

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[241112–0290; RTID 0648–XE416]

Revisions to Framework Adjustment 66 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2024

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

ACTION: Final rule; adjustment to specifications.

SUMMARY: Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), this final rule: adjusts the 2024 fishing year allocations to sectors and the common pool specified in Framework Adjustment 66 to the Northeast Multispecies Fishery Management Plan (Framework 66); makes minor adjustments to common pool limits based on final 2023 fishing year catch information; and distributes sector annual catch entitlements carried over from fishing year 2023 into fishing year 2024 as required by regulation. The revisions are necessary to account for changes to 2024 sub-annual catch limits based on final 2024 sector rosters and to respond to a 2023 overage of Gulf of Maine (GOM) cod in the common pool. These adjustments are routine and formulaic, aiming to ensure that final allocations are determined using the most reliable scientific information available.

DATES: Effective November 18, 2024, through April 30, 2025.

FOR FURTHER INFORMATION CONTACT: Anjali Bhardwaj, Fishery Management Specialist, (978) 281–9293.

SUPPLEMENTARY INFORMATION:

Background

Framework 66 was approved on May 2, 2024 (89 FR 35755), setting specifications for 8 of the 20 Northeast multispecies stocks including redbfish, northern windowpane flounder, and southern windowpane flounder for fishing years 2024–2026; and Georges Bank (GB) cod, GB haddock, Gulf of Maine (GOM) haddock, GB yellowtail flounder, and white hake for fishing years 2024–2025. The framework also adjusted commercial management measures for Atlantic halibut and modified sea scallop accountability measure implementation for GB yellowtail flounder. These changes were made to prevent overfishing, ensure rebuilding, and help achieve optimal yield in the commercial and recreational groundfish fisheries. Framework 66 included preliminary allocations for sectors and the common pool based on the fishing year 2024 catch limits and preliminary sector rosters. A sector receives an allocation of each stock, or annual catch entitlement (ACE or allocation), based on the sum of its members’ catch histories’ and Potential Sector Contributions (PSC) as described at 50 CFR 648.87(b)(1)(i). State-operated permit banks in New Hampshire and Maine also receive an allocation that can be transferred to qualifying sector vessels. The sum of all sector and State-operated permit bank allocations is known as the sector sub-annual catch limit (sub-ACL). The remaining groundfish allocations after sectors and State-operated permit banks receive their allocations are subsequently allocated to the common pool (*i.e.*, vessels not enrolled in a sector), which is referred to as the common pool sub-ACL.

The MSA at section 305(d) gives the Secretary of Commerce (Secretary) the authority and “responsibility to carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this Act” (16 U.S.C. 1855(d)). The Secretary may promulgate such regulations as may be necessary to discharge such responsibility or to carry out any other provision of the MSA. The

Secretary delegates this authority to NMFS. Using this authority, this rule adjusts the 2024 fishing year sector and common pool sub-ACLs and sector ACEs based on final sector rosters as of May 1, 2024. Permits enrolled in a sector and the vessels associated with those permits have until April 30, the last day before the beginning of a new fishing year, to withdraw from a sector and fish in the common pool. As a result, the actual sector enrollment for the new fishing year is unknown when the final specifications are published. Each year, NMFS subsequently publishes an adjustment rule modifying sector and common pool allocations based on final sector enrollment, ACE carryover each sector is allowed to bring in from the previous fishing year, and any ACL or sub-ACL overages that the fishery must mitigate under the accountability measures of the FMP through payback. The process of validating fishery catch from the previous fishing year is completed following the end of the fishing year (April 30), and it may take several months to complete and reconcile commercial data, receive of State fishery catch data and complete recreational fishing estimates. In the case of this adjustment rule, the 2023 fishing year information was finalized in early October 2024 and is the basis of the carryover and payback adjustments in the rule. The proposed and final rules for Framework 66 both explained that sector enrollments may change and that there would be a need to adjust the sub-ACLs and sector ACEs in accordance with the final rosters and the resulting sector PSCs. Table 1 shows the changes to the sub-ACLs between Framework 66 and this adjustment rule in metric tons (mt), and table 2 shows changes to the sub-ACLs between Framework 66 and this adjustment rule in pounds (lb). This action adjusts sub-ACLs and ACEs for the common pool and sectors, distributes unused sector quota carried over from fishing year 2023 to fishing year 2024, and revises the GOM cod common pool sub-ACL in response to an overage that occurred in fishing year 2023.

