

determination. The Tribe will evaluate hunter participation, species-specific swan harvest, and hunter compliance in providing species-determinant parts (at least the intact head) of harvested swans for species identification. The Tribe will use appropriate measures to maximize hunter compliance with the Tribe's program for swan harvest reporting. The Tribe will provide to the Service by June 30 following the swan season a report detailing hunter participation, species-specific swan harvest, and hunter compliance in reporting harvest.

*General Conditions:* No rifles, revolvers, pistols, or shotgun pellets larger than #2 birdshot may be used in pursuit of migratory game birds. Only Service-approved nontoxic shot may be used to take migratory game birds. No baiting is allowed, including no take of sandhill cranes on or over lands where standing crops have been manipulated to distribute or scatter grain or other feed on the land where it was grown. The Tribe hunts other migratory game birds but follows the State of Utah (Uintah and Duchesne Counties) for seasons and bag limits except for in some cases where the Tribe may be more restrictive. For additional information, see the Ute Indian Tribes General Hunting Regulations.

(bb) *White Earth Band of Ojibwe, White Earth, Minnesota (Tribal Members Only).*

#### Ducks

*Season Dates:* September 10–December 11, 2022.

*Daily Bag Limits:* 10 ducks, including no more than 2 female mallards, 2 pintail, and 2 canvasbacks.

#### Mergansers

*Season Dates:* September 10–December 11, 2022.

*Daily Bag Limits:* 5 mergansers, no more than 2 of which may be hooded mergansers.

#### Geese

*Season Dates:* Early season is September 1–23, 2022, and late season is September 24–December 18, 2022.

*Daily Bag Limits:* 10 geese in the early season and 7 geese in the late season.

#### Coots

*Season Dates:* September 1–November 30, 2022.

*Daily Bag Limits:* 20 coots.

#### Snipe, Woodcock, Rails, and Mourning Doves

*Season Dates:* September 1–November 30, 2022.

*Daily Bag Limits:* 10 snipe, 10 woodcock, 25 rails, and 25 mourning doves.

*General Conditions:* Shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontoxic shot is required. The White Earth Reservation Tribal Council employs four full-time conservation officers to enforce migratory bird regulations.

(cc) *White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters).*

#### Ducks (Except Scaup), Coots, Mergansers, Gallinules

*Season Dates:* October 15, 2022–January 22, 2023 (scaup November 5, 2022–January 22, 2023).

*Daily Bag Limits:* 7 ducks (including mergansers), which may include no more than 2 redheads, 1 pintail, 2 scaup (when open), 2 female mallards, and 2 canvasbacks. The daily bag limit for coots and gallinules is 25 in the aggregate.

#### Canada/Cackling Geese

*Season Dates:* October 15, 2022–January 22, 2023.

*Daily Bag Limits:* 3 Canada/cackling geese.

*General Conditions:* Possession limits are two times the daily bag limits. Shooting hours are from one-half hour before sunrise to sunset. There is no open season for mourning doves, band-tailed pigeons, sandhill cranes, rails, and snipe. Tribal members and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20. Special regulations that apply to Tribal members and nontribal hunters may be obtained from the White Mountain Apache Tribe Game and Fish Department.

#### Maureen D. Foster,

*Chief of Staff, Office of the Assistant Secretary for Fish and Wildlife and Parks.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 200124–0029; RTID 0648–XC320]

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2022 Red Snapper Private Angling Component Closure in Federal Waters off Texas

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

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces a closure for the 2022 fishing season for the red snapper private angling component in the exclusive economic zone (EEZ) off Texas in the Gulf of Mexico (Gulf) through this temporary rule. The red snapper recreational private angling component in the Gulf EEZ off Texas closes on September 3, 2022 until 12:01 a.m., local time, on January 1, 2023. This closure is necessary to prevent the private angling component from exceeding the Texas regional management area annual catch limit (ACL) and to prevent overfishing of the Gulf red snapper resource.

**DATES:** This closure is effective from 12:01 a.m., local time, on September 3, 2022 until 12:01 a.m., local time, on January 1, 2023.

**FOR FURTHER INFORMATION CONTACT:**

Daniel Luers, NMFS Southeast Regional Office, telephone: 727–824–5305, email: [daniel.luers@noaa.gov](mailto:daniel.luers@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Gulf reef fish fishery, which includes red snapper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Amendment 40 to the FMP established two components within the recreational sector fishing for Gulf red snapper: the private angling component, and the Federal for-hire component (80 FR 22422, April 22, 2015). Amendment 40 also allocated the red snapper recreational ACL (recreational quota) between the components and established separate seasonal closures for the two components. On February 6, 2020, NMFS implemented Amendments 50 A–F to the FMP, which delegated authority to the Gulf states (Louisiana, Mississippi, Alabama, Florida, and Texas) to establish specific management measures for the harvest of red snapper in Federal waters of the Gulf by the private angling component of the recreational sector (85 FR 6819, February 6, 2020). These amendments allocate a portion of the private angling ACL to each state, and each state is required to constrain landings to its allocation.

