climate change and natural disasters and provide for greater flexibility in the use of HUD assistance in floodways under certain circumstances. Among other revisions, the rule would provide a process for determining the FFRMS Floodplain that would establish a preference for the climate-informed science approach (CISA), and it would revise HUD’s floodplain and wetland regulations to streamline them, improve overall clarity, and modernize standards. This proposed rule would also revise HUD’s Minimum Property Standards for one-to-four unit housing under HUD mortgage insurance and under low-rent public housing programs to require that the lowest floor in both newly constructed and substantially improved structures located within the 1-percent-annual-chance (100-year) floodplain be built at least 2 feet above the base flood elevation as determined by best available information, and it would revise a categorical exclusion when HUD performs environmental reviews, and update various HUD environmental regulations to permit online posting of public notices.

While the proposed rule had a 60-day comment period, HUD has received feedback from multiple commenters requesting additional time to review and provide comments on this rule. Therefore, HUD is extending the deadline for comments for an additional 14 days.

**Aaron Santa Anna,**

*Associate General Counsel for Legislation and Regulations.*

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**BILLING CODE 4210–67–P**

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG–2023–0158]

RIN 1625–AA08

#### Special Local Regulation; Lower East River & New York Harbor 4th of July Fireworks, Manhattan, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposes establishing a special local regulation on the navigable waters of the lower East

River and New York Harbor, NY, for vessel management for the annual 4th of July fireworks display. This special local regulation allows the Coast Guard to control vessel movement and prohibit all vessel traffic from entering the fireworks barge buffer zone, and establish four separate viewing areas. This rule is necessary to provide for the safety of life on the navigable waters immediately before, during, and after a fireworks display that involves multiple barge launch sites on a highly congested waterway. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 12, 2023.

**ADDRESSES:** You may submit comments identified by docket number USCG–2023–0158 using the Federal Decision Making Portal at <https://www.regulations.gov>.

See the “Public Participation and Request for Comments” portion of the

**SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Marine Science Technician First Class Ian Rose, Waterways Management Division, U.S. Coast Guard; telephone 718–354–2250, email [D01-SMB-SecNY-Waterways@uscg.mil](mailto:D01-SMB-SecNY-Waterways@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

### I. Table of Abbreviations

CFR	Code of Federal Regulations
COTP	Captain of the Port New York
DHS	Department of Homeland Security
FR	Federal Register
LLNR	Light List Number
NPRM	Notice of proposed rulemaking
OMB	Office of Management and Budget
§	Section
SLR	Special Local Regulation
U.S.C.	United States Code

### II. Background, Purpose, and Legal Basis

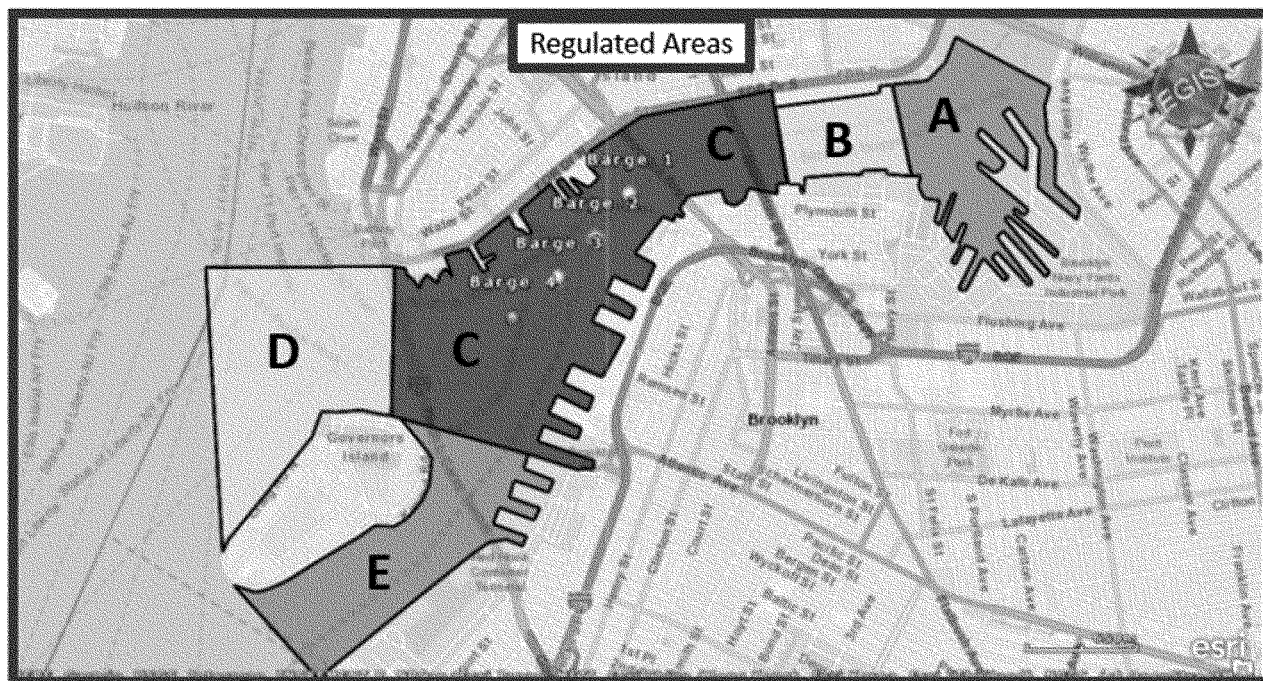
On February 9, 2023, the Coast Guard received a request for the annual 4th of July fireworks display to be held on the Lower East River and in the New York Harbor. The Captain of the Port New York (COTP) has determined that this event in close proximity to marine traffic poses a significant risk to public safety and property. The proposed special local regulation mimics those limited access areas established for 4th of July in previous years. As in years prior, a buffer zone will be set around the barges and four viewing areas that will separate vessels based on length. Multiple firework displays will commence simultaneously, producing a relatively large fallout zone over the East River when the East River and New York Harbor experiences heavy vessel congestion necessitating the need to control of vessel movement immediately before, during, and after this display.

