

FOR FURTHER INFORMATION CONTACT: Rini Ghosh, NMFS Pacific Islands Regional Office, 808-725-5033.

SUPPLEMENTARY INFORMATION: Under authority of the WCPFC Implementation Act (16 U.S.C. 6901 *et seq.*), NMFS published an interim final rule that established a framework to implement short-notice WCPFC decisions. NMFS simultaneously issued temporary specifications to implement three short-notice WCPFC decisions until September 14, 2021. Additional background information on the Commission, the Convention, the interim final rule, and temporary specifications, is available in the **Federal Register** document that includes the interim final rule and temporary specifications (86 FR 31178; June 11, 2021). Pursuant to a WCPFC decision, NMFS extended the effective date of the temporary specifications until January 13, 2022 (86 FR 48916; September 1, 2021).

WCPFC Emergency Decisions and NMFS Implementation

On April 8, 2020, in response to the international concerns over the health of observers and vessel crews due to COVID-19, the Commission made an intersessional decision to suspend the requirements for observer coverage on purse seine vessels on fishing trips in the Convention Area through May 31, 2020. The Commission subsequently extended that decision several times, and the current extension is effective until March 15, 2022.

On April 20, 2020, in response to the international concerns over the health of vessel crews and port officials due to COVID-19, the Commission made an intersessional decision to modify the prohibition on at-sea transshipment for purse seine vessels as follows—purse seine vessels can conduct at-sea transshipment in an area under the jurisdiction of a port State, if transshipment in port cannot be conducted, in accordance with the domestic laws and regulations of the port State. The Commission subsequently extended that decision and the current extension is effective until March 15, 2022. NMFS waived the requirement under 50 CFR 300.216(b)(1) by temporary specification until January 13, 2022.

On May 13, 2020, in response to the international concerns over the health of observers and vessel crews due to COVID-19, the Commission made an intersessional decision to suspend the requirements for observer coverage for at-sea transshipments. The Commission subsequently extended that decision and the current extension is effective

until March 15, 2022. NMFS waived the requirements under 50 CFR 300.215(d) and 50 CFR 300.216(b)(2) by temporary specification until January 13, 2022.

Extension of Temporary Specifications

NMFS is using the framework as set forth at 50 CFR 300.228 to extend the effective date of the temporary specifications implementing the three recent WCPFC intersessional decisions (WCPFC decisions dated April 8, 2020, April 20, 2020, and May 13, 2020), described above, that are in effect until March 15, 2022. The regulations to implement short-notice WCPFC decisions at 50 CFR 300.228 provide that temporary specifications to implement such short-notice decisions will remain in effect no longer than 30 days after the expiration of the underlying Commission decision.

Accordingly, the requirements of the following regulations are waived. Such waiver shall remain in effect until April 14, 2022, unless NMFS earlier rescinds or extends this waiver by publication in the **Federal Register**:

- 50 CFR 300.223(e)(1). During the term of this waiver, U.S. purse seine vessels are not required to carry WCPFC observers¹ on all fishing trips in the Convention Area. However, the regulations at 50 CFR 300.215(c)(1) that require all vessels with WCPFC Area Endorsements or for which WCPFC Area Endorsements are required to carry WCPFC observers when directed by NMFS remain in effect;
- 50 CFR 300.216(b)(1). During the term of this waiver, U.S. purse seine fishing vessels are not prohibited from at-sea transshipment conducted within the national waters of the coastal state, in accordance with applicable national laws. Transshipment on the high seas remains prohibited; and
- 50 CFR 300.216(b)(2) and 50 CFR 300.215(d). During the term of this waiver, owners and operators of U.S. commercial fishing vessels fishing for highly migratory species in the Convention Area are not prohibited from at-sea transshipment without a WCPFC observer on board the offloading or receiving vessel.

¹ A WCPFC Observer means a person authorized by the Commission in accordance with any procedures established by the Commission to undertake vessel observer duties as part of the Commission's Regional Observer Programme, including an observer deployed as part of a NMFS-administered observer program or as part of another national or sub-regional observer program, provided that such program is authorized by the Commission to be part of the Commission's Regional Observer Programme. See 50 CFR 300.211.

Classification

NMFS issues this action pursuant to the WCPFC Implementation Act and the regulations at 50 CFR 300.228. This action is exempt from review under Executive Order 12866.

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on the interim final rule and temporary measures included in this action, because prior notice and the opportunity for public comment is unnecessary and would be contrary to the public interest. Opportunity for public comment is unnecessary because the regulations establishing the framework and providing notice of the Commission's decisions described above have already been subject to notice and public comment, and all that remains is to notify the public of the extension of those Commission decisions. NMFS will be responding to public comments received on the framework and those Commission decisions in a separate rule. In addition, the opportunity for public comment is unnecessary because the extensions of effective date of three short-notice WCPFC decisions have already gone into effect and as a contracting party to the Convention, NMFS is obligated to carry out those extensions.

For the reasons articulated above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective dates for the temporary measures.

Authority: 16 U.S.C. 6901 *et seq.*

Dated: January 4, 2022.

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 622

[Docket No. 140819687-5583-02; RTID 0648-XB688]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2021-2022 Commercial Closure for Spanish Mackerel in the Atlantic Southern Zone; Correction

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

ACTION: Temporary rule; correction.

