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Title 50 –Wildlife and Fisheries

Chapter VI –Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

Part 679 –Fisheries of the Exclusive Economic Zone off Alaska

Subpart L –Pacific Cod Trawl Cooperative Program

Source: 88 FR 53735, Aug. 8, 2023, unless otherwise noted.

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108-447; Pub. L. 111-281.

Editorial Note: Nomenclature changes to part 679 appear at 61 FR 56438, Nov. 1, 1996; 62 FR 2047, Jan. 15, 1997; 66 FR 27909, May 21, 2001; 67 FR 79739, Dec. 30, 2002; and 77 FR 6502, Feb. 8, 2012.

§ 679.132 Aleutian Islands CQ set-aside provisions in the PCTC Program.

(a) *Aleutian Islands CQ set-aside provisions in the PCTC Program* –

- (1) *Calculation of the Aleutian Islands Pacific cod non-CDQ ICA and DFA.* Each year, during the annual harvest specifications process set forth at § 679.20(c), the Regional Administrator will specify the AI Pacific cod non-CDQ ICA, the DFA from the AI Pacific cod non-CDQ TAC, and the AI set-aside as follows:
- (2) *Aleutian Islands Pacific cod non-CDQ ICA.* The AI Pacific cod non-CDQ ICA will be deducted from the aggregate portion of the AI Pacific cod non-CDQ TAC annually allocated to the non-CDQ sectors identified at § 679.20(a)(7)(ii)(A).
- (3) *Aleutian Islands Pacific cod non-CDQ DFA.* The AI Pacific cod non-CDQ DFA will be the amount of the AI Pacific cod TAC remaining after subtraction of the AI Pacific cod CDQ reserve and the AI Pacific cod non-CDQ ICA.
- (4) *Calculation of the Aleutian Islands CQ set-aside.* The Regional Administrator will specify the AI set-aside in either of the following ways:
 - (i) When the AI DFA exceeds 12 percent of A season CQ, the AI set-aside is 12 percent of the PCTC Program A season CQ and is in effect during the A and B seasons.
 - (ii) If the AI non-CDQ DFA is below 12 percent of the PCTC Program A season CQ, then the AI set-aside will be set equal to the AI non-CDQ DFA and is in effect during the A and B seasons. When the AI set-aside is in effect and set equal to the AI non-CDQ DFA, directed fishing for Pacific cod in the AI may only be conducted by PCTC Program vessels that deliver their catch of AI Pacific cod to an Aleutian Islands shoreplant. After June 10, the Regional Administrator may open directed fishing for AI non-CDQ Pacific cod for other sectors.

(b) *Annual notice of intent to process Aleutian Islands Pacific cod* –

- (1) *Submission of notice.* The provisions of this section will apply if a representative of either the City of Adak or the City of Atka submits to the Regional Administrator a timely and complete notice of its intent to process PCTC Program Pacific cod during the upcoming fishing year.

(2) **Submission method and deadline.** The notice of intent to process PCTC Program Pacific cod for the upcoming fishing year must be submitted in writing to the Regional Administrator by a representative of the City of Adak or the City of Atka no later than October 15 of each year in order for the provisions of this section to apply during the upcoming fishing year. Notices of intent to process received later than October 15 may not be accepted by the Regional Administrator.

(3) **Contents of notice.** A notice of intent to process PCTC Program Pacific cod for the upcoming fishing year must contain the following information:

(i) Date of submission,

(ii) Name of city,

(iii) Statement of intent to process PCTC Program Pacific cod,

(iv) Identification of the fishing year during which the city intends to process PCTC Program Pacific cod,

(v) Contact information for the representative of the city, and

(vi) Documentation of authority to represent the City of Adak or the City of Atka.

(4) **NMFS confirmation and notice.** On or before November 30, the Regional Administrator will notify the representative of the City of Adak or the City of Atka, confirming receipt of their official notice of intent to process PCTC Program Pacific cod. Then, NMFS will announce through notification in the FEDERAL REGISTER whether the AI set-aside will be in effect for the upcoming fishing year.

(5) **AI CQ set-aside PCTC Program cooperative provisions.** If the representative of the City of Adak or the City of Atka submits a timely and complete notice of intent to process in accordance of this section, then the following provisions will apply for the fishing year following the notice:

(i) The PCTC Program cooperative(s) are required to set-aside an amount of CQ calculated by the Regional Administrator pursuant to (a)(4) of this section for delivery to an Aleutian Islands shoreplant as defined at § 679.2.

(ii) All cooperatives must enter into an inter-cooperative agreement that describes how the AI set-aside will be administered by the cooperatives to ensure that the PCTC Program harvests from the BS do not exceed the minimum set-aside. This inter-cooperative agreement must establish how the cooperatives intend to harvest the AI set-aside when it applies. This inter-cooperative agreement must be provided as part of the annual PCTC Program cooperative application as specified at § 679.131(a)(4) and is required before NMFS can issue CQ.

(iii) The inter-cooperative agreement must establish how cooperatives would ensure that trawl catcher vessels less than 60 ft (18.3 m) LOA assigned to an LLP license with a transferable AI trawl endorsement have the opportunity to harvest 10 percent of the AI set-aside for delivery to an Aleutian Islands shoreplant.

(c) **PCTC Program A season CQ set-aside limitations.**

(1) If the Regional Administrator has approved a notice of intent to process, vessels authorized under the PCTC Program shall not harvest the amount of the AI set-aside in the BS subarea.

(2) PCTC Program cooperatives may not deliver more than the PCTC A season CQ minus the AI set-aside established under this section to processors in the BS subarea when the AI CQ set-aside is in effect.

- (3) The City of Adak or the City of Atka may withdraw their annual notice of intent to process prior to the end of B season.
- (4) The Regional Administrator may remove the delivery requirement for some or all of the projected unused AI CQ set-aside if the Regional Administrator determines that the Aleutian Islands shoreplants will not process the entire AI CQ set-aside.
- (5) In the event all notices of intent to process are withdrawn, the Regional Administrator will remove the delivery requirement for CQ that was set-aside for that calendar year.
- (6) To remove the AI CQ set-aside delivery requirement for that calendar year, the Regional Administrator will publish a document in the FEDERAL REGISTER.