

that activities they authorize, fund, or carry out may affect Nelson's checker-mallow. There is no critical habitat designated for this species, so there is no effect to 50 CFR 17.96.

Post-Delisting Monitoring

Section 4(g)(1) of the Act requires us, in cooperation with the States, to implement a monitoring program for not less than 5 years for all species that have been delisted due to recovery. PDM refers to activities undertaken to verify that a species delisted due to recovery remains secure from the risk of extinction after the protections of the Act no longer apply. The primary goal of PDM is to monitor the species to ensure that its status does not deteriorate, and if a decline is detected, to take measures to halt the decline so that proposing it as endangered or threatened is not again needed. If at any time during the monitoring period data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing.

We are delisting Nelson's checker-mallow due to recovery based on our analysis in the SSA report, expert opinions, and conservation actions taken. We have prepared a PDM plan that discusses the current status of the taxon and describes the methods for monitoring its status. The PDM plan: (1) summarizes the status of Nelson's checker-mallow at the time of delisting; (2) describes frequency and duration of monitoring; (3) discusses monitoring methods and sampling regimes; (4) defines what triggers will be evaluated to address the need for additional monitoring; (5) outlines reporting requirements and procedures; (6) provides a schedule for implementing the PDM plan; and (7) defines responsibilities. It is our intent to work with our partners towards maintaining the recovered status of Nelson's checker-mallow. To view a copy of the PDM plan, see **ADDRESSES**, above.

Required Determinations

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.), need not be prepared in connection with determining a species' listing status under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal**

Register on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes on a government-to-government basis. In accordance with Secretary's Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. Several Nelson's checker-mallow sites occur on Confederated Tribe of Grand Ronde (Tribe) lands, and some sites may lie within the usual and accustomed places for Tribal collection and gathering of resources. The Tribe has a plan in place to manage and monitor Nelson's checker-mallow and a new memorandum of understanding with the Service for data sharing.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov> and upon request from the Service's Oregon Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this final rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Oregon Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

Accordingly, we hereby amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

§ 17.12 [Amended]

■ 2. In § 17.12, in paragraph (h), amend the List of Endangered and Threatened Plants by removing the entry for “*Sidalcea nelsoniana*” under FLOWERING PLANTS.

Martha Williams,

Director, U.S. Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 230316–0077; RTID 0648–XD421]

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the 2023 Specifications

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS is adjusting the 2023 Atlantic herring specifications for the remainder of 2023. Herring regulations specify that NMFS will subtract 1,000 metric tons (mt) from the management uncertainty buffer and reallocate it to the herring annual catch limit and Area 1A sub-annual catch limit if NMFS determines that the New Brunswick weir fishery landed less than 2,722 mt of herring through October 1.

DATES: Effective October 12, 2023 through December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Maria Fenton, Fishery Management Specialist, 978–281–9196.

SUPPLEMENTARY INFORMATION: NMFS published final 2023 specifications for the Atlantic herring fishery on March 23, 2023 (88 FR 17397), establishing the 2023 annual catch limit (ACL) and management area sub-ACLs. The regulations at 50 CFR 648.201(h) specify that NMFS will subtract 1,000 mt from the management uncertainty buffer and reallocate it to the herring ACL and Area

1A sub-ACL if NMFS determines that the New Brunswick weir fishery landed less than 2,722 mt of herring through October 1. When such an adjustment is made, the regulations at § 648.201(h) state that NMFS will notify the New England Fishery Management Council and publish the adjustment in the **Federal Register**.

Data from Canada’s Department of Fisheries and Oceans indicate that the New Brunswick weir fishery landed 525 mt of herring through October 1, 2023. Based on this catch information and NMFS’ analysis of recent catch performance data, the best available information indicates that the New Brunswick weir fishery landed less than 2,722 mt of herring through October 1,

2023, and NMFS is implementing an inseason adjustment to the 2023 herring fishery specifications. Effective upon notice filing in the **Federal Register**, the management uncertainty buffer will decrease from 4,220 mt to 3,220 mt, the ACL will increase from 12,287 mt to 13,287 mt, and the Area 1A sub-ACL will increase from 3,345 mt to 4,345 mt for the remainder of 2023 (Table 1).

TABLE 1—ATLANTIC HERRING SPECIFICATIONS FOR 2023

	Current specifications (mt)	Adjusted specifications (mt)
Overfishing Limit	29,138	29,138
Acceptable Biological Catch	16,649	16,649
Management Uncertainty	4,220	3,220
Optimum Yield/ACL	12,287	13,287
Domestic Annual Harvest	12,429	13,429
Border Transfer	0	0
Domestic Annual Processing	12,429	13,429
U.S. At-Sea Processing	0	0
Area 1A Sub-ACL (28.9 percent)	3,345	4,345
Area 1B Sub-ACL (4.3 percent)	555	555
Area 2 Sub-ACL (27.8 percent)	3,589	3,589
Area 3 Sub-ACL (39 percent)	4,806	4,806
Fixed Gear Set-Aside	30	30
Research Set-Aside (RSA)	0%	0%

Once this temporary rule takes effect, NMFS will use the adjusted specifications for the remainder of 2023 when evaluating whether NMFS needs to implement a possession limit adjustment for Area 1A or for the whole fishery. The regulations at § 648.201(a)(1)(i)(A) specify that NMFS shall implement a 2,000-pound (lb) (907.2-kilogram (kg)) possession limit for herring for Area 1A beginning on the date that catch is projected to reach 92 percent of the sub-ACL for that area. The regulations at § 648.201(a)(1)(ii) specify that NMFS shall close the herring fishery and implement a 2,000-lb (907.2-kg) possession limit for herring beginning on the date that catch is projected to reach 95 percent of the ACL.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is in accordance with 50 CFR part 648, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this inseason adjustment because it would be unnecessary and contrary to the public interest. This inseason adjustment reallocates a portion of the management uncertainty buffer to the herring ACL and Area 1A sub-ACL for the remainder of the calendar year pursuant to a previously published regulation that provides notice of this annual potential adjustment and does not include discretionary implementation. Further, this reallocation process was the subject of prior notice and comment rulemaking. The inseason adjustment is routine and formulaic, specified in the regulations, and is expected by industry. The potential to reallocate the management uncertainty buffer was also outlined in the 2023 herring specifications that were published March 23, 2023 (88 FR 17397), which were developed through public notice and comment. Further, this inseason

adjustment provides additional economic opportunity for the herring fleet. If implementation of this action is delayed to solicit public comment, the objective of the fishery management plan to achieve optimum yield in the fishery could be compromised. Deteriorating weather conditions during the latter part of the fishing year may reduce fishing effort, and could also prevent the ACL from being fully harvested. This would result in a negative economic impact on vessels permitted to fish in this fishery. Based on these considerations, NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period.

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

Dated: October 11, 2023.

Jennifer M. Wallace,

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