TABLE 1—SUB-ACL COMPARISON BETWEEN FRAMEWORK 66 FINAL RULE AND ADJUSTMENT RULE
[mt]

Stock	Final framework 66 sector sub-ACL	Final adjusted sector sub-ACL	Final framework 66 common pool sub-ACL	Final adjusted common pool sub-ACL
GB Cod East	147	147	4	4
GB Cod West	248	248	7	7
GOM Cod	286	301	10	10
GB Haddock East	3,028	3,027	72	73

TABLE 1—SUB-ACL COMPARISON BETWEEN FRAMEWORK 66 FINAL RULE AND ADJUSTMENT RULE—Continued
[mt]

Stock	Final framework 66 sector sub-ACL	Final adjusted sector sub-ACL	Final framework 66 common pool sub-ACL	Final adjusted common pool sub-ACL
GB Haddock West	3,728	3,745	81	81
GOM Haddock	1,479	1,538	30	31
GB Yellowtail Flounder	55	55	3	3
SNE/MA Yellowtail Flounder	27	27	8	8
CC/GOM Yellowtail Flounder	881	879	39	44
American Plaice	5,315	5,321	142	144
Witch Flounder	1,163	1,165	41	41
GB Winter Flounder	1,488	1,490	44	44
GOM Winter Flounder	556	557	79	82
SNE/MA Winter Flounder	408	411	53	53
Redfish	8,226	8,320	77	77
White Hake	1,905	1,906	18	18
Pollock	12,696	12,702	122	123
N Windowpane Flounder	na	na	na	na
S Windowpane Flounder	na	na	na	na
Ocean Pout	na	na	na	na
Atlantic Halibut	na	na	na	na
Atlantic Wolffish	na	na	na	na

Final Adjusted Sector Sub-ACLs include changes from both finalized rosters and carryover.

TABLE 2—SUB-ACL COMPARISON BETWEEN FRAMEWORK 66 FINAL RULE AND ADJUSTMENT RULE
[lbs]

Stock	Final framework 66 sector sub-ACL	Final adjusted sector sub-ACL	Final framework 66 common pool sub-ACL	Final adjusted common pool sub-ACL
GB Cod East	323	323	10	10
GB Cod West	547	548	15	15
GOM Cod	630	663	22	22
GB Haddock East	6,675	6,674	159	160
GB Haddock West	8,219	8,257	178	179
GOM Haddock	3,260	3,391	67	68
GB Yellowtail Flounder	120	120	7	7
SNE/MA Yellowtail Flounder	60	60	17	17
CC/GOM Yellowtail Flounder	1,943	1,937	87	97
American Plaice	11,718	11,730	314	318
Witch Flounder	2,564	2,567	90	91
GB Winter Flounder	3,281	3,284	97	97
GOM Winter Flounder	1,226	1,228	174	181
SNE/MA Winter Flounder	899	905	117	117
Redfish	18,135	18,143	170	170
White Hake	4,201	4,203	40	40
Pollock	27,990	28,003	269	270
N Windowpane Flounder	na	na	na	na
S Windowpane Flounder	na	na	na	na
Ocean Pout	na	na	na	na
Atlantic Halibut	na	na	na	na
Atlantic Wolffish	na	na	na	na

Final Adjusted Sector Sub-ACLs include changes from both finalized rosters and carryover.

2023 Correction to Sector Carryover

Sector regulations at 50 CFR 648.87(b) require NMFS to adjust ACE carryover to ensure that the total unused ACE combined with the overall sub-ACL does not exceed the acceptable biological catch (ABC) for the fishing year in which the carryover may be harvested. NMFS completed 2023 fishing year data reconciliation with sectors and determined final 2023

fishing year sector catch and the amount of allocation that sectors may carry over from the 2023 to the 2024 fishing year. A sector may carry over up to 10 percent of unused ACE for each stock, except in instances where the amount of unused ACE was reduced so as not to exceed the ABC. Accordingly, carryover for all stocks is capped by the ABC and reduced to a value below the full 10-percent of the original quota allocation

from the fishing year 2023, consistent with carryover accounting requirements at 50 CFR 648.87. Complete details on carryover reduction percentages can be found at: https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting.

Table 3 includes the final amount of ACE that sectors may carry over from the 2023 to the 2024 fishing year. Table

4 includes the *de minimis* amount of carryover for each sector for the 2024 fishing year. If the overall ACL for any allocated stock is exceeded for the 2024 fishing year, the allowed carryover harvested by a sector, minus the pounds

in the sector's *de minimis* amount, will be counted against its allocation to determine whether an overage subject to an accountability measure occurred. Table 5 lists the final ACE available to sectors and permit banks for the 2024

fishing year, based on final rosters and including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stock's ABC.