As described at 50 CFR 622.23(c), a Gulf state with an active delegation may

request that NMFS close all, or an area of, Federal waters off that state to the harvest and possession of red snapper by private anglers. The state is required to request the closure by letter to NMFS, providing dates and geographic coordinates for the closure. If the request is within the scope of the analysis in Amendment 50A, NMFS publishes a notice in the **Federal Register** implementing the closure for the fishing year. Based on the analysis in Amendment 50A, Texas may request a closure of all Federal waters off the state to allow a year-round fishing season in state waters. As described at 50 CFR 622.2, “off Texas” is defined as the waters in the Gulf west of a rhumb line from 29°32.1' N lat., 93°47.7' W long. to 26°11.4' N lat., 92°53' W long., which line is an extension of the boundary between Louisiana and Texas.

On December 3, 2021, NMFS received a request from the Texas Parks and Wildlife Department (TPWD) to close the EEZ off Texas to the red snapper private angling component for the first part of the 2022 fishing year. Texas requested that the closure be effective from January 1, 2022, until June 1, 2022. NMFS determined that the TPWD request was within the scope of analysis contained within Amendment 50A, and subsequently published a temporary rule in the **Federal Register** implementing that closure request (86 FR 70985, December 14, 2021). In that temporary rule, NMFS noted that TPWD would monitor private recreational landings, and if necessary, request that NMFS again close the EEZ in 2022 to ensure the Texas regional management area ACL is not exceeded.

On August 24, 2022, NMFS received a new request from the TPWD to close the EEZ off Texas to the red snapper private angling component for the remainder of the 2022 fishing year. Texas requested that the closure be effective on September 3, 2022, through the end of the 2022 fishing year. NMFS has determined that this request is within the scope of analysis contained within Amendment 50A, which analyzed the potential impacts of a closure of all Federal waters off Texas when a portion of the Texas quota has been landed. As explained in Amendment 50A, Texas intends to maintain a year-round fishing season in state waters, during which the remaining part of Texas' ACL could be caught.

Therefore, the red snapper recreational private angling component in the Gulf EEZ off Texas will close from 12:01 a.m., local time, on September 3, 2022, until 12:01 a.m., local time, on January 1, 2023. This

closure applies to all private-anglers (those on board vessels that have not been issued a valid charter vessel/headboat permit for Gulf reef fish) regardless of which state they are from or where they intend to land.

On and after the effective dates of the closure in the EEZ off Texas, the harvest and possession of red snapper in the EEZ off Texas by the private angling component is prohibited and the bag and possession limits for the red snapper private angling component in the closed area is zero.

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.23(c), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, 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 are unnecessary and contrary to the public interest.

Such procedures are unnecessary because the rule implementing the area closure authority and the state-specific private angling ACLs has already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because a failure to implement the closure immediately would be inconsistent with Texas's state management plan and may result in less access to red snapper in state waters.

For the aforementioned reasons, there is good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: August 29, 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 622

[Docket No. 140501394-5279-02; RTID 0648-XC303]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2022 Commercial Closure for Blueline Tilefish in the South Atlantic

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements an accountability measure for blueline tilefish in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects commercial landings of blueline tilefish have reached the commercial annual catch limit (ACL) for the 2022 fishing year. Therefore, NMFS is closing the commercial sector for blueline tilefish in the South Atlantic EEZ. This closure is necessary to protect the blueline tilefish resource.

**DATES:** This temporary rule is effective from 12:01 a.m., eastern time, on September 3, 2022, through December 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** Mary Vara, NMFS Southeast Regional Office, telephone: 727-824-5305, email: [mary.vara@noaa.gov](mailto:mary.vara@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic includes blueline tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council and NMFS prepared the FMP, and the FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights in this temporary rule are given in round weight.

As specified at 50 CFR 622.193(z)(1)(i), the commercial ACL for blueline tilefish is 117,148 lb (53,137 kg). The commercial accountability measure for blueline tilefish requires NMFS to close the commercial sector when its ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has projected that for the 2022 fishing year, the commercial ACL for South Atlantic blueline tilefish