

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
Whale, Rice's .....	<i>Balaenoptera ricei</i> .....	Wherever found .....	E	84 FR 15446, 4/15/2019; 86 FR 47022, 8/23/2021; <sup>N</sup> 87 FR [INSERT <b>Federal Register</b> PAGE WHERE THE DOCUMENT BEGINS], 2/17/2022.

**Martha Williams,**

*Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 180117042-8884-02; RTID 0648-XB791]

**Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries**

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

**ACTION:** Temporary rule; closure of the Atlantic bluefin tuna Angling category southern area large medium and giant fishery for 2022.

**SUMMARY:** NMFS closes the southern area Angling category fishery for large medium and giant (“trophy” (*i.e.*, measuring 73 inches (185 cm) curved fork length or greater)) Atlantic bluefin tuna (BFT). This action applies to Highly Migratory Species (HMS) Angling category permitted vessels and Atlantic HMS Charter/Headboat permitted vessels when fishing recreationally.

**DATES:** Effective 11:30 p.m., local time, February 12, 2022, through December 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** Larry Redd, Jr., [larry.redd@noaa.gov](mailto:larry.redd@noaa.gov), 301-427-8503, Nicholas Velseboer, [nicholas.velsboer@noaa.gov](mailto:nicholas.velsboer@noaa.gov), 978-281-9260, or Thomas Warren, [thomas.warren@noaa.gov](mailto:thomas.warren@noaa.gov), 978-281-9347.

**SUPPLEMENTARY INFORMATION:** Atlantic HMS fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act

(Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure notice for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified.

The 2022 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2022. The Angling category season opened January 1, 2022, and continues through December 31, 2022. The Angling category baseline quota is 232.4 metric tons (mt), of which 5.3 mt is allocated for the harvest of large medium and giant (trophy) BFT by vessels fishing under the Angling category quota, with 1.8 mt allocated for each of the following areas: North of 39°18’ N lat. (off Great Egg Inlet, NJ); south of 39°18’ N lat. and outside the Gulf of Mexico (the “southern area”); and in the Gulf of Mexico. Trophy BFT measure 73 inches (185 cm) curved fork length or greater.

**Angling Category Large Medium and Giant Southern “Trophy” Fishery Closure**

Based on landings data from the NMFS Automated Catch Reporting

System and the North Carolina Tagging Program, as well as average catch rates and anticipated fishing conditions, NMFS projects the Angling category southern area trophy BFT subquota of 1.8 mt will be reached shortly. Therefore, retaining, possessing, or landing large medium or giant (*i.e.*, measuring 73 inches (185 cm) curved fork length or greater) BFT south of 39°18’ N lat. and outside the Gulf of Mexico by persons aboard Angling category permitted vessels and Atlantic HMS Charter/Headboat permitted vessels (when fishing recreationally) must cease at 11:30 p.m. local time on February 12, 2022. This closure will remain effective through December 31, 2022. This action applies to Angling category permitted vessels and Atlantic HMS Charter/Headboat permitted vessels when fishing recreationally for BFT, and is taken consistent with the regulations at § 635.28(a)(1). This action is intended to prevent overharvest of the Angling category southern area trophy BFT subquota.

If needed, subsequent Angling category adjustments will be published in the **Federal Register**. Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 cm) to less than 73 inches (185 cm) and any further Angling category adjustments, is available at [hmspermits.noaa.gov](https://hmspermits.noaa.gov) or by calling (978) 281-9260. HMS Angling and HMS Charter/Headboat permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. Anglers are also reminded that all BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the “Careful Catch and Release” brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure/>.

HMS Charter/Headboat and Angling category vessel owners are required to report the catch of all BFT retained or

discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing [hmspermits.noaa.gov](https://hmspermits.noaa.gov), using the HMS Catch Reporting app, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act and regulations at 50 CFR part 635 and is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and its amendments provide for inseason adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. This fishery is currently underway and delaying this action could result in excessive trophy BFT landings that may result in future potential quota reductions for the Angling category, depending on the magnitude of a potential Angling category overharvest. NMFS must close the southern area trophy BFT fishery before additional landings of these sizes of BFT occur. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: February 11, 2022.

