

effective period of the 2023 temporary rule is 180 days and would end after October 29, 2023. However, NMFS intends to extend the interim measures for an additional 186 days.

The interim measures reduced commercial and recreational catch limits for gag and revised the opening of the recreational season from June 1, 2023, to September 1, 2023. Under the interim measures, gag has a recreational ACL of 403,759 lb (183,142 kg) and a recreational annual catch target (ACT) of 362,374 lb (164,370 kg). The 2023 recreational season for gag was scheduled to be open through November 9, unless NMFS projected that the recreational ACL will be reached sooner and closes the recreational sector as required by the AMs specified in 50 CFR 622.41(r)(2).

NMFS projects that recreational landings of gag from the Gulf EEZ will reach the recreational ACL on October 19, 2023. Accordingly, this temporary rule closes the recreational harvest of gag in or from the Gulf EEZ from October 19 through the end of the fishing year, December 31, 2023.

During the recreational closure, the bag and possession limits of gag in or from the Gulf EEZ are zero. The prohibition on possession of gag also applies in state waters of the Gulf for any vessel issued a valid Federal charter vessel/headboat permit for Gulf reef fish.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.41(r)(2)(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 are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the closure of recreational harvest of gag at 50 CFR 622.41(r)(2)(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 the gag stock. Prior notice and opportunity for public comment would require time and could result in a harvest well in excess of the established ACL. In addition, many charter vessel and headboat

businesses reserve trips for clients in advance and require as much notice as NMFS is able to provide to adjust their business plans to account for changes to the recreational fishing season.

For the reasons just stated, there is also 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 29, 2023.

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. 121004515–3608–02; RTID 0648–XD408]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Re-Opening of the Commercial Sector for Red Snapper in the South Atlantic

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

ACTION: Temporary rule; re-opening.

SUMMARY: NMFS announces the re-opening of the commercial sector for red snapper in the exclusive economic zone (EEZ) of the South Atlantic through this temporary rule. The most recent data for commercial landings of red snapper indicate the commercial annual catch limit (ACL) for the 2023 fishing year has not yet been reached. Therefore, NMFS re-opens the commercial sector to harvest red snapper in the South Atlantic EEZ for 4 days. The purpose of this temporary rule is to allow for the red snapper commercial ACL to be harvested while minimizing the risk of exceeding the commercial ACL.

DATES: This temporary rule is effective from 12:01 a.m. eastern time on October 6, 2023, until 12:01 a.m. eastern time October 10, 2023.

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 snapper 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 (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. All weights in this temporary rule are given in round weight.

The commercial ACL for red snapper in the South Atlantic is 124,815 lb (56,615 kg) as specified at 50 CFR 622.193(y)(1).

Under 50 CFR 622.193(y)(1), NMFS is required to close the commercial sector for red snapper when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. For the 2023 fishing year, NMFS had already projected that commercial landings of red snapper would reach the commercial ACL on August 18, 2023, and therefore closed commercial harvest for the rest of the 2023 fishing year on that date (88 FR 55585, August 16, 2023). However, a recent update of commercial landings data indicates that the commercial ACL for red snapper was not reached on August 18, 2023.

In accordance with 50 CFR 622.8(c), NMFS temporarily re-opens the commercial sector for red snapper on October 6, 2023. The commercial sector will be open for 4 days or through October 9, 2023, to allow for the commercial ACL to be reached. The commercial sector will close again on October 10, 2023, and remain closed through December 31, 2023. For the 2024 fishing year, unless otherwise specified, the commercial season will begin on the second Monday in July (50 CFR 622.183(b)(5)(i)). NMFS has determined that this re-opening will allow for an additional opportunity to commercially harvest red snapper while reducing the risk of exceeding the commercial ACL.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper having red snapper on board must have landed and bartered, traded, or sold such red snapper prior to 12:01 a.m., eastern time, on October 10, 2023. During the subsequent commercial closure from October 10, 2023, through December 31, 2023, all sale or purchase of red snapper is prohibited. Because the recreational sector closed on July 16, 2023 (88 FR 33838, May 25, 2023), after the commercial closure that is effective on October 10, 2023, all harvest and possession of red snapper in or from the South Atlantic EEZ is prohibited for the remainder of the 2023 fishing year.

