

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 402**

[Docket No. FWS-HQ-ES-2018-0009; FXES11140900000-189-FF09E300000; Docket No. 180207140-8140-01; 4500090023]

RIN 1018-BC87; 0648-BH41

Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation

AGENCY: U.S. Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule; delay of effective date.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively referred to as the “Services” or “we”), are delaying the effective date of a rule we published on August 27, 2019.

DATES: The effective date of the rule that published at 84 FR 44976, August 27, 2019, is delayed until October 28, 2019.

FOR FURTHER INFORMATION CONTACT: Gary Frazer, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, telephone 202/208-4646; or Samuel D. Rauch, III, National Marine Fisheries Service, Department of Commerce, 1315 East-West Highway, Silver Spring, MD 20910, telephone 301/427-8000. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800/877-8339.

SUPPLEMENTARY INFORMATION: On August 27, 2019, we published a final rule to revise portions of our regulations that implement section 7 of the Endangered Species Act of 1973, as amended (“Act”; 16 U.S.C. 1531 *et seq.*). The revisions to the regulations clarify, interpret, and implement portions of the Act concerning the interagency cooperation procedures. The rule was to be effective on September 26, 2019.

Since the announcement of the final rule, we have conducted numerous informational webinars, meetings, and briefings for internal staff and external audiences, including hundreds of State, Federal, industry, and other conservation partners. During the course

of these presentations, we have received many questions regarding implementation of the final rule. Additional time is needed to adequately educate and train staff of the Services and all of the affected Federal agencies on these interagency implementing regulations, which set forth requirements for both the Services and Federal action agencies. We are, therefore, delaying the effective date of the rule published on August 27, 2019, at 84 FR 44976 (see **DATES**, above) to ensure a smooth transition and allow for additional coordination and training prior to the final rule becoming effective.

Administrative Procedure Act

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, our implementation of this action without opportunity for public comment, effective immediately upon publication in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Pursuant to 5 U.S.C. 553(b)(B), we have determined that good cause exists to forgo the requirement to provide prior notice and an opportunity for public comment thereon for this rule as such procedures would be impracticable, unnecessary, and contrary to the public interest. We are temporarily postponing the effective date of the rule (see **DATES**, above) to allow for additional time to coordinate with our internal staff and external partners. As a result, seeking public comment on this delay is unnecessary and contrary to the public interest. For these same reasons, we find good cause to waive the 30-day delay in effective date provided for in 5 U.S.C. 553(d).

Authority: 16 U.S.C. 1361-1407; 1531-1544; and 4201-4245, unless otherwise noted.

Dated: September 20, 2019.

Rob Wallace,

Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

Dated: September 20, 2019.

Neil Jacobs,

Assistant Secretary of Commerce for Environmental Observation and Prediction, performing the duties of Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 120815345-3525-02]

RIN 0648-XS013

Snapper-Grouper Fishery of the South Atlantic; 2019 Recreational Accountability Measure and Closure for the South Atlantic Other Jacks Complex

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the recreational sector for the other jacks complex (lesser amberjack, almaco jack, and banded rudderfish) in the South Atlantic for the 2019 fishing year through this temporary rule. NMFS has determined that recreational landings of the other jacks complex has exceeded its recreational annual catch limit (ACL). Therefore, NMFS closes the recreational sector for this complex on September 25, 2019, through the remainder of the 2019 fishing year in the exclusive economic zone (EEZ) of the South Atlantic. This closure is necessary to protect the lesser amberjack, almaco jack, and banded rudderfish resources.

DATES: This rule is effective 12:01 a.m., local time, September 25, 2019, until 12:01 a.m., local time, January 1, 2020.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727-824-5305, email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes lesser amberjack, almaco jack, and banded rudderfish, 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 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 recreational ACL for the other jacks complex is 267,799 lb (121,472 kg), round weight. Under 50 CFR 622.193(l)(2)(i), NMFS is required to close the recreational sector for the other jacks complex when the recreational ACL has been reached, or is

projected to be reached, by filing a notification to that effect with the Office of the Federal Register, unless NMFS determines that no closure is necessary based on the best scientific information available. The NMFS Southeast Fisheries Science Center has determined that the recreational sector for this complex has exceeded its ACL. Therefore, this temporary rule implements an AM to close the recreational sector for the other jacks complex in the South Atlantic EEZ, effective 12:01 a.m., local time, September 25, 2019, until January 1, 2020, the start of the next fishing year.

During the recreational closure, the bag and possession limits for the fish in the other jacks complex in or from the South Atlantic EEZ are zero. Additionally, NMFS closed the commercial sector for the other jacks complex effective on July 16, 2019, when that sector was projected to reach its sector ACL (84 FR 32648; July 9, 2019). Therefore, as of 12:01 a.m. on September 25, 2019, no commercial or recreational harvest of fish in the other jacks complex in or from the South Atlantic EEZ is allowed for the remainder of the 2019 fishing year.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of the other jacks complex, a component of the South Atlantic snapper-grouper fishery, and is consistent with the FMP, the Magnuson-Stevens Act, and other applicable laws.

This action is taken under 50 CFR 622.193(l)(2)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and public comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the recreational sector for the other jacks complex constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the AM itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest

because of the need to immediately implement this action to protect the other jacks complex. Prior notice and opportunity for public comment would require time and would potentially allow the recreational sector to further exceed its ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 19, 2019.

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. 100812345-2142-03]

RIN 0648-XS012

Snapper-Grouper Fishery of the South Atlantic; 2019 Recreational Accountability Measure and Closure for South Atlantic Red Grouper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the red grouper recreational sector in the exclusive economic zone (EEZ) of the South Atlantic for the 2019 fishing year through this temporary rule. NMFS estimates recreational landings of red grouper in 2019 have exceeded the recreational annual catch limit (ACL). Therefore, NMFS closes the red grouper recreational sector in the South Atlantic EEZ at 12:01 a.m., local time, on September 25, 2019, for the remainder of the 2019 fishing year. This closure is necessary to protect the red grouper resource.

DATES: This rule is effective 12:01 a.m., local time, September 25, 2019, until 12:01 a.m., local time, January 1, 2020.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727-824-5305, email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes red grouper 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 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.

In August of 2018, as a result of the determination that red grouper was undergoing overfishing, the final rule for Abbreviated Framework Amendment 1 to the FMP (83 FR 35435; July 26, 2018) reduced the red grouper ACL to 84,000 lb (38,102 kg), round weight, for 2019 (§ 622.193(d)(2)(ii)). In accordance with regulations at 50 CFR 622.193(d)(2)(i), if recreational landings of red grouper are projected to reach the recreational ACL, the Assistant Administrator for NOAA Fisheries (AA) will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. The NMFS Southeast Fisheries Science Center has estimated that the red grouper recreational ACL for 2019 has been exceeded. Therefore, this temporary rule implements the AM to close the red grouper recreational sector for the remainder of the 2019 fishing year. The recreational sector for red grouper in the South Atlantic EEZ will be closed effective 12:01 a.m., local time September 25, 2019, through December 31, 2019. During the recreational closure, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

NMFS notes that while the 2020 fishing year begins on January 1, the commercial and recreational harvest of red grouper is prohibited annually from January through April of each year (§ 622.183(b)(1)). Therefore, the recreational sector for red grouper will reopen on May 1, 2020, the beginning of the recreational fishing season. The recreational ACL for 2020 and subsequent fishing years is 90,720 lb (41,150 kg), round weight (§ 622.193(d)(2)(ii)).

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of South Atlantic red grouper and is consistent with the FMP, the Magnuson-Stevens Act, and other applicable laws.