

harvest of king mackerel in the southern zone of the Gulf of Mexico (Gulf exclusive economic zone (EEZ) using run-around gillnet gear. NMFS has determined that landings of king mackerel harvested by run-around gillnet gear in the southern zone of the Gulf EEZ exceeded the commercial annual catch limit (ACL), equivalent to the commercial quota, in the 2020–2021 fishing year. Therefore, NMFS reduces the southern zone commercial ACL for king mackerel fishing using run-around gillnet gear in the Gulf EEZ during the 2021–2022 fishing year. This commercial ACL reduction is necessary to protect the Gulf king mackerel resource.

DATES: The temporary rule is effective from 6 a.m. local time on January 18, 2022, through June 30, 2022.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727–824–5305, email: kelli.odonnell@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish in the Gulf includes king mackerel, Spanish mackerel, and cobia, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils, 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. All weights for the Gulf migratory group of king mackerel (Gulf king mackerel) described in this temporary rule apply as either round or gutted weight.

The commercial ACL (equivalent to the commercial quota) for Gulf king mackerel is divided into separate ACLs for hook-and-line and run-around gillnet gear. The use of run-around gillnets for king mackerel is restricted to the Gulf southern zone. The Gulf southern zone includes the EEZ off Collier and Monroe Counties in south Florida. The Gulf southern zone encompasses an area of the EEZ south of a line extending due west from the boundary of Lee and Collier Counties on the Florida west coast, and south of a line extending due east from the boundary of Monroe and Miami-Dade Counties on the Florida east coast (50 CFR 622.369(a)(1)(iii)).

For the 2020–2021 fishing season, the commercial gillnet quota for Gulf king mackerel was 575,400 lb (260,997 kg). Regulations at 50 CFR 622.8(b) and 622.388(a)(1) require NMFS to close any

component of the king mackerel commercial sector when its respective quota has been reached, or is projected to be reached, by filing a notification with the Office of the Federal Register. On January 28, 2021, NMFS determined that the 2020–2021 commercial gillnet quota had been reached, and closed the commercial gillnet component for the remainder of the 2020–2021 fishing year (86 FR 7815, February 2, 2021).

NMFS' most recent landings data for the 2020–2021 fishing year indicate that the commercial gillnet component exceeded the 575,400-lb (260,997-kg) quota by 11,920 lb (5,407 kg). The AM specified in 50 CFR 622.388(a)(1)(iii) states if commercial landings of king mackerel caught by run-around gillnet gear exceed the commercial gillnet ACL, then NMFS will reduce the commercial gillnet ACL in the following fishing year by the amount of the ACL overage.

Prior to the application of the ACL reduction, the 2021–2022 commercial gillnet ACL for Gulf king mackerel in the southern zone is 575,400 lb (260,997 kg) (50 CFR 622.384(b)(1)(iii)(B)). The fishing season for run-around gillnet gear is currently closed from July 1, 2021, through January 17, 2022, and will open at 6 a.m. on January 18, 2022. The 2021–2022 fishing year runs through June 30, 2022.

Consistent with the AM, NMFS reduces the 2021–2022 commercial gillnet quota by the amount of the 2020–2021 commercial gillnet ACL overage resulting in a run-around gillnet ACL of 563,480 lb (255,590 kg). If king mackerel commercial gillnet landings do not exceed the adjusted ACL in the 2021–2022 fishing year, then in the 2022–2023 fishing year, the component's commercial quota will again be 575,400 lb (260,997 kg) as specified in 50 CFR 622.384(b)(1)(iii)(B).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.8(b) and 622.388(a)(1)(iii), which were 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, because prior notice and opportunity for public comment on this temporary rule is unnecessary. Such procedure is unnecessary because the rule that implemented the commercial ACL and the associated AM for the commercial ACL reduction has already been subject to public notice and comment, and all that remains is to

notify the public of the commercial ACL reduction.

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

Dated: September 30, 2021.

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. 140818679–5356–02; RTID 0648–XB465]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Reopening of the Red Snapper Recreational For-Hire Fishing Season in the Gulf of Mexico

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

ACTION: Temporary rule; reopening.

