

revise the Alaska subsistence harvest regulations. The 2021 rulemaking action incorporated regulatory amendments that were recommended by the Council in 2019 and approved by the Service in 2020 (85 FR 73233, November 17, 2020) and included revisions to 50 CFR 92.31(e), pertaining to the Kodiak Archipelago Region. The rule provided for a 3-year experimental season for subsistence migratory bird hunting and egg gathering by registration permit only within the Kodiak Island Roaded Area (hereafter, “the Roaded Area”). The regulations allow residents of the Kodiak Archipelago Region the opportunity to participate in subsistence harvest activities without the need for a boat. Prior to the 2021 final rule, the Roaded Area and marine waters adjacent to the Roaded Area (within 500 feet from the water’s edge), were closed to harvest. Under these regulations, which are still in effect, the Roaded Area is closed to hunting and egg gathering for Arctic terns, Aleutian terns, mew gulls, and emperor geese.

The Council expected that the 3-year experimental season would begin in 2020 and continue through 2022, and the preambles to the 2020 proposed and final rules associated those years (2020–2022) with the 3-year experimental season. However, delays in the 2020 rulemaking process prevented the 3-year experimental season from beginning in 2020 as initially planned. Therefore, in the April 19, 2021, final rule (86 FR 20311), we stated that our intent to allow a 3-year experimental season for migratory bird hunting and egg gathering by registration permit along the Roaded Area remained the same, but that this activity would now occur during the 2021–2023 seasons with the experimental season terminating at the end of 2023. We further stated that reopening the Roaded Area after the 3-year experimental period would require a subsequent proposal from the Council for continuation of the season under either operational or experimental status.

Accordingly, in 2021, the Roaded Area was opened to spring–summer subsistence hunting of migratory birds and egg gathering. Participants of this experimental program first must obtain a registration permit and later must report their harvest.

#### **Council Recommendation and Service Decision**

In spring of 2023, the Council recommended to the Service that the 3-year experimental season for subsistence migratory bird hunting and egg gathering by registration permit only for the Roaded Area be extended an

additional year. Because evaluation of the first 3 years of harvest data will extend into 2024, the Council determined that the experimental period should be extended through the 2024 season.

The 2023 subsistence harvest season closed after August 31, 2023. The Council is now assessing the effect of the experimental season and will develop a recommendation regarding the operational status for the Roaded Area in 2025 and beyond. The 1-year extension will allow the current harvest opportunity to continue until an evaluation of the first 3 years of data (2021–2023) is completed and a proposal to guide future harvest opportunity in the Roaded Area can be developed.

The Service concurs with the Council recommendation. Therefore, we announce that we are extending the experimental season through the end of the 2024 season (August 31, 2024). No revisions to the regulations pertaining to the Kodiak Archipelago Region are necessary because the regulations at 50 CFR 92.31(e) do not specify an end point for the registration permit program.

**Authority:** This document is published under the authority of the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*).

**Jerome Ford,**

*Assistant Director, Migratory Bird Program.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 622**

[Docket No. 100217095–2081–04; RTID 0648–XD915]

#### **Reef Fish Fishery of the Gulf of Mexico; 2024 Recreational Accountability Measure and Closure for Gulf of Mexico Red Grouper**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements an accountability measure (AM) for the red grouper recreational sector in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) for the 2024 fishing year through this temporary rule. NMFS has projected that the 2024 recreational annual catch target (ACT)

for Gulf red grouper will have been reached by July 1, 2024. Therefore, NMFS closes the recreational sector for Gulf red grouper on July 1, 2024, and it will remain closed through the end of the fishing year on December 31, 2024. This closure is necessary to protect the Gulf red grouper resource.

**DATES:** This temporary rule is effective from 12:01 a.m., local time, on July 1, 2024, until 12:01 a.m., local time, on January 1, 2025.

**FOR FURTHER INFORMATION CONTACT:** Dan Luers, NMFS Southeast Regional Office, telephone: 727–551–5719, email: [daniel.luers@noaa.gov](mailto:daniel.luers@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS manages the Gulf reef fish fishery, which includes red grouper, under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The Gulf of Mexico Fishery Management Council prepared the FMP, which was approved by the Secretary of Commerce, and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All red grouper weights discussed in this temporary rule are in gutted weight.

In 2022, NMFS published a final rule implementing a framework action under the FMP (87 FR 40742, July 8, 2022), which set the current red grouper recreational annual catch limit (ACL) of 2.02 million lb (0.92 million kg) and the ACT of 1.84 million lb (0.83 million kg) (50 CFR part 622.41(e)(2)(iv)). Under regulations at 50 CFR 622.41(e)(2)(i), if red grouper recreational landings reach or are projected to reach the recreational ACL, NMFS will close the recreational sector for the remainder of the fishing year. However, as specified in 50 CFR 622.41(e)(2)(ii), in the year following a recreational ACL overage, NMFS is required to reduce the length of the following year’s recreational fishing season by the amount necessary to ensure that the recreational ACT is not exceeded in that following year. Preliminary landings estimates indicate that the Gulf red grouper recreational ACL was exceeded in 2023 by 498,743 lb (226,226 kg).