The combination of multiple simultaneous fireworks displays on the

East River, where a significant increase of recreational vessel traffic is anticipated, has the potential to result in serious injuries or fatalities. This proposed rule would establish a buffer zone around the barges in show position and four separate viewing areas separating vessels by size to protect the safety of all waterway users, including event participants and spectators. The proposed rulemaking aims to ensure the safety of participants, non-participants, and transiting vessels on the navigable waters near the fireworks display and the spectator zone before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under the authority of 46 U.S.C. 70041.

### III. Discussion of Proposed Rule

The Coast Guard proposes establishing a special local regulation subject to enforcement annually from 5:30 through 11:30 p.m. on July 4 or July 5. This special local regulation creates five regulated areas: a buffer zone around each firework display barge and four viewing areas. As shown in the illustration below, the buffer zone, area “C”, will exclude all nonparticipating vessels from the area surrounding the barges immediately before, during, and after the display. The four separate viewing areas, areas “A”, “B”, “D”, and “E”, will separate vessels based on the vessel’s length.



(Illustration showing locations of regulated areas)

The duration of the enforcement times is intended to ensure the safety of vessels, participants, spectators, and those transiting the area during the fireworks display. Navigation rules, 33 CFR part 83, will apply at all times within the areas. The Coast Guard will provide notice of the special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

#### IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analysis based on these statutes and Executive Orders follows.

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this proposed rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the special local regulation’s size, location, and duration. In addition, although this rule restricts access to the waters encompassed by the special local regulation, the effect of this rule will not be significant because the local waterway users will be notified in advance via a public Broadcast Notice to Mariners and Local Notice to Mariners. The entities most likely affected are commercial vessels and pleasure crafts engaged in recreational activities.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the regulated area may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any

vessel owner or operator. The maritime public will be advised in advance of this special local regulation via Broadcast Notice to Mariners and Local Notice to Mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

##### C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

##### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

##### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

##### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a regulated area lasting six hours or less that would limit persons or vessels from transiting a portion of the lower East River and New York Harbor during the scheduled event. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

##### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment

applies, and provide a reason for each suggestion or recommendation.

**Submitting comments.** We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2023–0158. in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

**Viewing material in docket.** To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

**Personal information.** We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.111 to read as follows:

##### § 100.111 Lower East River and New York Harbor 4th of July Fireworks, Manhattan, NY.

(a) *Regulated areas.* The regulations in this section apply to the following areas:

(1) *Area ALPHA:* All navigable waters of the East River bound by a line

connecting the following coordinates: from 40°42′46″ N 73°58′34″ W (near Grand St. Manhattan), to 40°42′38″ N 73°58′12″ W, along the shore to 40°42′22″ N, 073°58′45″ W (near Little Street, Brooklyn, NY), to 40°42′37″ N, 073°58′50″ W (the corner of Pier 42, Manhattan, NY), then along the shoreline back to the point of origin.