SUMMARY: NMFS corrects the temporary rule that published in the **Federal Register** on January 3, 2022, which announced the incorrect effective date of January 3, 2022, for the closure of the Atlantic southern zone to commercial harvest of Spanish mackerel. The correct effective date for the closure is January 5, 2022. NMFS identified several errors with references to incorrect dates, so the purpose of this correction is to fix those errors.

DATES: This correction to the temporary rule is effective on January 5, 2022.

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

SUPPLEMENTARY INFORMATION:
Corrections

In the **Federal Register** of January 3, 2022, in FR Doc. 2021–28442, make the following corrections:

1. On page 53, in the first and second columns, correct the second and third sentences of the **SUMMARY** caption to read: “NMFS has determined that the commercial quota for Spanish mackerel in the Atlantic southern zone will be reached by January 5, 2022. Therefore, NMFS closes the Atlantic southern zone to commercial harvest of Spanish mackerel on January 5, 2022.”

2. On page 53, in the second column, correct the **DATES** caption to read: “This temporary rule is effective from 6 a.m. eastern time on January 5, 2022, until 12:01 a.m. eastern time on March 1, 2022.”

3. On page 53, in the third column, correct the last two sentences which begin at the eighth line of the paragraph carrying over from the second to the third column of the **SUPPLEMENTARY INFORMATION** caption to read: “NMFS has determined that the commercial quota for Atlantic Spanish mackerel in the southern zone will be reached by January 5, 2022. Accordingly, the commercial sector for Atlantic Spanish mackerel in the southern zone is closed effective at 6 a.m. eastern time on January 5, 2022, through February 28, 2022, the end of the current fishing year.”

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

Dated: January 4, 2022.

Ngagne Jafnar Gueye,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2022–00124 Filed 1–4–22; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 220103–0001; RTID 0648–XX077]

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustments to 2022 Specifications

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

ACTION: Temporary final rule; adjustment of specifications.

SUMMARY: In accordance with the regulations implementing the Atlantic Herring Fishery Management Plan, this action adjusts the 2022 harvest specifications for the herring fishery. Specifically, it adjusts catch limits in the four herring management areas (Areas 1A, 1B, 2, and 3) to account for catch overages and underages in those areas during 2020. This action is necessary to help prevent overfishing ensure and support the harvest of optimum yield consistent with the requirements of the Atlantic Herring Fishery Management Plan.

DATES: Effective January 4, 2022, through December 31, 2022.

ADDRESSES: Copies of supporting documents, including Framework 8 to Atlantic Herring Fishery Management Plan (FMP), are available from the Sustainable Fisheries Division, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, telephone (978) 281–9315, or online at: <https://www.nefmc.org> and <https://www.fisheries.noaa.gov/species/atlantic-herring#management>.

FOR FURTHER INFORMATION CONTACT: Carrie Nordeen, Fishery Policy Analyst, 978–281–9272.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic herring harvest in the United States is managed under the Atlantic Herring FMP developed by the New England Fishery Management Council and approved by NMFS. The FMP divides the herring annual catch limit (ACL) among three management areas, one of which has two sub-areas. It divides Area 1 (located in the Gulf of Maine (GOM)) into an inshore section (Area 1A) and an offshore section (Area 1B). Area 2 is located in the coastal waters between Massachusetts and North Carolina, and Area 3 is on

Georges Bank (GB). The FMP considers the herring stock complex to be a single stock, but there are inshore (GOM) and offshore (GB) stock components. The GOM and GB stock components segregate during spawning and mix during feeding and migration. Each management area has its own sub-ACL to allow greater control of the fishing mortality on each stock component.

NMFS issued a final rule that implemented Amendment 4 to the FMP (76 FR 11373; March 2, 2011) to address ACL and accountability measure (AM) requirements. As a way to account for ACL/sub-ACL overages in the herring fishery, Amendment 4 established an AM that requires NMFS to deduct any ACL/sub-ACL overages from the corresponding ACL/sub-ACL of the year following the catch overage determination. Amendment 4 also specified that NMFS will announce overage deductions in the **Federal Register** prior to the start of the fishing year, if possible.

NMFS published a final rule implementing Framework 2 to the FMP and the 2013–2015 specifications for the herring fishery on October 4, 2013 (78 FR 61828). Among other measures, Framework 2 allowed for the carryover of unharvested catch (*i.e.*, underages) in the year following catch determination. Provided that annual total catch does not exceed the ACL, up to 10 percent of each sub-ACL may be carried over and added to the following year's sub-ACL. The carryover provision allows a sub-ACL increase for a management area, but it does not allow a corresponding increase to the ACL.

NMFS published the 2021–2023 specifications for the herring fishery in Framework 8 to the FMP on April 1, 2021 (86 FR 17081). Framework 8 also revised the carryover provision to reduce the amount of carryover available to be added to sub-ACLs in 2022. Specifically, it reduced the 2020 sub-ACL percentages that could be carried over and added to the 2022 sub-ACLs from 10 percent to 5 percent. Because carryover does not increase the ACL, the carryover of 2020 underages to the relatively lower sub-ACLs in 2022 could potentially restrict fishing later in the year in areas not receiving carryover if the sub-ACLs in areas with carryover are harvested early in the year.

Provisions Implemented Through This Final Rule

NMFS recently completed the catch accounting for 2020 and determined there were catch overages in Areas 1A and 1B and catch underages in Areas 2 and 3. To account for the overages, this action deducts the 2020 catch overages