

approval at least 90 days prior to the planned start of vessel activity. The plan must provide details on the vessel-based observer and PAM protocols for transiting vessels. If a plan is not submitted or approved by NMFS prior to vessel operations, all project vessels transiting, year round, must travel at speeds of 10 knots (11.5 mph) or less. LOA Holder must comply with any approved North Atlantic Right Whale Vessel Strike Avoidance Plan; and

(18) Speed over ground will be used to measure all vessel speed restrictions.

Dated: November 13, 2023.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 230810-0190]

RTID 0648-XD514

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; White Hake Trimester Total Allowable Catch Area Closure for the Common Pool Fishery

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

ACTION: Temporary rule; area closure.

SUMMARY: This action closes the White Hake Trimester Total Allowable Catch Area to Northeast multispecies common pool vessels fishing with trawl gear, sink gillnet gear, and longline/hook gear, except Handgear A and Handgear B vessels, through December 31, 2023. The closure is required because the common pool fishery is projected to have caught 90 percent of its Trimester 2 quota for white hake. This closure is intended to prevent an overage of the common pool's quota for this stock.

DATES: This action is effective November 13, 2023, through December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Policy Analyst, (978) 281-9232.

SUPPLEMENTARY INFORMATION: Federal regulations at § 648.82(n)(2)(ii) require the Regional Administrator to close a common pool Trimester Total

Allowable Catch (TAC) Area for a stock when 90 percent of the Trimester TAC is projected to be caught. The closure applies to all common pool vessels fishing with gear capable of catching that stock, and remains in effect for the remainder of the trimester. During the closure, affected common pool vessels may not fish for, harvest, possess, or land regulated multispecies or ocean pout in or from the Trimester TAC Area for the stock.

The Trimester 2 TAC for white hake is 17,482 lb (pounds) (7.9 metric tons (mt)). Based on the best available data from this fishing year and the analyses described below, the common pool is estimated to have achieved 90 percent of the Trimester 2 TAC for white hake on or shortly after November 9, 2023.

NMFS closely monitors commercial fisheries landings on a weekly basis. Catch projections of white hake were run using data through November 7, 2023, which indicated that 87.7 percent (15,211.9 lb (6.9 mt)) of the Trimester 2 TAC was harvested. Given these projections and additional information, including that there have been up to four trips for which catch data are not yet available, NMFS estimates that 90 percent of the white hake Trimester 2 TAC has been harvested. As noted above, implementing regulations for the Northeast Multispecies FMP require the Regional Administrator to close an area when a trimester TAC is projected to reach the 90-percent trigger.

Effective November 13, 2023, the White Hake Trimester TAC Area is closed for the remainder of Trimester 2, through December 31, 2023. The White Hake Trimester TAC Area consists of statistical areas 513, 514, 515, 521, and 522. During the closure, common pool vessels fishing with trawl gear, sink gillnet gear, and longline/hook gear (except for Handgear A and Handgear B vessels), may not fish for, harvest, possess, or land regulated multispecies or ocean pout in or from this area. This closure of the White Hake Trimester TAC Area ends at the beginning of Trimester 3 of fishing year 2023 on January 1, 2024.

If a vessel declared its trip through the Vessel Monitoring System (VMS) or the interactive voice response system, and crossed the VMS demarcation line prior to November 13, 2023, it may complete its trip within the GOM Cod Trimester TAC Area. A vessel that has set gillnet gear prior to November 13, 2023, may complete its trip by hauling such gear.

If the common pool fishery exceeds its annual sub-Allowable Catch Limit (sub-ACL) for a stock in the 2023 fishing year, the overage must be deducted from

the common pool's sub-ACL for that stock for fishing year 2024.

Weekly quota monitoring reports for the common pool fishery are on our website at: <https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/nemultispecies.html>. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, VMS catch reports, and other available information and, if necessary, will make additional adjustments to common pool management measures.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable, unnecessary, and contrary to the public interest.

The regulations require the Regional Administrator to close a trimester TAC area to the common pool fishery when 90 percent of the Trimester TAC for a stock has been caught. Updated catch information through November 7, 2023, only recently became available indicating that the common pool fishery is projected to have caught 90 percent of its Trimester 2 TAC for white hake. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent the immediate closure of the White Hake Trimester TAC Area. This would be contrary to the regulatory requirement and would increase the likelihood that the common pool fishery would exceed its annual quota of white hake. Any overage of the Trimester 2 TAC is deducted from the Trimester 3 TAC, and any overage of the annual quota would be deducted from common pool's quota for the next fishing year, to the detriment of this stock. This could undermine conservation and management objectives of the Northeast Multispecies Fishery Management Plan. Prior notice and comment and a 30-day delay in effectiveness are unnecessary because fishermen were provided ample notice and opportunity to comment on the regulations that require this immediate closure. Fishermen expect these closures to occur in a timely way to prevent overages and their payback requirements. Overages of the trimester or annual common pool quota could cause negative economic impacts to the common pool fishery as a result of overage paybacks deducted from a future trimester or fishing year.

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

Dated: November 13, 2023.

