

If needed to ensure available quotas or subquotas are not exceeded or to enhance fishing opportunities, subsequent Angling category adjustments or closures will be published in the **Federal Register** per §§ 635.27(a)(7) and 635.28(a)(1). Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 centimeters) to less than 73 inches (185 centimeters), and any further Angling category adjustments, is available at <https://hmspermits.noaa.gov>. During a closure, fishermen aboard HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally may continue to 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. 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>.

### Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Per § 635.5(c)(1), HMS Angling and HMS Charter/Headboat permitted 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 <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 (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635, and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), 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. Specifically, the regulations implementing the 2006 Consolidated HMS FMP and its amendments provide for inseason retention limit 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. Providing for prior notice and opportunity to comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information, the Angling category Gulf of Maine area trophy BFT fishery subquota has been reached and exceeded. Delaying this action could result in further 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 Gulf of Maine area trophy BFT fishery before additional landings of these sizes of BFT occur. Taking this action does not raise conservation and management concerns, and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment and closure criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effectiveness.

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

Dated: July 29, 2024.

**Lindsay Fullenkamp,**

*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. 031125294-4091-02; RTID 0648-XE041]

#### Fisheries off West Coast States; the Highly Migratory Species Fishery; El Niño Pacific Loggerhead Conservation Area Closure

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

**ACTION:** Temporary rule; reopening of closure.

**SUMMARY:** NMFS is reopening the Pacific Loggerhead Conservation Area (LCA) closure that became effective on June 1, 2024, because the sea surface temperatures (SSTs) in the Southern

California Bight (SCB) for the months of May and June 2024 indicate that SSTs have returned to normal or below normal and that El Niño conditions are no longer present in the SCB. The LCA prohibits fishing with large-mesh drift gillnet (DGN) gear (≥14 inches mesh) off the coast of southern California east of the 120° W meridian from June 1, 2024, through August 31, 2024. Based on recent observations of SSTs in the SCB along with the Climate Prediction Center (CPC) report related to changing El Niño conditions, NMFS has determined that reopening the area is warranted.

**DATES:** Effective 12:01 a.m., Pacific Daylight Time, on August 1, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Chris Fanning, West Coast Region (WCR), NMFS, (562) 980-4198, [chris.fanning@noaa.gov](mailto:chris.fanning@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The DGN fishery is managed under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (50 CFR part 660, subpart K) and occurs off the coast of California. NMFS regulations state that “no person may fish with, set, or haul back drift gillnet gear in U.S. waters of the Pacific Ocean east of the 120° W meridian from June 1 through August 31 during a forecasted, or occurring, El Niño event off the coast of southern California” (50 CFR 660.713(c)(2)). This area, which overlaps with the SCB, is referred to in the regulations as the “Pacific loggerhead conservation area” or “LCA.”

Under 50 CFR 660.713(c)(2)(ii), the Assistant Administrator (AA) is to rely on information developed by NOAA offices (the CPC and the West Coast Office of the Coast Watch program) to make the determination that an El Niño event is forecasted or occurring off southern California. The AA is to use monthly SST charts to determine whether there are warmer-than-normal SSTs off southern California “during the months prior to the closure months for years in which an El Niño event has been declared” by the CPC. Specifically, the AA is to use SST data from the second and third months prior to the month of closure. Thus, to make a determination for a closure to begin in June, the AA used data from March and April.

These regulations protect loggerhead sea turtles, specifically the North Pacific Loggerhead Distinct Population Segment, which are listed as endangered under the Endangered Species Act. The regulations initially were implemented to address a reasonable and prudent alternative

included in NMFS' 2000 biological opinion for this fishery. The current biological opinion (2023) analyzed maintaining the closed area as a management measure in the U.S. West Coast Fishery Management Plan for Highly Migratory Species.

On May 9, 2024, the CPC issued an El Niño Advisory. Under the CPC's El Niño/Southern Oscillation (ENSO) diagnostic system, an El Niño Advisory is issued when El Niño conditions are observed and expected to continue. NMFS staff reviewed the SST anomalies in the SCB during March and April of 2024, relying on SST maps available through NOAA's Coast Watch program (for details see <https://coastwatch.pfeg.noaa.gov/erddap/index.html>). These maps indicated that SSTs were above normal in the SCB. NMFS determined that El Niño conditions were occurring off southern California based on SSTs that were warmer than normal during March and April 2024, consistent with regulations at 50 CFR 660.713(c)(2)(ii), and implemented the LCA on June 1, 2024 (89 FR 47106).

