

California Subarea

Description of the action: This inseason action provides notice of closure for the recreational fishery in the California subarea, effective Sunday, August 7 at 11:59 p.m..

Reason for the action: On August 3, 2022, NMFS received catch information indicating that the catch amount for the recreational Pacific halibut fishery off of California was projected to be 35,553 lb (16.13 mt); out of an allocation of 38,740 lb (17.57 mt), with 3,187 lb (1.45 mt) remaining. Weekly catch amounts have averaged 4,013 lb (1.82 mt) in 2022, which includes an outlying week of high catch. When this week is removed, the average catch per week is 3,247 lb (1.47 mt). Therefore, NMFS estimated that the subarea allocation would be attained by August 7, 2022, triggering the closure of the fishery. IPHC issued a media release on August 5, 2022, notifying the public of the closure on August 7. This inseason is providing notice that the recreational fishery off of the California coast is closed.

Weekly catch monitoring reports for the recreational fisheries in Washington, Oregon, and California are available on their respective state Fish and Wildlife agency websites. NMFS and the IPHC will continue to monitor recreational catch obtained via state sampling procedures until NMFS has determined there is not sufficient allocation for another full day of fishing, and the area is closed by the IPHC, or the season closes for Oregon on October 31, whichever is earlier.

Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(c), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. ODFW provided updated landings data to NMFS on August 4, 2022, showing that the fishery participants in the recreational fishery off of the Oregon Central Coast had only caught 47 percent of the subarea allocation. NMFS uses fishing rates from previous years to determine the number of recreational fishing dates needed to attain subarea allocations. The level of attainment of the allocation for 2022 is substantially lower than anticipated when the 2022 final rule setting the 2022 recreational fishery season dates was developed. This action should be

implemented as soon as possible to allow fishery participants to take advantage of the additional fishing dates prior to the end of the season. As the fishery in Oregon closes on October 31, 2022, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of additional season dates, a significant portion of the Oregon subarea allocations are unlikely to be harvested, limiting economic benefits to the participants and not meeting the goals of the Catch Sharing Plan and the 2022 management measures. It is necessary that this rulemaking be implemented in a timely manner so that planning for these new fishing days can take place, and for business and personal decision making by the regulated public impacted by this action, which includes recreational charter fishing operations, associated port businesses, and private anglers who do not live near the coastal access points for this fishery, among others. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to anglers through a telephone hotline, news release, and by the relevant state fish and wildlife agencies. NMFS will receive public comments for 15 days after publication of this action, in accordance with 50 CFR 300.63(c)(4)(ii). No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(c).

For the reasons discussed above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon filing for public inspection, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan and current management measures, as well as potentially limit the economic opportunity intended by this rule to the associated fishing communities. NMFS regulations allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the subarea. NMFS recently received information on the progress of landings in the recreational fisheries in the Oregon subarea, indicating additional dates and an increased bag limit should be added to the fishery to ensure optimal and sustainable harvest of the subarea

allocation. As stated above, it is in the public interest that this action is not delayed, because a delay in the effectiveness of these new dates would not allow the allocation objectives of the recreational Pacific halibut fishery to be met.

Dated: August 22, 2022.

Jennifer M. Wallace,

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 660

[Docket No. 220510–0113; RTID 0648–XC210]

Fisheries Off West Coast States; Modification of the West Coast Salmon Fisheries; Inseason Actions #26 Through #33

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

ACTION: Inseason modification of 2022 management measures.

SUMMARY: NMFS announces eight inseason actions in the 2022 ocean salmon fisheries. These inseason actions modify the recreational, commercial, and treaty Indian salmon fisheries in the area from the U.S./Canada border to Cape Falcon, Oregon.

DATES: The effective dates for the inseason actions are set out in this document under the heading Inseason Actions and the actions remain in effect until superseded or modified.

FOR FURTHER INFORMATION CONTACT: Shannon Penna at 562–980–4239, Email: Shannon.Penna@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The 2022 annual management measures for ocean salmon fisheries (87 FR 29690; May 16, 2022), announced management measures for the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 16, 2022, until the effective date of the 2023 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary

to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council), and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions).