Kelly Denit,

*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

[RTID 0648-XC971]

Fisheries Off West Coast States; West Coast Groundfish Fisheries; Amendment 31 to the Pacific Coast Groundfish Fishery Management Plan

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

ACTION: Notice of agency decision.

SUMMARY: NMFS announces the approval of Amendment 31 to the Pacific Fishery Management Council's (Council) Pacific Coast Groundfish Fishery Management Plan (FMP). Amendment 31 defines stocks that are in need of conservation and management, consistent with the provisions and guidelines of the Magnuson-Stevens Fishery Conservation and Management Act. Amendment 31 defines stocks for 14 species within the fishery management unit. These species were prioritized because they had stock assessments in 2021 or 2023. Amendment 31 is necessary for NMFS to make stock status determinations, which in turn will help prevent overfishing, rebuild overfished stocks, and achieve optimum yield. Amendment 31 is administrative in nature and does not change harvest levels or timing and location of fishing, nor does it revise the goals and objectives or the management frameworks of the Pacific Coast Groundfish Fishery Management Plan. **DATES:** The amendment was approved on November 8, 2023.

ADDRESSES: The amended FMP is available on the Council's website (<https://www.pcouncil.org>), as is the final supporting analysis.

FOR FURTHER INFORMATION CONTACT: Gretchen Hanshew (206) 526-6147, email at gretchen.hanshew@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) seaward of Washington, Oregon, and California

under the Pacific Coast Groundfish fishery management plan (FMP). The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that each regional fishery management council submit any FMP or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce (Secretary). The MSA also requires that NMFS, upon receiving an FMP or amendment, immediately publish a notice that the FMP or amendment is available for public review and comment.

The Notice of Availability (NOA) for Amendment 31 was published in the **Federal Register** on August 23, 2023 (88 FR 57400), with a 60-day comment period that ended on October 22, 2023. NMFS received three comments during the public comment period on the NOA, all in support of Amendment 31. NMFS' authority for this action is limited by the MSA to approval, disapproval, or partial approval of the amendment submitted by the Council. NMFS summarized and responded to these comments under Comments and Responses, below.

NMFS determined that Amendment 31 is consistent with the MSA and other applicable laws, and the Secretary of Commerce approved Amendment 31 on November 8, 2023. The August 23, 2023 NOA (88 FR 57400) contains additional information on this action. Amendment 31 is administrative in nature and has no implementing regulations; no changes to existing Federal regulations are necessary and none were proposed.

The Council recommended stock definitions for 14 species of Pacific Coast groundfish after NMFS was unable to make stock status determinations because the "stocks" for which the Council was expecting status determinations did not exist in the FMP. Currently, the FMP has a list of 80+ species to which it pertains, and does not describe whether each species is a single stock within the fishery management unit or if it is multiple (e.g., regional) stocks. The Council prioritized a sub-set of species for stock identification in Amendment 31. These species are black, canary, copper, quillback, squarespot, vermilion, and vermilion/sunset rockfishes; Dover, petrale, and rex soles; lingcod, Pacific spiny dogfish, sablefish, and shortspine thornyhead. These species were prioritized because they were subject to stock assessments in 2021 or were subject to stock assessments in 2023. The Council considered some of the biological, socioeconomic, and fishery management trade-offs that might be

expected from implementation of future management actions based on the alternative stock definitions. The Council recommended Amendment 31 at its June 20-27, 2023 meeting. Amendment 31 was transmitted to NMFS by the Council on August 14, 2023. A detailed description of Amendment 31 is included in the NOA (88 FR 57400, August 23, 2023).

Comments and Responses

NMFS received two comment letters with three comments during the 60-day public comment period on the NOA. The comments were all in favor of NMFS' approval of the amendment and included some specific rationale. The comments and NMFS's responses are presented below.

Comment 1: One commenter endorses Amendment 31 because it aims to reduce overfishing and rebuild stocks back to sustainable levels, which will help prevent food chain and food web imbalances.

Response: NMFS agrees that defining stocks with Amendment 31 will aid in preventing overfishing and rebuilding overfished stocks and that this may, in turn, also provide ecosystem benefits.

Comment 2: One commenter urges approval and effective implementation of Amendment 31 to prevent overfishing which would in turn increase marine ecosystems' resiliency to climate change stressors.

Response: NMFS agrees that Amendment 31 will lead to future management decisions that improve the long-term sustainability of the managed fisheries, which may improve resiliency of marine ecosystems to non-fishing climate stressors. Effective implementation of stock definitions in Amendment 31 will come in future biennial harvest specifications and management measures actions, where the best scientific information will be used to inform management of the defined stocks within the context of the FMP and the mixed stock fishery.

Comment 3: One commenter expressed that Amendment 31 is warranted because the species that are the subject of Amendment 31 have already been verified as overfished stocks by governmental and nongovernmental organizations.

Response: NMFS agrees that the Amendment 31 stock definitions for the subject species are based on the best scientific information available, and that stocks are the unit at which NMFS may determine whether an overfished status is warranted. NMFS notes that the determination whether or not a stock is overfished is the sole responsibility of NMFS, based on best scientific