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SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA and NASA published an interim rule in the **Federal Register** at 88 FR 69503 on October 5, 2023. The comment period is extended to February 2, 2024, to allow additional time for interested parties to develop comments on the rule. The effective date of this rule is not being changed and remains December 4, 2023.

List of Subjects in 48 CFR Parts 1, 4, 9, 13, 39, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 230427-0115; RTID 0648-XD523]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Resources of the Gulf of Mexico; Partial Holdback of Commercial Quota for Gag in the Gulf of Mexico

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

ACTION: Temporary rule; commercial quota holdback.

SUMMARY: NMFS issues this temporary rule to withhold a portion of the commercial allocation of gag for the 2024 fishing year in anticipation of the upcoming rulemaking for Amendment 56 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) that would amend the FMP by implementing measures to end overfishing of gag and establish a rebuilding plan for the stock. These measures would, in part, reduce the commercial sector annual catch limit (ACL) and commercial quota. This temporary rule will withhold the

distribution of gag individual fishing quota (IFQ) allocation on January 1, 2024, to shareholders in the Groupers and Tilefishes IFQ (GT-IFQ) program in the amount equal to the anticipated reduction in the commercial quota and set the red grouper multi-use allocation to zero as required when gag is in a rebuilding plan.

DATES: This temporary rule is effective from January 1, 2024, until June 1, 2024.

FOR FURTHER INFORMATION CONTACT: Dan Luers, NMFS Southeast Regional Office, telephone: 727-824-5305, email: daniel.luers@noaa.gov.

SUPPLEMENTARY INFORMATION: The reef fish fishery in the Gulf of Mexico (Gulf) includes gag and is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and approved and implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The Gulf gag fishery is divided into commercial and recreational sectors, with a stock ACL that is allocated 39 percent to the commercial sector and 61 percent to the recreational sector. The commercial sector is managed under the GT-IFQ program and landings are constrained to the commercial quota, which is reduced from the commercial ACL. Recreational harvest is currently permitted from June 1 each year until NMFS projects that recreational landings reach the recreational ACL. If the recreational ACL is exceeded, recreational harvest is constrained the following year to the recreational annual catch target. All weights described in this temporary rule are in gutted weight.

In January 2022, NMFS notified the Council that gag is overfished and undergoing overfishing. In July 2022, the Council sent a letter to NMFS recommending interim measures to reduce overfishing beginning in the 2023 fishing year while the Council developed Amendment 56 to the FMP to implement permanent measures to end overfishing and rebuild the stock. The interim measures, effective from May 3, 2023, through May 2, 2024, reduced the gag catch limits and modified the recreational season (88 FR 27701, May 3, 2023). Therefore, the current commercial ACL and commercial quota, implemented through those interim measures, are 258,000 lb (117,027 kg) and 199,000 lb (90,265 kg), respectively.

On October 18, 2023, NMFS published an announcement of availability for Amendment 56 (88 FR 71812, October 18, 2023), and on November 9, NMFS published a

proposed rule to implement Amendment 56 (88 FR 77246, November 9, 2023). As described in the announcement of availability and proposed rule, if Amendment 56 is approved and implemented the commercial ACL and commercial quota for the 2024 fishing year would be further reduced to 155,000 lb (70,307 kg) and 147,000 lb (66,678 kg). Under the GT-IFQ program, annual quota is distributed to IFQ shareholders as allocation (including multi-use allocation) on January 1, and most IFQ program participants begin to use or transfer their allocation early in each year. After shareholders begin transferring or landing allocation, NMFS is not able to retroactively withdraw allocation from shareholder accounts if a commercial quota decrease became effective after the beginning of the fishing year. Regulations at 50 CFR 622.22(a)(4), authorize NMFS to withhold distribution of IFQ allocation on January 1 in the amount equal to an expected reduction in the commercial quota. Accordingly, through this temporary rule NMFS withholds distribution of the portion of the 2024 commercial quota of gag equal to the anticipated reduction recommended by the Council in Amendment 56. Because Amendment 56 would also establish a rebuilding plan for gag, multi-use allocation of red grouper would be set a zero on implementation. Therefore, through this temporary rule, NMFS will set the red grouper IFQ multi-use allocation at zero.

NMFS will distribute the available gag allocation, on January 1, 2024.