Management of the salmon fisheries is divided into two geographic areas: north of Cape Falcon (NOF) (U.S./Canada border to Cape Falcon, OR), and south of Cape Falcon (SOF) (Cape Falcon, OR, to the U.S./Mexico border). The actions described in this document affect the NOF commercial and recreational salmon fisheries, as set out under the heading Inseason Action below.

Consultations with the Council Chairperson on these inseason actions occurred on July 13, 2022, and July 19, 2022. Representatives from NMFS, Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), California Department of Fish and Wildlife (CDFW) and Council staff participated in these consultations. Members of the Salmon Advisory Subpanel and Salmon Technical Team (STT) were also present on the calls.

These inseason actions were announced on NMFS' telephone hotline and U.S. Coast Guard radio broadcast on the date of the consultations (50 CFR 660.411(a)(2)).

Inseason Actions

Inseason Action #26

Description of the action: Inseason action #26 modifies the recreational salmon fishery from Cape Alava to the Queets River (La Push subarea), starting at 12:01 a.m. on Saturday, July 16, 2022, the daily bag limit is two salmon, Chinook salmon retention prohibited. All coho salmon must be marked with a healed adipose fin clip.

Effective date: Inseason action #26 took effect on July 16, 2022, and remains in effect until July 24, 2022, at 11:59 p.m.

Reason and authorization for the action: Due to larger than expected Chinook salmon catch, inseason action #26 was necessary to reduce Chinook salmon catch to preserve the length of the season while avoiding exceedance of the Chinook salmon guideline for this area and maximizing catch of the available coho salmon quota. Cape Alava to the Queets River (La Push subarea) opened with a coho salmon quota of 4,370 and a Chinook salmon

guideline of 1,120. Through July 10, 2022, 333 coho salmon (8 percent of the subarea quota) and 287 Chinook salmon (26 percent of the subarea guideline) were caught in the La Push subarea.

The NMFS West Coast Regional Administrator (RA) considered the landings of Chinook and coho salmon to date and projected catches, fishery effort occurring to date and projected effort, quotas and guidelines set preseason, and the recreational Chinook salmon guideline remaining. The RA determined that this inseason action was necessary to preserve the available recreational Chinook salmon guideline in the La Push subarea in order to meet management goals set preseason, including the Pacific Coast Salmon Fishery Management Plan objective to extend the fishing season through Labor Day weekend if feasible and consistent with the available quota. The modification of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

Inseason Action #27

Description of the action: Inseason action #27 modifies the recreational salmon fishery from Cape Alava to the Queets River (La Push subarea). Starting at 12:01 a.m. on July 25, 2022, the daily bag limit is two salmon, only one of which may be a Chinook salmon. All coho salmon must be marked with a healed adipose fin clip. Chum salmon retention is prohibited beginning August 1, 2022.

Effective date: Inseason action #27 took effect on July 25, 2022, and remains in effect until superseded.

Reason and authorization for the action: Due to larger than expected Chinook salmon catch, inseason action #27 was necessary to manage Chinook salmon catch to preserve the length of the season while avoiding exceedance of the Chinook salmon guideline and maximizing catch of the available coho salmon quota. Cape Alava to the Queets River (La Push subarea) opened with a coho salmon quota of 4,370 and a Chinook salmon guideline of 1,120. Through July 10, 2022, 333 coho salmon (8 percent of the subarea quota) and 287 Chinook salmon (26 percent of the subarea guideline) were caught in the La Push subarea. These adjustments ensured that sufficient Chinook salmon guideline in the area from Cape Alava to the Queets River (La Push subarea) was available to extend the recreational salmon season.

The RA considered the landings of Chinook and coho salmon to date and projected catches, fishery effort occurring to date and projected effort, quotas and guidelines set preseason, and the recreational Chinook salmon

guideline remaining. The RA determined that this inseason action was necessary to preserve the available recreational Chinook salmon guideline in the La Push subarea in order to meet management goals set preseason. The modification of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

Inseason Action #28

Description of the action: Inseason action #28 modifies the recreational salmon fishery; starting at 12:01 a.m. on July 16, 2022, the area from Leadbetter Point to Cape Falcon, OR (Columbia River subarea North of 46°15' N and East of 124°08'40" W), is closed.

Effective date: Inseason action #28 took effect on July 16, 2022, and remains in effect until superseded.

Reason and authorization for the action: Due to larger than expected Chinook salmon catch, inseason action was necessary to limit recreational fishing in the area from Leadbetter Point to Cape Falcon (Columbia River subarea) to slow down Chinook salmon catch to ensure that sufficient quota remains to access coho salmon and preserve the length of the season while avoiding exceedance of the Chinook salmon guideline. This subarea opened with a coho salmon quota of 84,000 and a Chinook salmon guideline of 7,700. Through July 10, 2022, 6,761 coho salmon were caught (8 percent of the subarea quota) and 2,265 Chinook salmon were caught (29 percent of the subarea guideline).

The RA considered the landings of Chinook and coho salmon to date and projected catch, fishery effort occurring to date and projected effort, and quotas and guidelines set preseason and determined that this inseason action was necessary to extend the recreational salmon season in this area in order to meet management goals set preseason. Inseason actions to modify boundaries, including landing boundaries, and establishment of closed areas is authorized under 50 CFR 660.409(b)(1)(v).

Inseason Action #29

Description of the action: Inseason action #29 modifies the landing and possession limit for the commercial salmon troll fishery across the entire north of Cape Falcon area, regardless of subarea, to 30 Chinook salmon per vessel per landing week (Thursday through Wednesday).

Effective date: Inseason action took effect on July 21, 2022, and remains in effect until superseded.

Reason and authorization for the action: Inseason action #29 was necessary to slow the rate of Chinook

salmon catch in order to preserve the length of the season by setting a lower landing and possession limit. The RA considered the landings of Chinook salmon to date and projected catch, fishery effort occurring to date and projected effort, and quotas set pre-season and determined that this in-season action was necessary to provide greater fishing opportunity and provide economic benefit to the fishery dependent community by preserving season length. The modification of commercial landing and possession limits is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #30

Description of the action: Inseason action #30 modifies the recreational salmon fishery from the Queets River to Leadbetter Point (Westport subarea). The daily bag limit is two salmon per day, Chinook salmon retention prohibited on Fridays and Saturdays. Sunday through Thursday, the daily bag limit allows one of the two salmon to be a Chinook salmon.

Effective date: Inseason action took effect on July 22, 2022, and remains in effect until superseded.

Reason and authorization for the action: Chinook salmon catch rates have been higher than anticipated pre-season. This inseason action was necessary to slow down the Chinook salmon catch in order to preserve the length of the season while avoiding exceedance of the Chinook salmon guideline. For the week of July 11, 2022, through July 17, 2022, for the area from the Queets River to Leadbetter Point (Westport subarea), 1,424 Chinook salmon were landed, bringing the cumulative total to 4,145 Chinook salmon (34 percent of the guideline). In addition, 1,736 coho salmon were landed, bringing the cumulative total to 3,851 coho salmon (6 percent of the quota).

The RA determined that this inseason was necessary to remain within the available recreational Chinook salmon guideline in the Westport subarea in order to meet management goals set pre-season including the Pacific Coast Salmon Fishery Management Plan objective to extend the fishing season through Labor Day weekend if feasible and consistent with the available quota. The modification of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

Inseason Action #31

Description of the action: Inseason action #31 modifies the tribal salmon troll fishery for the Makah Tribe. Effective 11:59 p.m. on, July 24, 2022, Area 3 north of 48°02'15" N. (Norwegian

Memorial) and Areas 4, 4A, and 4B, the fishery is closed until further notice.

Effective dates: Inseason action #31 took effect on July 24, 2022, and remains in effect until superseded.

Reason and authorization for the action: The Makah Tribe found that it was necessary to close the fishery in order to assess Chinook and coho salmon catches to date and develop a plan for reopening the tribal fishery for the remainder of the season in order to stay within the pre-season treaty tribal troll quota and preserve season length. The Makah Tribe notified staff from NMFS, Council, and WDFW of the need to close the fishery. The RA concurred with the closure. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #32

Description of the action: Inseason action #32 modifies the July–September sub-quota for the treaty Indian salmon fishery north of Cape Falcon that was set pre-season at 20,000 Chinook salmon, to 34,547 Chinook salmon through an impact-neutral rollover of unused May–June sub-quota.

