

Closure of the October Through November 2024 BFT General Category Fishery

To date, reported landings for the BFT General category October through November time period total 170.9 mt. Based on these landings data, including average daily catch rates, as well as anticipated favorable fishing conditions in the coming days, NMFS has determined that the adjusted October through November time period subquota of 192.4 mt is projected to be reached and exceeded shortly. Therefore, retaining, possessing, or landing large medium or giant (*i.e.*, measuring 73 inches (185 cm) CFL or greater) BFT by persons aboard vessels permitted in the Atlantic Tunas General category and HMS Charter/Headboat permitted vessels (while fishing commercially) must cease at 11:30 p.m. local time on October 24, 2024. The BFT General category will automatically reopen December 1, 2024, for the December time period with a retention limit of one large medium or giant BFT per vessel per day/trip. This action applies to Atlantic Tunas General category (commercial) permitted vessels and HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT and is taken consistent with the regulations at § 635.28(a)(1).

Waiver for Remaining October Through November RFDs

On May 31, 2024 (89 FR 47095), NMFS published a final rule that, among other things, implemented RFDs every Sunday, Tuesday, Friday, and Saturday from July 1 through November 30, 2024. Since the fishery will be closed for the remainder of the October through November time period, NMFS has decided to waive the previously-scheduled RFDs for the remainder of that time period.

With the RFDs waived during a closure, consistent with § 635.23(a)(7), fishermen aboard General category permitted vessels and HMS Charter/Headboat permitted vessels may tag and release BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs described at § 635.26(a). All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at <https://www.fisheries.noaa.gov/resource/>

[outreach-and-education/careful-catch-and-release-brochure/](#).

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Per § 635.5(b)(2)(i)(A), dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustments, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat category vessel owners are required per § 635.5(a)(4) to report their own catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing <https://hmspermits.noaa.gov>, using the HMS Catch Reporting app, or calling 888-872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

After the fishery reopens on December 1, depending on the level of fishing effort and catch rates of BFT at that time, NMFS may determine that additional adjustments are necessary to ensure available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas as specified under § 635.27(a)(7). If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access <https://hmspermits.noaa.gov>, for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on this action, for the following reasons. Specifically, the regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and an opportunity to comment is impracticable and contrary to the public interest as this fishery is

currently underway and, based on the most recent landings information, the available time period subquota is projected to be reached shortly. Delaying this action could result in BFT landings that exceed the October through November time period subquota, which may result in future potential quota reductions for other BFT categories, depending on the magnitude of a potential overharvest. Taking this action does not raise conservation and management concerns and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment and closure criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effective date.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: October 23, 2024.

Karen H. Abrams,
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 660

[RTID 0648-XD487]

Amendment 8 Revisions to Essential Fish Habitat in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species

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

ACTION: Notification of agency decision.

SUMMARY: NMFS announces the approval of amendment 8 to the Fishery Management Plan (FMP) for the U.S. West Coast Highly Migratory Species (HMS). This amendment updates essential fish habitat (EFH) provisions in the existing HMS FMP. This amendment promotes the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) which requires periodic review and revision of EFH components of FMPs as warranted based on available information.

DATES: The amendment was approved on October 21, 2024.

ADDRESSES: Electronic copies of the amendment may be obtained from <https://www.regulations.gov> or the West Coast Region website at <https://www.fisheries.noaa.gov/action/amendment-8-revisions-essential-fish-habitat-fishery-management-plan-us-west-coast-highly>. Additional documents can be found on the Council's website at <https://www.pcouncil.org>.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Background

The MSA requires that each regional fishery management council submit any FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary (16 U.S.C. 1854(a)). NMFS manages the HMS fisheries off the U.S. Pacific Coast under the HMS FMP. The Pacific Fishery Management Council (Council) prepared the FMP under the authority of the MSA, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMPs appear at 50 CFR parts 600 and 660.

The MSA mandates that each FMP describe and identify EFH for the fishery (16 U.S.C. 1853(7)). EFH is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity” (16 U.S.C. 1802(10)). Under this authority, NMFS and the Council have developed a comprehensive strategy to conserve EFH. This includes incorporating EFH into each of the Council's FMPs, identifying fishing and non-fishing impacts and associated conservation recommendations, and other required EFH elements. EFH requirements and the process for periodic EFH reviews are described in the EFH regulations at 50 CFR 600.815(a). EFH components for each management unit species (MUS) were included in appendix A to the Final Environmental Impact Statement when NMFS approved the HMS FMP in 2004 and have not been reviewed since that time.

This FMP amendment includes eight major components that (1) update the description and identification of EFH,

(2) include new maps for each MUS in the HMS FMP, (3) update information on life history, (4) update information on fishing impacts, (5) update information on non-fishing impacts and conservation measures, (6) update text on habitat areas of particular concern (HAPCs), (7) update research and information needs, and (8) add a reference to Council's Operating Procedure 22 as a description of the review and revision process. The revised FMP text and appendix F include supporting information and rationale for the modifications adopted by the Council.

Further detail describing the amendments was provided in the Notice of Availability (NOA) for this action and is not repeated here.

Procedural Aspects of the Amendment

The Council submitted the amendments to the Secretary for review on June 28, 2024. On July 24, 2024, NMFS published the NOA for the amendment and requested public review and comment (87 FR 21603). Public comments were received pertaining to the HMS FMP amendment and are addressed below.

The amendment does not add any new reporting requirements and does not change any regulatory requirements. Therefore, no proposed or final rule was prepared. This action only adds to or updates HMS EFH provisions in the HMS FMP.

Comments and Responses

NMFS received seven comments during the comment period on amendment 8 revisions to EFH in the HMS FMP, which ended on September 23, 2024. Six comments were in support of the amendment, and two of those encouraged consideration of HAPCs. One of the comments was outside of the scope of this action.

Comments 1–4: The commenters expressed support for the amendment as a fishery management tool for the protection of species, including the creation of new maps, advisories on fishing impact, and recognition of needs for additional research.

Response: NMFS thanks the commenters for the support of this amendment. NMFS agrees that the updated maps will help achieve the overall EFH objectives of supporting a

sustainable fishery and the managed species' contribution to a healthy ecosystem. NMFS agrees that it is important to identify any potential adverse effects on EFH from fishing activities, including lost fishing gear and discharge of processing waste, and whether any additional measures are needed to address those adverse effects. NMFS also agrees that additional research is needed to improve our understanding of fish habitats, the functions they provide, and adverse effects from both fishing and non-fishing activities.

Comments 5–6: The commenters expressed support for the amendment and reaffirmed the importance of updating information, identifying fishing and non-fishing impacts, and considering HAPCs. One commenter was concerned about the risk of delaying protective measures for vulnerable areas, such as shark nurseries and migratory corridors.

Response: NMFS thanks the commenters for the support of this amendment. NMFS agrees that updating species information is important particularly since newer information is based on current fishery-independent information that was not available when the original EFH descriptions were adopted. NMFS agrees that it is important to identify potential adverse effects on EFH from fishing and non-fishing activities that may adversely affect HMS EFH along with any appropriate conservation measures. NMFS also agrees with the importance of HAPCs, although none were proposed at this time. Available data do not point to a focused pupping ground for sharks and available electronic tagging data across species reveals no specific migratory pathway within the U.S. Exclusive Economic Zone. However, we recommend additional research to collect more information that could inform consideration of HAPCs in the future.

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

Dated: October 21, 2024.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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