(2) *Area BRAVO:* All navigable waters of the East River bound by a line connecting the following points: from 40°42′37″ N, 073°58′50″ W (near Pier 42, Manhattan, NY), to 40°42′22″ N, 073°58′45″ W (near Little Street, Brooklyn, NY), along the shore to 40°42′19″ N 73°59′15″ W (near Pearl Street, Brooklyn, NY), to 40°42′33″ N 73°59′18″ W (near Jefferson Street, Manhattan, NY) then along the shoreline to the point of origin.

(3) *Area CHARLIE:* All navigable waters of the East River bound by a line connecting the following points: beginning at 40°42′33″ N 73°59′18″ W (near Jefferson Street, Manhattan, NY), to 40°42′19″ N 73°59′15″ W (near Pearl Street, Brooklyn, NY), along the shore to 40°41′28″ N 74°00′19″ W (Pier 8, Brooklyn, NY), to 40°41′34.728″ N 74°00′54″ W (near Governors Island Ferry Slip), to 40°42′03″ N 74°00′55″ W (near Battery Park, Manhattan, NY), then along the shoreline back to the point of origin.

(4) *Area DELTA:* All navigable waters of the East River bound by a line connecting the following points from 40°42′03″ N 74°00′55″ W (near Battery Park, Manhattan, NY), to 40°41′35″ N 74°00′54″ W (near the Governors Island Ferry Slip), along the shoreline of Governors Island to 40°41′09″ N 74°01′36″ W, then north to 40°42′03″ N, 074°01′40″ W, then back to the point of origin.

(5) *Area ECHO:* All navigable waters of the East River bound by a line connecting the following points beginning at 40°41′34″ N, 74°0′51″ W (near Governors Island) to 40°41′28″ N 74°00′19″ W (Pier 8, Brooklyn, NY), to 40°40′44″ N 74°01′10″ W (Red Hook), to 40°41′03″ N 74°01′32″ W, then along the shore back to the point of origin.

(b) *Definitions.* As used in this section:

*Designated Representative* is any Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer or other officer operating a Coast Guard vessel and a Federal, State and local officer designated by or assisting the Captain of the Port (COTP) New York in the enforcement of this section.

*Official Patrol Vessel* means any Coast Guard, Coast Guard Auxiliary, Federal, State or local law enforcement vessel assigned or approved by the COTP New

York to assist in the enforcement of this section.

*Spectator* means a person or vessel not registered with the event sponsor as participants or official patrol vessels.

(c) *Regulations.* (1) In accordance with the special local regulations in § 100.35, entry into, transiting, or anchoring within the regulated areas described in paragraph (a) of this section is prohibited, unless authorized by the COTP or a designated representative.

(2) All vessels that are authorized by the COTP or a designated representative to enter the regulated areas established by this section must adhere to the following restrictions:

(i) Area ALPHA access is limited to vessels less-than or equal to 20 meters (65.6 ft) in length.

(ii) Area BRAVO access is limited to vessels over 20 meters (65.6 ft) in length.

(iii) All vessels are prohibited from entering area CHARLIE without permission from the COTP or a designated representative after 6 p.m. Commercial passenger vessels that need to transit through the Charlie Section enroute to their designated viewing areas must receive authorization from the Coast Guard Patrol Commander. Commercial passenger vessels must pass as close to the pierhead as possible and must transit through the zone no later than 7:30 p.m. Vessels must operate at the minimum speed necessary to maintain safe course while crossing through the Charlie Section and take all direction that may be provided by the Coast Guard.

(iv) Area DELTA access is limited to vessels over 20 meters (65.6 ft) in length.

(v) Area ECHO access is limited to vessels less-than or equal to 20 meters (65.6 ft) in length.

(vi) Vessels desiring to utilize any of these limited access areas must enter the area by 7:30 p.m.

(3) During periods of enforcement all persons and vessels in the limited access areas must comply with all lawful orders and directions from the COTP New York or the COTP New York’s designated representative.

(4) Vessel operators desiring to enter or operate within a limited access area should contact the COTP New York at 718–354–4088 or on VHF 16 to obtain permission.

(5) Spectators or other vessels must not anchor, block, loiter or impede the transit of event participants or official patrol vessels in the limited access area during the effective dates and times unless authorized by COTP New York or designated representative.

(6) The COTP or a representative will inform the public through local notice to mariners. Broadcast Notices to Mariners, or both, of the enforcement period for the regulated area as well as any changes of the enforcement times.

