ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for commercial blue tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial landings of blue tilefish are projected to reach the commercial sector annual catch limit (ACL) by August 1, 2021. Therefore, NMFS is closing the commercial sector for blue tilefish in the South Atlantic EEZ on August 1, 2021, and it will remain closed until the start of the next fishing year on January 1, 2022. This closure is necessary to protect the blue tilefish resource.

DATES: This temporary rule is effective at 12:01 a.m., eastern time, on August 1, 2021, until 12:01 a.m., eastern time, on January 1, 2022.

FOR FURTHER INFORMATION CONTACT: Rick DeVictor, NMFS Southeast Regional Office, telephone: 727–824–5305, email: rick.devictor@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes blue tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council and NMFS prepared the FMP, and the FMP 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 given in round weight.

As specified in 50 CFR 622.193(z)(1)(i), the commercial sector ACL for blue tilefish is 117,148 lb (53,137 kg). The commercial AM for blue tilefish requires NMFS to close the commercial sector when the its ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register (50 CFR 622.193(z)(1)(i)). NMFS has projected that for the 2021 fishing year, the commercial sector ACL for South Atlantic blue tilefish will be reached by August 1, 2021. Accordingly, the commercial sector for South Atlantic blue tilefish is closed effective at 12:01 a.m., eastern time, on August 1, 2021, until 12:01 a.m., eastern time, on January 1, 2022.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper having blue tilefish on board must have landed and bartered, traded, or sold such blue tilefish prior to August 1, 2021. During the commercial sector closure, all sale or purchase of blue tilefish is prohibited. The harvest or possession of blue tilefish in or from the South Atlantic EEZ is limited to the recreational bag and possession limits specified in 50 CFR 622.187(b)(2) and (c)(1), respectively, while the recreational sector for blue tilefish is open. These bag and possession limits apply in the South Atlantic on board a vessel with a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper, and apply to the harvest of blue tilefish in both state and Federal waters.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(z)(1)(i), 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 is unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the closure of the blue tilefish commercial sector at 50 CFR 622.193(z)(1)(i) have already been subject to notice and public comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment are contrary to the public interest because there is a need to immediately implement this action to protect blue tilefish, since the capacity of the fishing fleet allows for rapid harvest of the commercial sector ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial sector ACL.

For the aforementioned reasons, the Acting Assistant Administrator 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: July 26, 2021.

Jennifer M. Wallace,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–16207 Filed 7–26–21; 4:15 pm]

BILLING CODE 3510–22–P