Effective dates: Inseason action #32 took effect on July 1, 2022, and remains in effect until the end of the 2022 treaty Indian salmon season on September 15, 2022, at 11:59 p.m.

Reason and authorization for the action: The tribal fisheries reported a remaining catch of 14,457 Chinook salmon from the May–June fishery sub-quota of 20,000 Chinook. The STT determined the overage could be rolled over to the July–September fishery on an impact-neutral basis resulting in a new Chinook salmon sub-quota for the July–September period of 34,547. The Makah Tribe notified staff from NMFS, Council, and WDFW of the need for modification of the July–September quota. The RA concurred with the quota modification. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #33

Description of the action: Inseason action #33 modifies the tribal salmon troll fishery for the Makah Tribe. Effective 11:59 p.m. on Tuesday, July 26, until the end of the management period (September 15, 2022), Area 3 north of 48°02'15" N. (Norwegian Memorial) and Areas 4, 4A, and 4B, are open. The landing limit is not to exceed 300 Chinook salmon per vessel per calendar week (12:01 a.m. Sunday–11:59 p.m. Saturday). After August 1, release all chum.

Effective dates: Inseason action was effective on July 26, 2022, and will

remain in effect until September 15, 2022, at 11:59 p.m.

Reason and authorization for the action: The Makah Tribe evaluated the catch and landings and determined that implementing a landing limit to 300 Chinook salmon per vessel per calendar week would slow down the Chinook salmon catch while still allowing access to coho salmon for the remainder of the season. The Makah Tribe notified staff from NMFS, Council, and WDFW of the need to open the fishery and the regulatory provisions adopted. The RA concurred with the season modification. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

All other management measures remain in effect as announced for the 2022 ocean salmon fisheries (87 FR 29690; May 16, 2022), as modified by previous inseason actions (87 FR 41260, July 12, 2022; 87 FR 49534, August 11).

The RA determined that these inseason actions were warranted based on the best available information on Pacific salmon abundance forecasts, landings to date, anticipated fishery effort and projected catch, and the other factors and considerations set forth in 50 CFR 660.409. The states and tribes manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone (3–200 nautical miles (5.6–370.4 kilometers)) off the coasts of the states of Washington, Oregon, and California) consistent with these Federal actions. As provided by the inseason notice procedures at 50 CFR 660.411, actual notice of the described regulatory action was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

NMFS issues these actions pursuant to section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). These actions are authorized by 50 CFR 660.409, which was issued pursuant to section 304(b) of the MSA, and are exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment on this action was impracticable because NMFS had insufficient time to provide for prior notice and the opportunity for public comment between the time

Chinook and coho salmon abundance, catch, and effort information were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best scientific information available and that fishery participants can take advantage of the additional fishing opportunity these changes provide. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (87 FR 29690; May 16, 2022), the Fishery Management Plan (FMP), and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of this action would restrict fishing at levels inconsistent with the goals of the FMP and the current management measures.

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

Dated: August 22, 2022.

Jennifer M. Wallace,

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 679

[Docket No. 220223–0054; RTID 0648–XC285]

Fisheries of the Exclusive Economic Zone Off Alaska; “Other Rockfish” in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

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

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of “other rockfish” in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2022 “other rockfish” total allowable catch (TAC) in the Aleutian Islands subarea of the BSAI has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), August 23, 2022, through 2400 hours, A.l.t., December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2022 “other rockfish” TAC in the Aleutian Islands subarea of the BSAI is 394 metric tons (mt) as established by the final 2022 and 2023 harvest specifications for groundfish in the BSAI (87 FR 11626; March 2, 2022). In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2022 “other rockfish” TAC in the Aleutian Islands subarea of the BSAI has been reached. Therefore, NMFS is requiring that “other rockfish” in the Aleutian Islands subarea of the BSAI be treated in the same manner as a prohibited species, as described under § 679.21(a), for the remainder of the year, except “other rockfish” species in the Aleutian Islands subarea caught by catcher vessels using

hook-and-line, pot, or jig gear as described in § 679.20(j).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting retention of “other rockfish” in the Aleutian Islands subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 22, 2022.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: August 22, 2022.

Jennifer M. Wallace,

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

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