**Ngagne Jafnar Gueye,**

*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 648

[Docket No. 220210-0043; RIN 0648-BL07]

#### Revisions to Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Correction

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; adjustment to specifications; correction.

**SUMMARY:** This final rule distributes sector allocation carried over from fishing year 2020 into fishing year 2021 and corrects the regulations implementing Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan. This action is necessary to correct regulatory errors and to allocate carryover quota to sectors. The carryover adjustments are routine and formulaic, and industry expects them each year.

**DATES:** The correction to 50 CFR 648.85 is effective February 16, 2022. The distribution of sector allocation carried over into fishing year 2021 is effective February 16, 2022, through April 30, 2022.

**FOR FURTHER INFORMATION CONTACT:** Spencer Talmage, Fishery Management Specialist, (978) 281-9232.

**SUPPLEMENTARY INFORMATION:** On July 28, 2021, we published a final rule approving Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan (FMP) (86 FR 40353), which set or adjusted 2021-2023 annual catch limits (ACL) for 17 of the 20 groundfish stocks, and 2021 ACLs for three shared U.S./Canada stocks. Framework 61 also approved and implemented the Universal Sector Exemption for Acadian Redfish (Redfish). This rule distributes unused sector quota carried over from fishing year 2020 and corrects a regulatory error which incorrectly defines the boundaries of the Redfish Exemption Area and Redfish Exemption Area Seasonal Closure II.

#### Sector Carryover Allocations From Fishing Year 2019

Carryover regulations at 50 CFR 648.87(b)(1)(i)(C) allow each groundfish sector to carry over an amount of unused Annual Catch Entitlement (ACE) equal to 10 percent of the sector's original ACE for each stock (except for Georges Bank [GB] yellowtail flounder) that is unused at the end of the fishing year into the following fishing year. We are required 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. We have completed 2020 fishing year data reconciliation with sectors and determined final 2020 fishing year sector catch and the amount of allocation that sectors may carry over

from the 2020 to the 2021 fishing year. Unused ACE from fishing year 2020 available to carry over to 2021 was reduced for the following stocks: Georges Bank (GB) cod; GB haddock; Gulf of Maine (GOM) haddock; Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; Cape Cod/GOM yellowtail flounder; American plaice; witch flounder; GB winter flounder; GOM winter flounder; SNE/MA winter flounder; redfish; white hake; and pollock. Complete details on carryover reduction percentages can be found at: [https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish\\_catch\\_accounting](https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting).

Table 1 includes the maximum amount of allocation that sectors may carry over from the 2020 to the 2021 fishing year. Table 2 includes the *de minimis* amount of carryover for each sector for the 2021 fishing year. If the overall ACL for any allocated stock is exceeded for the 2021 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. Tables 3 and 4 list the final ACE available to sectors for the 2021 fishing year, including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stock's ABC.

#### Correction to Redfish Exemption Areas

The Redfish Exemption Program defined at § 648.85(e)(1) allows sector vessels to target redfish using a 5.5-inch (14.0-centimeter (cm)) mesh codend within the Redfish Exemption Area, defined in the regulations at § 648.85(e)(1)(ii). Also included in the regulations for the Redfish Exemption Program are two seasonal closure areas in which no vessel may participate in the Redfish Exemption Program. These are the Redfish Exemption Area Cod Closure defined at § 648.85(e)(1)(ii)(A) and the Redfish Exemption Area Seasonal Closure II defined at § 648.85(e)(1)(ii)(B).

Portions of the boundaries for both the Redfish Exemption Area and the Redfish Exemption Area Seasonal Closure II follow the boundaries of the U.S. Exclusive Economic Zone (EEZ). The regulations that currently list the points delineating these areas state that the areas are defined by straight lines connecting the following points in the order stated. For both areas, when straight lines are drawn between points located on the U.S. EEZ and preceding or subsequent points, the boundaries of the areas that result do not follow the boundaries of the U.S. EEZ as intended.