Per regulations at 50 CFR 660.713(c)(2)(iii), if SSTs return to normal or below normal during a closure period, the AA may reopen the fishery after publishing a **Federal Register** notice announcing that El Niño conditions are no longer present in the SCB.

The CPC report on June 13, 2024, indicated a transition from El Niño to ENSO-neutral/La Niña Watch conditions based on cooler SSTs observed and a forecasted continued cooling trend in the Pacific Ocean. The most recent CPC report on July 11, 2024, indicates ENSO-neutral is expected to continue for the next several months, with La Niña favored to emerge during August–October (70 percent chance) and persist into the Northern Hemisphere winter 2024–2025 (79 percent chance during November–January). Additionally, SST data summarized and available on the West Coast Office of the Coast Watch program website indicates cooler than normal temperatures in the SCB were reported in May, June, and July.

Based on this information, NMFS has determined that El Niño conditions are no longer present and that we may reopen the LCA under the regulations. NMFS has determined that re-opening the LCA is warranted to increase fishing opportunities and lessen regulatory burden on vessels' time-area access, while complying with legal and regulatory requirements to ensure the conservation of loggerhead sea turtles.

The LCA closure prohibits DGN fishing in the LCA through August 31, 2024. Fishing with DGN gear also is prohibited within 75 nautical miles of the mainland shore through August 14 under 50 CFR 660.713(d), which includes much of the LCA. Thus, this closure primarily affects the DGN fishery during the last two weeks in August, when fishing with DGN gear would otherwise be open in much of the LCA.

Most DGN vessels typically commence fishing on or near August 15, depending on various factors including when swordfish are present on the fishing grounds in commercially viable quantities. Currently, one vessel is present in the area immediately outside the LCA. We anticipate that up to seven vessels may start fishing in August.

#### Classification

This action is allowed by current regulations at 50 CFR 660.713 and is exempt from Office of Management and Budget review under Executive Order 12866.

NMFS finds good cause to waive the requirement to provide prior notice and an opportunity for public comment for this action pursuant to the authority set forth at 5 U.S.C. 553(b)(B). Notice and comment procedures for this action are impracticable and contrary to the public interest. Specifically, the regulations allow for lifting the DGN fishing restrictions in response to updated weather information. The most recent El Niño status determination occurred on July 11, 2024, and regulations provide that the AA may publish a **Federal Register** notice announcing that El Niño conditions are no longer present off the coast of southern California and may terminate the closure prior to August 31. The closure period began on June 1 and restricts fishing for swordfish and sharks within a defined geographic area. Relieving this restriction will allow fishers access to the area while swordfish and other marketable highly migratory species are available on the fishing grounds. Delaying this action for 30 days would prevent active fishers from accessing some of the fishing grounds in the LCA. Given the change in conditions, we expect that loggerhead turtles leave the LCA with the cooler temperatures and that there is little likelihood of turtle entanglements or interactions in the area. Therefore, we find that there is good cause to waive the 30-day notice and opportunity for public comment requirements.

The APA excepts from the 30-day delay in effective date a rule that “grants or recognizes an exception or relieves a restriction” (5 U.S.C. 553(d)(1)). This

rule relieves a restriction on DGN fishing in the LCA, and the 30-day delay in effective date therefore is not required.

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

Dated: July 26, 2024.

**Lindsay Fullenkamp,**

*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. 240726–0206; RTID 0648–XE135]

#### Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Interim Specifications and Management Measures for Pacific Sardine

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

**ACTION:** Final rule.

**SUMMARY:** This final rule implements interim annual harvest specifications and management measures for the northern subpopulation of Pacific sardine (hereafter, Pacific sardine), pursuant to an order issued on July 10, 2024, by the U.S. District Court for the Northern District of California in *Oceana, Inc., v. Raimondo, et al.*. Specifically, this rule re-instates the annual specifications and management measures that were in place for the 2023–2024 fishing year in whole, until the 2024–2025 annual Pacific sardine specifications and management measures are effective.

**DATES:** Effective July 29, 2024.

**FOR FURTHER INFORMATION CONTACT:** Katie Davis, West Coast Region, NMFS, (323) 372–2126, [Katie.Davis@noaa.gov](mailto:Katie.Davis@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This final rule re-instates the harvest specifications and management measures that were in place for the 2023–2024 Pacific sardine fishing year (88 FR 41040, June 23, 2023) and that expired on June 30, 2024. These interim harvest specifications and management measures are effective until the 2024–2025 annual Pacific sardine specifications are effective. Proposed 2024–2025 Pacific sardine harvest specifications and management