

sea bass is not managed by the FMP or regulated by 50 CFR part 622 north of 35°15.19' N latitude in South Atlantic Federal waters, the latitude of Cape Hatteras Light, North Carolina; black sea bass north of 35°15.19' N latitude is regulated by 50 CFR part 648.

The recreational fishing year for black sea bass is April 1 through March 31. One of the recreational AMs for black sea bass requires that before the April 1 start date of each recreational fishing year, NMFS will project the length of the recreational fishing season based on when NMFS projects recreational landings of black sea bass will reach its ACL, and announce the recreational season end date in the **Federal Register** [50 CFR 622.193(e)(2)]. The purpose of this AM is to allow recreational fishermen to maximize their opportunities to harvest the recreational ACL through a more predictable recreational season while NMFS manages harvest within the recreational ACL to protect the stock from experiencing adverse biological consequences.

The recreational ACL for black sea bass during the 2024–2025 fishing year is 310,602 pounds (lb) or 140,887 kilograms (kg) in gutted weight, or 366,510 lb (166,246 kg) in round weight [50 CFR 622.193(e)(2)].

NMFS estimates that recreational landings of black sea bass during the 2024–2025 fishing year will be less than the 2024–2025 recreational ACL. To make this determination, NMFS compared recreational landings of black sea bass in the last 3 fishing years with available data (2020–2021 through 2022–2023) to the recreational ACL for the 2024–2025 fishing year. Recreational landings in each of these past 3 fishing years have been less than the 2024–2025 recreational ACL, and NMFS expects similar landings for the 2024–2025 fishing season. Therefore, because NMFS projects that the recreational landings of black sea bass will be less than the 2024–2025 recreational ACL, NMFS does not expect to close the recreational harvest of black sea bass during the fishing year. Accordingly, the season end date for the recreational harvest of black sea bass in South Atlantic Federal waters is March 31, 2025.

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(e)(2), 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, as notice and comment is unnecessary. Such procedures are unnecessary because the rule establishing the recreational AM has already been subject to notice and comment, and all that remains is for NMFS to notify the public of the recreational season length.

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

Dated: March 22, 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 622

[Docket No. 140819686–5999–02; RTID 0648–XD760]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2024 Commercial Accountability Measure and Catch Limit Reduction for Gag in the South Atlantic

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

**ACTION:** Temporary rule; commercial accountability measure.

**SUMMARY:** NMFS implements an accountability measure (AM) for the commercial harvest of gag in South Atlantic Federal waters. NMFS has determined that commercial landings of gag exceeded the commercial annual catch limit (ACL) in 2023, and other triggers for the commercial AMs are met. Therefore, NMFS reduces the commercial ACL of gag in the 2024 fishing year by the amount of gag landings that exceeded the 2023 commercial ACL to protect the gag resource from overfishing and continue to allow the recovery of this overfished stock.

**DATES:** This temporary rule is effective on April 26, 2024.

**FOR FURTHER INFORMATION CONTACT:** Frank Helies, NMFS Southeast Regional Office, telephone: 727–824–5305, email: [frank.helies@noaa.gov](mailto:frank.helies@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic includes gag and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP

was prepared by the South Atlantic Fishery Management Council and NMFS, 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 in this temporary rule are in gutted weight.

On October 23, 2023, NMFS implemented the final rule for Amendment 53 to the FMP (88 FR 65135, September 21, 2023). Among other measures, Amendment 53 established a rebuilding plan for the gag stock, which is overfished and is included in the most recent Status of U.S. Fisheries Report to Congress (2022). The final rule specified the 2024 commercial ACL for gag at 128,096 pounds (lb) or 58,103 kilograms (kg) [50 CFR 622.190(a)(7)(ii)].

Regulations in § 622.193(c)(1) state the AMs applicable to the commercial harvest of gag. The post-season AMs for the commercial sector state that NMFS will reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the previous year if the following criteria are also met: 1. the combined commercial and recreational ACL specified in § 622.193(c)(3) is exceeded during the same fishing year, and 2. the gag stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress [50 CFR 622.193(c)(1)(ii)].

Also on the effective date of final rule for Amendment 53, NMFS closed the commercial harvest of gag for the remainder of the year because NMFS projected that commercial landings of gag had exceeded the new 2023 commercial ACL of 85,326 lb (38,703 kg) (88 FR 68497, October 4, 2023). Current estimates of commercial landings of gag during 2023 are 150,500 lb (68,266 kg). These preliminary landings exceed the recently implemented commercial ACL for gag by 65,174 lb (29,562 kg). Preliminary landings of gag by the recreational sector in 2023 are 472,321 lb (214,241 kg) and the new 2023 recreational ACL was 90,306 lb (40,962 kg). Therefore, NMFS estimates that 2023 landings of gag exceeded the combined commercial and recreational ACL of 175,632 lb (79,665 kg).

Because the criteria for gag post-season AMs are met, NMFS must reduce the commercial ACL in 2024 by the amount that commercial landings exceeded the commercial ACL during 2023. Therefore, NMFS reduces the commercial ACL for gag in 2024 to 62,922 lb (28,541 kg).

**Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(c)(1)(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 are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule that established the commercial ACLs and AMs for gag have already been subject to notice and comment, and all that remains is to notify the public of the reduced commercial ACL for 2024. Such procedures are contrary to the public interest because of the need to protect the gag resource and to provide advance notice to commercial fishermen of the change to the commercial ACL for gag.

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

Dated: March 22, 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 679**

[Docket No. 240304-0068; RTID 0648-XD798]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Temporary rule; modification of a closure; request for comments.

**SUMMARY:** NMFS is opening directed fishing for Pacific cod by American Fisheries Act (AFA) trawl catcher/processors (CPs) in the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to fully use the 2024 total allowable catch (TAC) of Pacific cod allocated to AFA trawl CPs in the BSAI.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), March 25, 2024, through 1200 hours, A.l.t., November 1, 2024. Comments must be received at the following address no later than 4:30 p.m., A.l.t., April 11, 2024.

**ADDRESSES:** You may submit comments on this document, identified by docket number NOAA-NMFS-2023-0124, by any of the following methods:

**Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter OAA-NMFS-2023-0124 in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

**Mail:** Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:**

Steve Whitney, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR parts 600 and 679.

NMFS closed directed fishing for Pacific cod by AFA trawl CPs in the BSAI under § 679.20(d)(1)(iii) on January 20, 2024 (89 FR 4210, January 23, 2024).

NMFS has determined that as of March 21, 2024, approximately 2,600

metric tons of Pacific cod remain in the 2024 Pacific cod TAC allocated to the AFA trawl CPs in the BSAI. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully use the 2024 TAC of Pacific cod in the BSAI, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by AFA trawl CPs in the BSAI. The Administrator, Alaska Region, NMFS, considered the following factors in reaching this decision: (1) the current catch of Pacific cod by AFA trawl CPs in the BSAI; and (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

**Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was 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, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the opening of directed fishing for Pacific cod by AFA trawl CPs in the BSAI. NMFS was unable to publish a notification providing time for public comment because the most recent, relevant data only became available as of March 21, 2024.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice.

Without this inseason adjustment, NMFS could not allow the fishery for Pacific cod by AFA trawl CPs in the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until April 11, 2024.

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

Dated: March 22, 2024.

**Everett Wayne Baxter,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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