If NMFS does not implement Amendment 56, including the revised commercial quota, by June 1, 2024, then NMFS will distribute the withheld allocation back to the current shareholders, as determined by the shares held on the same date that NMFS distributes the withheld IFQ quota.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is taken under 50 CFR 622.22(a)(4), 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 622.22(a)(4) has already been subject to notice and public comment,

and the public is aware that the Council has submitted Amendment 56 to end overfishing of gag beginning in the 2024 fishing year. Therefore, all that remains is to notify the public that a portion of the commercial gag allocation in 2024 will be withheld to allow for the implementation of the Amendment 56 in 2024, if approved. Such procedures are contrary to the public interest because notice and comment would not allow NMFS to implement the Amendment 56 measures to end overfishing during the 2024 fishing year. If NMFS does not withhold the necessary commercial gag allocation, shareholders can begin transferring or landing allocation on January 1, 2024, and NMFS would not be able to retroactively withdraw allocation from shareholder accounts.

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

Dated: November 22, 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 622

[Docket No. 200124-0029; RTID 0648-XD535]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2024 Red Snapper Private Angling Component Closure in Federal Waters Off Texas

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces a closure for the 2024 fishing season for the red snapper recreational private angling component in the exclusive economic zone (EEZ) off Texas in the Gulf of Mexico (Gulf) through this temporary rule. The red snapper recreational private angling component in the Gulf EEZ off Texas will close on January 1, 2024, until 12:01 a.m., local time, on June 1, 2024. This closure is necessary to prevent the private angling component from exceeding the Texas regional management area annual catch

limit (ACL) and to prevent overfishing of the Gulf red snapper resource.

DATES: This closure is effective at 12:01 a.m., local time, on January 1, 2024, until 12:01 a.m., local time, on June 1, 2024.

FOR FURTHER INFORMATION CONTACT: Dan Luers, NMFS Southeast Regional Office, telephone: 727-824-5305, 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 approved by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and implemented through 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. On February 6, 2020, NMFS implemented Amendments 50 A-F to the FMP, which delegated authority to the Gulf states (Louisiana, Mississippi, Alabama, Florida, and Texas) to establish specific management measures for the harvest of red snapper in Federal waters of the Gulf by the private angling component of the recreational sector (85 FR 6819, February 6, 2020). These amendments allocated a portion of the private angling ACL to each state, and each state is required to constrain landings to its allocation.

As described at 50 CFR 622.23(c), a Gulf state with an active delegation may request that NMFS close all, or an area of, Federal waters off that state to the harvest and possession of red snapper by private anglers. The state is required to request the closure by letter to NMFS, providing dates and geographic coordinates for the closure. If the request is within the scope of the analysis in Amendment 50A, NMFS publishes a notification in the **Federal Register** implementing the closure for the fishing year. Based on the analysis in Amendment 50A, Texas may request a closure of all Federal waters off the State to allow a year-round fishing season in state waters. As described at

50 CFR 622.2, “off Texas” is defined as the waters in the Gulf west of a rhumb line from 29°32.1′ N lat., 93°47.7′ W long. to 26°11.4′ N lat., 92°53′ W long., which line is an extension of the boundary between Louisiana and Texas.

On November 8, 2023, NMFS received a request from the Texas Parks and Wildlife Department (TPWD) to close the EEZ off Texas to the red snapper recreational private angling component during the 2024 fishing year. Texas requested that the closure be effective from January 1 through May 31, 2024. NMFS has determined that this request is within the scope of the analysis contained within Amendment 50A, which analyzed the potential impacts of a closure of all Federal waters off Texas, consistent with Texas’s intent to maintain a year-round fishing season in State waters during which a part of Texas’ ACL could be caught.

Therefore, the red snapper recreational private angling component in the Gulf EEZ off Texas will close at 12:01 a.m., local time, on January 1, 2024, until 12:01 a.m., local time, on June 1, 2024. This closure applies to all private-anglers (those on board vessels that have not been issued a valid charter vessel/headboat permit for Gulf reef fish) regardless of which state they are from or where they intend to land. Once the EEZ off Texas opens on June 1, 2023, TPWD will continue to monitor private recreational landings, and if necessary, will request that NMFS again close the EEZ in 2024 to ensure the Texas regional management area ACL is not exceeded.

On and after the effective dates of this closure in the EEZ off Texas, the harvest and possession of red snapper in the EEZ off Texas by the private angling component is prohibited and the bag and possession limits for the red snapper private angling component in the closed area is zero.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.23(c), which was issued pursuant to 304(b), 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 are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the area closure authority