NMFS projects that the 2024 recreational ACT for Gulf red grouper of 1.84 million lb (0.83 million kg) will be reached as of July 1, 2024. This closure date is based on projected harvest rates using the average of recreational landings from 2021 through 2023, and the evaluation of four scenarios that generated predicted closure dates ranging from July 13, 2024, to August 2, 2024. NMFS is acting conservatively in

setting the 2024 recreational season by choosing an earlier closure date than the projecting scenarios because recreational harvest exceeded the red grouper recreational ACL by approximately 72 percent in 2021, by 35 percent in 2022, and by 25 percent in 2023. Accordingly, this temporary rule closes the recreational sector for Gulf red grouper effective at 12:01 a.m., local time, on July 1, 2024, through the end of the fishing year on December 31, 2024.

During the recreational closure, the bag and possession limits for red grouper in or from the Gulf EEZ are zero. The prohibition on possession of Gulf red grouper also applies in Gulf state waters for any vessel issued a valid Federal charter vessel/headboat permit for Gulf reef fish.

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.41(e)(2)(i) and (ii), 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 is unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the closure of the red grouper recreational sector at 50 CFR 622.41(e)(2)(i) and (ii) have already been subject to notice and public comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment are contrary to the public interest because there is a need to immediately implement this action to protect the red grouper stock and provide sufficient notice to recreational sector participants. Prior notice and opportunity for public comment would require time and could result in a harvest in excess of the established ACT and ACL. In addition, many charter vessel/headboat operations book trips for clients in advance and require as much notice as NMFS is able to provide to adjust their business plans to account for the recreational fishing season.

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

Dated: April 26, 2024.

#### Everett Wayne Baxter,

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. 240425-0119]

RIN 0648-BM53

#### Fisheries Off West Coast States; West Coast Salmon Fisheries; Federal Salmon Regulations for Overfished Species Rebuilding Plans

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is revising regulations that implement the Pacific Fishery Management Council's (Council) Pacific Coast Salmon Fishery Management Plan (FMP). This final action removes the rebuilding plan for Snohomish River coho salmon from regulation, as this stock has been rebuilt and is no longer required to be managed under a rebuilding plan.

**DATES:** Effective May 31, 2024.

#### FOR FURTHER INFORMATION CONTACT:

Shannon Penna, Fishery Management Specialist, 562-980-4239, [Shannon.Penna@noaa.gov](mailto:Shannon.Penna@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

Regulations at 50 CFR part 660, subpart H implement the management of West Coast salmon fisheries under the FMP in the exclusive economic zone (3 to 200 nautical miles (5.6 to 370.4 kilometers)) off the coasts of the States of Washington, Oregon, and California.

The Snohomish River coho salmon stock contributes to U.S. ocean salmon fisheries north of Cape Falcon, ocean salmon fisheries off British Columbia, and marine and freshwater Puget Sound salmon fisheries. In 2018, NMFS determined that Snohomish River coho salmon was overfished under the Magnuson-Stevens Fishery and Conservation Management Act (MSA) (Letter from Barry A. Thom, NMFS West Coast Regional Administrator, to Chuck Tracy, Pacific Fishery Management Council Executive Director, dated June 18, 2018). The MSA requires Councils to develop and implement a rebuilding plan within 2 years of being notified by NMFS that a stock is overfished. In this case, the stock was determined to be overfished when the 3-year geometric spawning escapement dropped below 50,000 spawners. The Council transmitted its recommended rebuilding plan to NMFS on October 17, 2019, which was similar to the existing

management framework, to rebuild Snohomish River coho salmon. Estimates of Snohomish River coho exploitation rates were not available for 2020 and 2021; however, fisheries in earlier years resulted in exploitation rates below the maximum fishing mortality threshold (0.6); therefore, Snohomish River coho were not considered subject to overfishing.

The Council determined that the recommended rebuilding plan met the MSA requirement to rebuild the stock as quickly as possible, taking into account the status and biology of any overfished stock and the needs of fishing communities (50 CFR 600.310(j)(3)(i)). NMFS approved and implemented the Council's recommended rebuilding plan for Snohomish River coho salmon through a final rule (86 FR 9301, February 21, 2021).

In 2023, NMFS determined that Snohomish River coho salmon met the criteria in the FMP for being rebuilt and notified the Council (Letter from Jennifer Quan, NMFS West Coast Regional Administrator, to Merrick Burden, Pacific Fishery Management Council Executive Director, dated October 13, 2023). A stock is rebuilt when the 3-year geometric mean spawning escapement exceeds the level associated with the maximum sustainable yield ( $S_{MSY}$ ). When Snohomish River coho salmon was determined to be overfished, the 3-year geometric mean was 29,677 (2014 to 2016). The most recent 3-year geometric mean of the spawning escapement reported for this stock (2019 to 2021) is 55,154, which exceeds the spawning escapement requirement to achieve  $S_{MSY}$  for this stock, 50,000 spawners. Because the stock is rebuilt, it is no longer required to be managed under a rebuilding plan. Therefore, the Snohomish River coho salmon rebuilding plan should be removed from regulation to avoid confusion regarding the stock's status. Additionally, removing the Snohomish River coho salmon rebuilding plan from regulation will avoid confusion should NMFS make a future determination that the Snohomish River coho salmon stock is overfished again, in which case the MSA requires the Council to prepare and implement a rebuilding plan within 2 years of that determination (50 CFR 600.310(j)(2)(ii)). Leaving the current rebuilding plan in regulation could cause confusion as it might be misperceived as being the default rebuilding plan for Snohomish River coho salmon or required for current management, which was not the intention of the Council nor of NMFS. Therefore, to avoid confusion, it is