

MRA based on percentages set forth in Table 10 and Table 11 to 50 CFR part 679. Section 679.20(d)(iii)(B) requires vessel operators to discard at sea any rockfish that exceeds the MRA. For the individual fishing quota (IFQ) halibut and IFQ sablefish fisheries, when IFQ halibut or IFQ sablefish is on board, retention of rockfish is already mandatory unless rockfish are required to be discarded because catch is in excess of the MRA or the rockfish is in prohibited species status (§ 679.7(f)(8)).

#### Full Retention

Since the majority of rockfish do not survive being caught, discards of rockfish increases waste. Rockfish must be discarded for two reasons: (1) When rockfish catch is in excess of an MRA; and (2) when a rockfish species is prohibited from being retained (in a prohibited species status). Amendments 119/107 would require full retention of all rockfish that are caught by CVs using hook-and-line, pot, or jig gear and remove the requirements for catcher vessels using hook-and-line, pot, or jig gear to discard rockfish.

The Council recommended, and NMFS proposes, requiring full retention of all rockfish caught by CVs required to have a federal fishery permit using hook-and-line, pot, or jig gear targeting groundfish and halibut in the GOA and BSAI for a number of reasons. These reasons include (1) improving the identification of rockfish species catch by vessels using electronic monitoring (EM); (2) providing more precise estimates of rockfish catch; (3) reducing waste and incentives to discard rockfish; (4) reducing overall enforcement burden; and (5) promoting more consistent management between State and Federal fisheries. These recommended revisions are described in more detail in the Analysis and the forthcoming proposed rule for Amendments 119/107.

#### Maximum Commerce Allowance

There is a need to establish a limit or allowance on the sale of rockfish caught as incidental catch that both provides an incentive for vessel operators to retain all rockfish and avoids elevated rates of rockfish incidental catch because rockfish MRAs would not apply under the proposed full retention requirement. These amendments would implement a new fishery management method known as the maximum commerce allowance (MCA). The MCA would be calculated when groundfish and halibut are landed at a processor. The MCA would limit the amount of rockfish allowed to enter commerce through barter, sale, or trade. Rockfish that

cannot be sold could be consumed by vessel crew, donated to non-profits, processed into fishmeal, or discarded by the processing plant.

To address concerns raised by processors, the Council recommended allowing rockfish in excess of the MCA to be processed into meal. Allowing rockfish in excess of the MCA to be processed into meal is unlikely to provide any additional financial incentives to target rockfish due to the low value of fishmeal.

Before adopting its preferred alternatives for Amendment 119/107, the Council considered a range of alternatives and options. The Council determined, and NMFS agrees, that the alternative and options selected by the Council will improve estimates of rockfish catch, increase utilization of rockfish incidental catch, reduce overall enforcement burden, reduce regulatory complexity and promote more consistent management of rockfish between the State of Alaska and Federal fisheries.

NMFS is soliciting public comments on proposed Amendments 119/107 through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on the proposed rule that would implement Amendments 119/107 following NMFS's evaluation of the proposed rule under the Magnuson-Stevens Act.

Respondents do not need to submit the same comments on Amendments 119/107 and the proposed rule. All relevant written comments received by the end of the applicable comment period, whether specifically directed to the FMP amendments or the proposed rule will be considered by NMFS in the approval/disapproval decision for Amendments 119/107 and addressed in the response to comments in the final decision. Comments received after the end of the applicable comment period will not be considered in the approval/disapproval decision on Amendments 119/107. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period (see **DATES**).

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

Dated: August 19, 2019.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 697

[Docket No. 190816-0015]

RIN 0648-BJ10

#### Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery; Control Date for Lobster Conservation Management Areas

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

**ACTION:** Advance notice of proposed rulemaking (ANPR); request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces a control date that may be used for potential changes to the lobster management program. This action is necessary to inform American lobster permit holders and any potential new entrants that future participation and eligibility may be affected by past participation, documentation of landings, effort, and/or gear configuration prior to the control date. The control date is intended to promote awareness of possible rulemaking and notify the public that actions taken after the control date may not be recognized in the future.

**DATES:** We must receive written comments on or before September 23, 2019.

**ADDRESSES:** You may submit comments on this document, identified by [NOAA-NMFS-2019-0095] by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [NOAA-NMFS-2019-0095], click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Lobster Control Date."

**Instructions:** Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. We may not consider comments sent by any other method, to any other address or individual, or

received after the end of the comment period. 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.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). We accept attachments to electronic comments only in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats.

**FOR FURTHER INFORMATION CONTACT:**

Laura Hansen, Fishery Management Specialist, 978–281–9225.

**SUPPLEMENTARY INFORMATION:**

**Background**

NMFS works cooperatively with the states to conserve the American lobster resource within the framework of the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Lobster (ISFMP). Through the ISFMP, the Commission adopts fishery conservation and management strategies for the American lobster resource and

coordinates the efforts of the states and NMFS to implement these strategies.

To carry out Congressionally-mandated responsibilities under the Endangered Species Act and Marine Mammal Protection Act (MMPA), NMFS convened the Atlantic Large Whale Take Reduction Team (TRT) during the last week of April 2019. The TRT is composed of representatives from state and Federal fishery agencies, conservation groups, researchers, and the fishing industry, including the lobster industry. As required under the MMPA, the TRT is tasked with recommending management measures to reduce the risk of serious injury and entanglement of endangered whales in fishing gear. At the meeting, the New England states and the offshore lobster industry committed to reducing the risk of serious injury and mortality from lobster gear to North Atlantic right whales by 60 percent in all lobster management areas. The specific measures to achieve this goal are not yet finalized, but will focus on reducing the number, and lowering the breaking strength of, vertical lines used in the lobster trap fishery.

Following the outcome of the TRT meeting, the Commission met and voted to establish a control date of April 29, 2019, to notify American lobster permit holders and any potential new entrants

that future participation and eligibility may be affected by past participation, documentation of landings, effort, and/or gear configuration prior to the control date. Participation in the fishery after the control date may not be treated the same as participation before the control date. NMFS will use April 29, 2019, as a control date for the same reasons outlined by the Commission. In the coming months, NMFS will be working with the states and the industry to develop more specific management measures to achieve the goals recommended by the TRT. Should the Commission take additional action, NMFS will consider complementary action pursuant to the Atlantic Coastal Fisheries Cooperative Management Act and the Magnuson-Stevens Fishery Conservation and Management Act.

This notification and control date do not impose any legal obligations, requirements, or expectation.

**Authority:** 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 5101 *et seq.*

Dated: August 19, 2019.

**Alan D. Risenhoover,**

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

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