

the end of the fishing year. This action is intended to prevent overharvest of herring, which would result in additional catch limit reductions in a subsequent year.

DATES: Effective 00:01 hr local time, November 25, 2021, through December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Maria Fenton, Fishery Management Specialist, (978) 281-9196.

SUPPLEMENTARY INFORMATION: The Regional Administrator of the Greater Atlantic Regional Office monitors Atlantic herring fishery catch based on vessel and dealer reports, state data, and other available information. Regulations at 50 CFR 648.201(a)(1)(ii) require that we close the herring fishery and implement a 2,000-lb (907.2-kg) possession limit for herring beginning on the date that catch is projected to reach 95 percent of the annual catch limit (ACL).

Based on vessel reports, dealer reports, and other available information, the Regional Administrator projects that the herring fleet has caught 95 percent of the herring ACL by November 23, 2021. Therefore, effective 00:01 hr local time November 25, 2021, through December 31, 2021, a person may not attempt or do any of the following: Fish for; possess; transfer; purchase; receive; land; or sell more than 2,000 lb (907.2-kg) of herring per trip or more than once per calendar day.

Vessels that enter port before 00:01 hr local time on November 25, 2021, may land and sell more than 2,000 lb (907.2 kg) of herring from that trip, provided that catch is landed in accordance with state management measures and the herring were not caught in a Management Area already subject to a 2,000-lb (907.2-kg) possession limit.

Also effective 00:01 hr local time, November 25, 2021, through 24:00 hr local time, December 31, federally permitted dealers may not attempt or do any of the following: Purchase; receive; possess; have custody or control of; sell; barter; trade; or transfer more than 2,000 lb (907.2 kg) of herring per trip or calendar day from a vessel, unless it is from a vessel that enters port before 00:01 hr local time on November 25, 2021, catch is landed in accordance with state management measures, and the herring were not caught in a Management Area already subject to a 2,000-lb (907.2-kg) possession limit.

Classification

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

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive prior notice and the opportunity for public comment because it is unnecessary, contrary to the public interest, and impracticable. Ample prior notice and opportunity for public comment on this action has been provided for the required implementation of this action. The requirement to implement this fishery closure was developed by the New England Fishery Management Council using public meetings that invited public comment on the measures when they were developed and considered along with alternatives. Further, the regulations requiring NMFS to implement this fishery closure also were subject to public notice and opportunity to comment. Herring fishing industry participants monitor catch closely and anticipate a potential fishery closure as the catch total approaches the ACL. The regulation provides NMFS with no discretion and is designed for implementation as quickly as possible to prevent catch from exceeding limits designed to prevent overfishing while allowing the fishery to achieve optimum yield.

The 2021 Atlantic herring fishing year began on January 1, 2021. Data indicating that the Atlantic herring fleet will have landed at least 95 percent of the 2021 ACL only recently became available. High-volume catch and landings in this fishery can increase total catch relative to the ACL quickly, especially in this fishing year where catch limits are unusually low. If implementation of this fishery closure is delayed to solicit prior public comment, the 2021 herring ACL will likely be further exceeded; thereby undermining the conservation objectives of the Atlantic Herring Fishery Management Plan (FMP). When the ACL is exceeded, the excess must be deducted from a future ACL and reduces future fishing opportunities. The public expects these fishery closure actions to occur in a timely way consistent with the FMP's objectives. For the reasons stated above, NMFS also finds good cause to waive the 30-day delayed effectiveness in accordance with 5 U.S.C 553(d)(3).

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

Dated: November 24, 2021.

Nagne Jafnar Gueye,

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. 210217-0022; RTID 0648-XB113]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel 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; closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Bering Sea subarea and Eastern Aleutian District (BS/EAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access sector fishery. This action is necessary to prevent exceeding the 2021 total allowable catch (TAC) of Atka mackerel in the BS/EAI allocated to vessels participating in the BSAI trawl limited access sector fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), November 24, 2021, through 2400 hrs, A.l.t., December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Allyson Olds, 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. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2021 TAC of Atka mackerel, in the BS/EAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 2,209 metric tons by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the BS/EAI by vessels participating in the BSAI trawl limited

access sector fishery. While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

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 directed fishing closure of Atka mackerel in the BS/EAI for vessels participating in the BSAI trawl limited access sector fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 22, 2021.

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 and opportunity for public comment.

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

Dated: November 24, 2021.

Ngagne Jafnar Gueye,

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. 210217-0022; RTID 0648-XB505]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of 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; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from pot catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) and trawl catcher vessels to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, pot catcher/processors, and American Fisheries Act (AFA) trawl catcher/processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2021 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective November 29, 2021, through 2400 hours, Alaska local time (A.l.t.), December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Krista Milani, 907-581-2062.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI 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. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2021 Pacific cod TAC specified for pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA in the BSAI is 9,334 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The 2021 Pacific cod TAC specified for trawl catcher vessels in the BSAI is 24,704 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The 2021 Pacific cod TAC allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 3,944 mt as established by final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021) and reallocation (86 FR 47240, August 24, 2021).

The 2021 Pacific cod TAC specified for pot catcher/processors in the BSAI is

1,667 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The 2021 Pacific cod TAC specified for AFA trawl catcher/processors in the BSAI is 2,571 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA will not be able to harvest 500 mt of the 2021 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(5) and that trawl catcher vessels will not be able to harvest 3,054 mt of the 2021 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(9).

Therefore, in accordance with § 679.20(a)(7)(iii)(A), NMFS reallocates 500 mt of Pacific cod from pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA and 3,054 of Pacific cod from trawl catcher vessels. In accordance with § 679.20(a)(7)(iii)(A), the 3,554 mt of Pacific cod is reallocated as follows: 500 mt for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, 500 mt for pot catcher/processors, and 2,554 mt for AFA trawl catcher/processors.

The harvest specifications for 2021 Pacific cod included in final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021) and revision (86 FR 47240, August 24, 2021), are further revised as follows: 8,834 mt to pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA, 21,650 mt to trawl catcher vessels, 4,444 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, 2,167 mt to pot catcher/processors, and 5,125 mt to AFA trawl catcher/processors.

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.