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Table 3. Final Carryover ACE from Fishing Year 2023 to Fishing Year 2024 (lbs)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	170	263	0	632	132	0	2	84	75	49	0	196	68	49	70	449
MCCS	0	37	6,559	0	1,380	23,597	0	29	336	2,718	322	25	877	156	849	543	1,836
MOON	0	201	763	0	1,593	3,281	0	10	163	159	1	30	318	177	250	0	1,603
NEFS 2	0	105	9,982	0	4,310	8,511	0	14	1,233	1,669	810	102	2,450	289	1,376	59	1,998
NEFS 4	0	122	1,842	0	2,373	7,471	0	26	345	1,647	16	22	828	70	581	17	994
NEFS 5	0	1	72	0	281	215	0	183	49	53	55	10	94	703	1	4	10
NEFS 6	0	48	1,131	0	1,394	8,197	0	56	208	763	132	36	493	131	628	53	531
NEFS 8	0	254	1,132	0	5,780	13,748	0	133	478	1,762	947	1,212	469	1,144	705	396	881
NEFS 10	0	8	1,034	0	72	2,556	0	6	223	209	230	0	1,016	43	31	6	112
NEFS 11	0	0	4,725	0	13	5,279	0	0	123	264	83	0	223	1	172	14	1,271
NEFS 12	0	8	590	0	38	2,071	0	0	451	138	68	0	1,137	18	21	17	102
NEFS 13	0	174	269	0	8,270	1,750	0	266	349	1,498	960	613	202	1,225	401	150	388
SHS1	0	74	2,472	0	3,917	24,443	0	30	194	2,932	262	327	327	316	1,640	354	1,506
SHS2	0	10	6	0	1,173	416	0	31	286	619	0	86	517	358	422	0	446
SHS3	0	104	2,000	0	8,450	31,484	0	89	541	2,241	910	618	326	1,464	1,687	294	1,974
Total	0	1,316	32,840	0	39,676	133,151	0	875	5,063	16,747	4,845	3,081	9,473	6,163	8,813	1,977	14,101

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Mooncusser Sector, Inc (MOON), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS)

Table 4. De Minimis Carryover ACE from Fishing Year 2023 to Fishing Year 2024 (lbs)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	170	46	0	632	64	0	2	84	75	49	0	196	68	49	70	449
MCCS	0	37	1,030	0	1,380	4,044	0	20	336	2,718	322	25	877	156	849	543	1,836
MOON	0	201	409	0	1,593	1,229	0	7	163	159	1	30	318	177	250	0	1,603
NEFS 2	0	105	1,766	0	4,310	8,448	0	14	1,233	1,669	810	102	2,450	289	1,376	59	1,998
NEFS 4	0	122	730	0	2,373	2,951	0	18	345	1,647	16	22	828	70	581	17	994
NEFS 5	0	1	21	0	281	37	0	117	49	53	55	10	94	703	1	4	10
NEFS 6	0	48	11	0	848	50	0	0	5	763	127	27	10	1	628	53	531
NEFS 8	0	254	418	0	5,780	6,319	0	133	478	1,762	947	1,212	469	1,144	705	396	881
NEFS 10	0	8	117	0	72	355	0	4	223	209	159	0	994	43	20	6	112
NEFS 11	0	0	742	0	13	912	0	0	123	264	83	0	223	1	172	14	1,271
NEFS 12	0	8	242	0	38	444	0	0	451	138	68	0	1,137	18	21	17	102
NEFS 13	0	174	36	0	8,270	264	0	177	349	1,498	960	613	202	1,225	401	150	388
SHS1	0	74	456	0	3,917	5,597	0	30	194	2,932	262	327	327	316	1,640	354	1,506
SHS2	0	10	6	0	1,173	416	0	13	286	619	0	86	431	257	422	0	446
SHS3	0	7	12	0	6	84	0	4	163	1,087	217	0	83	80	65	187	325
Total	0	1,219	6,042	0	30,686	31,214	0	539	4,482	15,593	4,076	2,454	8,639	4,548	7,180	1,870	12,452

Table 5. Total ACE Available to Sectors in Fishing Year 2024 with Final Carryover (1,000 lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	35	60	5	119	147	7	2	0	37	83	38	76	29	10	101	42	762
MCCS	7	12	110	224	277	428	2	2	127	1,879	328	27	112	23	1,684	586	3,584
MOON	41	69	42	264	326	126	2	1	65	122	58	32	41	27	872	454	2,985
MPB	0	1	8	3	4	37	0	0	7	141	19	0	6	0	151	70	480
NEFS 2	33	55	187	1,037	1,281	853	8	5	573	1,916	558	157	397	59	4,035	568	5,145
NEFS 4	29	49	75	414	512	303	3	2	131	1,139	235	24	105	11	1,227	351	2,056
NEFS 5	2	3	2	31	39	4	1	12	19	35	12	7	12	98	2	3	19
NEFS 6	2	3	2	38	48	13	0	0	1	107	13	3	1	0	204	23	91
NEFS 8	107	181	43	2,712	3,345	646	52	14	365	2,564	547	1,925	83	409	4,826	814	5,298
NEFS 10	1	1	13	7	9	38	0	0	63	36	16	0	100	4	2	1	21
NEFS 11	1	2	79	2	3	96	0	0	47	183	41	0	28	0	343	170	2,481
NEFS 12	2	4	25	11	13	46	0	0	190	187	48	0	174	3	100	38	394
NEFS 13	36	60	4	1,071	1,326	28	41	18	145	890	201	641	29	168	323	55	369
NHPB	0	0	8	0	0	1	0	0	0	3	0	0	1	0	4	3	32
SHS1	22	37	48	580	718	584	8	4	98	1,993	357	370	57	57	3,383	858	3,338
SHS2	6	10	11	161	200	140	1	1	52	340	74	22	44	26	878	146	915
SHS3	0	1	3	0	9	40	0	0	17	111	23	1	9	9	8	19	34
Total	323	548	663	6,674	8,257	3,391	120	60	1,937	11,730	2,567	3,284	1,228	905	18,143	4,203	28,003

Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB)

Gulf of Maine Cod Common Pool Sub-Annual Catch Limit and Final ACLs for All Stocks

If the common pool sub-ACL for any stock is exceeded, 50 CFR 648.82(n)(2)(iii) requires reducing the

common pool sub-ACL by the amount of the overage in the next fishing year. The fishing year 2023 common pool sub-ACL for GOM cod was exceeded by 0.3 mt. Therefore, this action reduces the fishing year 2024 GOM cod common pool sub-ACL by 0.3 mt resulting in a

sub-ACL of 9.5 mt. The revised trimester total allowable catch (TAC) based on the overage deduction is provided in table 6. No other changes were made other than slight adjustments to sub-ACLs to account for final sector rosters.

TABLE 6—INITIAL AND REVISED GULF OF MAINE COD TRIMESTER TACS

	Trimester 1	Trimester 2	Trimester 3
Allocation Percentage	49%	33%	18%.
Initial Trimester TAC	4.8 mt	3.2 mt	1.8 mt.
Revised Trimester TAC	4.7 mt	3.1 mt	1.7 mt.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies Fishery Management Plan, other provisions of the MSA, and other applicable law.

This action is exempt from the procedures of Executive Order 12866 because this action contains no implementing regulations.

Pursuant to 5 U.S.C. 553(b)(3)(B), NMFS finds good cause to waive prior public notice and opportunity for public comment on the catch limit and allocation adjustments because allowing time for notice and comment is impracticable, unnecessary, and contrary to the public interest. This adjustment process regularly occurs each year in accordance with directions to carry over unused catch that is added to, and deduct overages from, catch limits. These processes, described more specifically below, were subject to public notice and comment and set forth in regulations as noted throughout this action. The proposed and final rules for Framework 66 explained the need and likelihood for adjustments of sector and common pool allocations, because final sector rosters were not available before either the proposed or final rules were published (89 FR 20412; 89 FR 35755). As described in the Framework 66 final rule, NMFS calculates a sector's allocation for each stock by summing its members' PSC for the stock and then multiplying that total percentage by the commercial sub-ACL for that stock (89

FR 35755). No comments were received on the potential for carryover adjustments or the process for determining them, which provide an accurate accounting of a sector's or the common pool's allocation. These adjustments are routine and in accordance with specified carryover and sector (50 CFR 648.87(b)(1)) and common pool (50 CFR 648.82(n)(2)(iii)) accountability requirements based on final sector and common pool enrollment.

The process for determining carryover for sectors is described at 50 CFR 648.87(b)(1)(i)(C). With the exception of GB yellowtail flounder, a sector may carryover an amount of ACE equal to 10 percent of its original ACE for each stock that is unused at the end of one fishing year into the following fishing year, provided that the total unused sector ACE plus the overall ACL for the following fishing year does not exceed the ABC for the fishing year in which the carryover may be harvested. The process for determining the reduction to the overall sub-ACL in the common pool, due to an overage, is described at 50 CFR 648.82(n)(2)(iii). Following Trimester 3, uncaught portions of any trimester TAC for the common pool may not be carried over into the following fishing year. If the entire sub-ACL for a particular stock that is allocated to the common pool is exceeded, an amount equal to the overage shall be deducted from the sub-ACL for that stock that is allocated to common pool vessels for the following fishing year.

Thus, this action is expected by fishing industry participants and the public, as the public was made aware of how the sector pools and allocations would be adjusted during the notice and comment period for the Framework 66 rule. It provides sector and common pool vessels with catch limit information that reflects their actual final allocations, which will help ensure fishing industry participants operate with accurate information for planning and recordkeeping as the fishing year progresses and total catch increases. Additional catch available from carryover also is expected to provide more operational flexibility and financial benefit to the fishery participants.

Because advanced notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply to this rule. Therefore, no new final regulatory flexibility analysis is required and none has been prepared.

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

Dated: November 13, 2024.

Samuel D. Rauch III,

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

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