(d) *Enforcement periods.* This section will be subject to enforcement annually from 5:30 through 11:30 p.m. on July 4. In the event the fireworks display is postponed due to inclement weather or other causes, this section will be enforced annually from 5:30 to 11:30 p.m. on July 5.

Dated: May 4, 2023.

**Z. Merchant,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 2023-10070 Filed 5-10-23; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 230505-0123]

RIN 0648-BM18

#### **Pacific Halibut Fisheries; Catch Sharing Plan; Rulemaking To Modify the 2023-2027 Halibut Individual Fishing Quota (IFQ) Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C, and 4D**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule to revise regulations for the commercial individual fishing quota (IFQ) Pacific halibut (halibut) fisheries for 2023 through 2027. This proposed rule would remove limits on the maximum amount of halibut IFQ that may be harvested by a vessel, commonly known as vessel use caps, in IFQ Regulatory Areas 4A (Eastern Aleutian Islands), 4B (Central and Western Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea). This action is needed to continue to provide additional flexibility and stability to IFQ participants in Areas 4A, 4B, 4C, and 4D while a longer term modification of vessel use caps is considered. This action is intended to promote the goals and objectives of the IFQ Program, the Northern Pacific Halibut Act of 1982 (Halibut Act), and other applicable laws.

**DATES:** Submit comments on or before June 12, 2023.

**ADDRESSES:** You may submit comments on this document, identified by FDMS Docket number NOAA-NMFS-2023-0055, 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-2023-0055 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 [www.regulations.gov](http://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).

Electronic copies of the Categorical Exclusion and the Regulatory Impact Review (RIR) (herein referred to as the “Analysis”) prepared for this action are available from [www.regulations.gov](http://www.regulations.gov) or from the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/region/alaska>.

**FOR FURTHER INFORMATION CONTACT:** Alicia M. Miller, 907-586-7228.

#### **SUPPLEMENTARY INFORMATION:**

##### **Authority for Action**

The International Pacific Halibut Commission (IPHC) promulgates regulations governing the North Pacific halibut fishery under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention). The IPHC’s regulations are subject to approval by the Secretary of State with the concurrence of the Secretary of Commerce. NMFS publishes the IPHC’s regulations as annual management measures pursuant to 50 CFR 300.62. The 2023 IPHC annual management measures published on March 7, 2023 (88 FR 14066).

The Halibut Act, 16 U.S.C. 773c(a)–(b), provides the Secretary of Commerce

with general responsibility for carrying out the Convention and the Halibut Act, including the authority to adopt regulations necessary to carry out the purposes and objectives of the Convention. The Halibut Act, 16 U.S.C. 773c(c), also provides the North Pacific Fishery Management Council (Council) with authority to develop regulations, including limited access regulations, that are in addition to, and not in conflict with, IPHC regulations. Regulations the Council recommends may be implemented by NMFS only after approval by the Secretary of Commerce.

The Council has exercised its authority to develop halibut management programs for the subsistence, sport, and commercial halibut fisheries. The Secretary of Commerce exercised authority to implement the commercial IFQ halibut fishery management program, also known as “the IFQ Program” (58 FR 59375, November 9, 1993). The IFQ Program for the halibut fishery is implemented by Federal regulations at 50 CFR part 679.

The halibut IFQ fishery is managed in specific areas defined by the IPHC. These IFQ regulatory areas are: Area 2A (California, Oregon, and Washington); Area 2B (British Columbia); Area 2C (Southeast Alaska), Area 3A (Central Gulf of Alaska), Area 3B (Western Gulf of Alaska), and Area 4 (subdivided into five Areas, 4A through 4E, in the Bering Sea and Aleutian Islands of Western Alaska). These Areas are described in Figure 15 to 50 CFR part 679. The halibut IFQ fishery is limited to persons holding quota share (QS). There are also limits—commonly known as “vessel use caps”—on how much halibut IFQ a vessel may harvest each year in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E. Throughout this preamble, the term vessel use cap refers to regulations applicable to the halibut IFQ fishery (section 679.42(h)(1)).

As relevant to this action, a Community Quota Entity (CQE) is authorized to hold halibut QS in Area 4B. Halibut IFQ derived from QS held by a CQE is subject to vessel use caps (section 679.42(h)(1)(ii)). NMFS also allocates halibut to the Western Alaska Community Development Quota (CDQ Program) in Areas 4B, 4C, 4D, and 4E (section 679.31(a)(2)), but those allocations are not subject to a vessel use cap and are not affected by this rulemaking.

##### **Background**

This proposed rule would implement regulations to temporarily remove vessel use caps in Areas 4A, 4B, 4C, and 4D