On and after the effective date of the closure notification, all sale or purchase of red snapper is prohibited. This prohibition on the harvest, possession, sale or purchase applies in the South Atlantic on a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, regardless if such species were harvested or possessed in state or Federal waters (50 CFR 622.193(y)(1) and 622.181(c)(2)).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is taken under 50 CFR 622.8(c), 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. Such procedure is unnecessary, because the regulations associated with the commercial ACL of red snapper and a re-opening to provide an opportunity for the commercial ACL to be harvested have already been subject to notice and public comment, and all that remains is to notify the public of the commercial sector re-opening.

For these same reasons, the Assistant Administrator for Fisheries 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 29, 2023.

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. 230914–0219]

RTID 0648–XD411

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2023 Commercial and Recreational Closures for Gag in the South Atlantic

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures for gag in the exclusive economic zone (EEZ) of the South Atlantic. NMFS estimates that both commercial and recreational landings of gag have reached the respective new commercial and recreational annual catch limits (ACLs) for the 2023 fishing year. Accordingly, NMFS will close both the commercial and recreational sectors for the harvest and possession of gag in the South Atlantic EEZ to protect the gag resource from overfishing.

DATES: This temporary rule is effective from 12:01 a.m. eastern time on October 23, 2023, through December 31, 2023.

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 gag 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 gutted weight.

NMFS recently published the final rule to implement Amendment 53 to the FMP (88 FR 65135, September 21, 2023). For gag, Amendment 53 reduced the sector ACLs, and revised commercial trip limits, recreational bag, vessel, and possession limits, and recreational accountability measures (AMs). For the 2023 fishing year, Amendment 53 reduced the commercial ACL from 374,519 lb (169,879 kg) to 85,326 lb (38,703 kg) and reduced the recreational ACL from 359,832 lb (171,807 kg) to 90,306 lb (40,962 kg). Amendment 53 also established a rebuilding plan for gag, and revised the overfishing levels, acceptable biological catch, annual optimum yield, and sector allocations for gag. The final rule for Amendment 53 is effective October 23, 2023.

Gag Commercial Sector

On October 23, 2023, the revised commercial ACL (commercial quota) for the 2023 fishing year for gag will be 85,326 lb (38,703 kg). The commercial AM for gag requires NMFS to close the commercial sector when its ACL is reached, or is projected to be reached,

by filing a notification to that effect with the Office of the Federal Register. NMFS estimates that for the 2023 fishing year, commercial landings of gag have reached, and already exceeded, the revised commercial ACL. Accordingly, the harvest and possession of South Atlantic gag for the commercial sector is closed effective at 12:01 a.m. eastern time on October 23, 2023, through December 31, 2023.

During the commercial closure, the sale or purchase of gag taken from the South Atlantic EEZ is prohibited. The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper with gag on board must have landed and bartered, traded, or sold such gag before October 23, 2023. The prohibition on sale or purchase does not apply to the sale or purchase of gag that were harvested, landed ashore, and sold before October 23, 2023, and were held in cold storage by a dealer or processor. Additionally, the recreational bag and possession limits and the sale and purchase prohibitions for gag under the commercial closure apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, regardless of whether the gag are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

Additionally, the commercial AM at 50 CFR 622.193(c)(1)(ii) specifies that if the commercial ACL is exceeded, and the combined commercial and recreational ACL specified at 50 CFR 622.193(c)(3) is exceeded, and gag are overfished, then NMFS will reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the prior fishing year. NMFS will evaluate whether it is necessary for the 2024 commercial ACL to be reduced by the amount of the 2023 commercial ACL overage once NMFS has finalized 2023 commercial landings information. If necessary, NMFS will publish a notice for any 2024 commercial ACL reduction in the **Federal Register**.

Gag Recreational Sector

On October 23, 2023, the revised recreational ACL for the 2023 fishing year for gag will be 90,306 lb (40,962 kg). The recreational AM for gag requires NMFS to close the recreational sector when its ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS estimates that for the 2023 fishing year, recreational landings of gag have reached and already exceeded the