SUMMARY: NMFS is temporarily reopening the recreational fishing season for the Federal charter vessel/headboat (for-hire) component for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) through this temporary rule. The most recent landings data for the red snapper for-hire component in the Gulf indicates the component annual catch target (ACT) for the 2021 fishing year has not yet been reached. The red snapper recreational for-hire component in the Gulf EEZ will reopen for 22 days to allow harvest of the remaining for-hire component ACT. NMFS intends this action to increase benefits to for-hire fisherman while protecting the Gulf red snapper resource by continuing to constrain harvest to the component quota.

DATES: This temporary rule is effective from 12:01 a.m., local time, on October 15, 2021, through 12:01 a.m., local time, on November 6, 2021.

FOR FURTHER INFORMATION CONTACT: Daniel Luers, NMFS Southeast Regional Office, telephone: 727–551–5719, email: 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. The Federal for-hire component's red snapper annual catch target (ACT) is 9 percent below the for-hire component quota (85 FR 9684, February 20, 2020; 50 CFR 622.41(q)(2)(iii)(B)). The measures in Amendment 40 were subsequently extended indefinitely through Amendment 45 to the FMP (81 FR 86971; December 2, 2016).

The red snapper for-hire component seasonal closure is projected from the component ACT. Projecting the for-hire component's seasonal closure using the ACT reduces the likelihood of the harvest exceeding the component quota and the total recreational quota.

All weights described in this temporary rule are in round weight.

The Federal for-hire component 2021 ACT for red snapper in the Gulf EEZ is 2.848 million lb (1.292 million kg) (50 CFR 622.41(q)(2)(iii)(B)).

The 2021 Federal Gulf red snapper for-hire fishing season was previously determined to be 63 days based on NMFS' projection of the date landings were expected to reach the component ACT. For details about the calculation of the projection for 2021, see <https://www.fisheries.noaa.gov/southeast/sustainable-fisheries/gulf-mexico-recreational-red-snapper-management>. NMFS previously announced in the **Federal Register** that the 2021 recreational season for the Federal for-hire component would begin at 12:01 a.m., local time, on June 1, 2021, and close at 12:01 a.m., local time, on August 3, 2021 (86 FR 15430; March 23, 2021).

However, the most recent landings data for the Gulf red snapper for-hire component plus projected landings for data that is not yet available indicate that approximately 670,113 lb (303,958 kg) of the for-hire component ACT remains. NMFS projects that this amount of the remaining ACT will be harvested in 22 days.

Therefore, in accordance with 50 CFR 622.8(c), NMFS reopens the Gulf red

snapper Federal for-hire component for 22 days to allow the component ACT to be harvested. The recreational season for the Federal for-hire component will reopen at 12:01 a.m., local time, on October 15, 2021, and close at 12:01 a.m., local time, on November 6, 2021. When the for-hire component closes again on November 6, 2021, the bag and possession limits for red snapper for Federal for-hire vessels are zero. When the Federal for-hire component is closed, these bag and possession limits apply in the Gulf on board a vessel for which a valid Federal for-hire permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. In addition, a person aboard a vessel that has been issued a charter vessel/headboat permit for Gulf reef fish any time during the fishing year may not harvest or possess red snapper in or from the Gulf EEZ when the Federal charter vessel/headboat component is closed.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is taken under 50 CFR 622.8(c), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866, and other applicable laws.

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 regulation at 50 CFR 622.8(c) has already been subject to notice and public comment, and all that remains is to notify the public that additional harvest is available under the established Federal for-hire component ACT, and therefore, the Federal for-hire component for Gulf red snapper will reopen. Such procedures are contrary to the public interest because many for-hire 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 reopening of the fishing season. Additionally, a reopening of the component in October instead of later in the fishing year is preferable because it may reduce the likelihood of encountering inclement weather that generally occurs with greater frequency later in the fishing year.

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

Dated: September 30, 2021.

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 635

[Docket No. 180117042-8884-02]

RTID 0648-XB483

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS is transferring 140 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the Reserve category to the General category. This action is intended to provide further opportunities for General category fishermen to participate in the October through November General category fishery, based on consideration of the regulatory determination criteria regarding inseason adjustments. This action would affect Atlantic Tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: Effective October 4, 2021, through November 30, 2021.

FOR FURTHER INFORMATION CONTACT:

Larry Redd, Jr., 301-427-8503, Nicholas Velseboer, 978-281-9260, or Lauren Latchford, 301-427-8503.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic