

triggerfish portion of the reef fish fishery; therefore, these comments are not addressed further in this final rule. Specific comments related to the proposed rule and the framework action are grouped by topic and addressed below.

*Comment 1:* The commercial and recreational catch limits for gray triggerfish in the Gulf should remain the same and not be increased.

*Response:* NMFS disagrees. Maintaining the current ACLs and ACTs is not consistent with the requirements of the Magnuson-Stevens Act to establish catch limits that achieve OY. The previous commercial ACL of 64,100 lb (29,075 kg), the recreational ACL of 241,200 lb (109,406 kg), the commercial ACT of 60,900 lb (27,624 kg), and the recreational ACT of 217,100 lb (98,475 kg) have been in effect since 2013 (78 FR 27084; May 9, 2013). In 2015, the results of SEDAR 43 found that the Gulf gray triggerfish stock OFL and ABC could be increased. The Council's SSC subsequently recommended these same increases. However, the Council at that time decided not to change the stock ABC, sector ACLs, or sector ACTs. In 2020, the Council's SSC accepted a 2020 gray triggerfish interim analysis, which determined that abundance trends of the Gulf gray triggerfish stock suggested an increase in biomass that could support additional harvest and was suitable for providing ABC catch advice through 2023. The Council accepted the SSC's recommendation for an increase to the ABC and subsequently approved revised sector ACLs based on the current allocation, in order to achieve OY consistent with the requirements of the Magnuson-Stevens Act. The Council's ACL/ACT control rule was used to set new increased buffers between each sector's ACL and ACT to reduce the likelihood of overfishing. Therefore, maintaining the previous catch limits would not serve the purpose of this rule, which is to achieve OY while reducing the likelihood of overfishing. The Gulf gray triggerfish stock is not currently overfished or undergoing overfishing as determined by SEDAR 43, the implementation of Amendment 44 to the FMP (82 FR 61488; December 28, 2017), and the most recent quarterly report on the status of the stocks.

*Comment 2:* The gray triggerfish population is still being overfished and any increases to the catch limits increases the risks to the stock and healthy oceans.

*Response:* NMFS disagrees that the gray triggerfish population is still overfished. In 2020, the most recent Gulf gray triggerfish interim analysis index of abundance trends suggested

that the gray triggerfish biomass has increased in recent years. This additional biomass should support additional removals from the stock as related to the increases to the commercial and recreational ACLs and ACTs in this final rule. While the interim analysis was not able to provide a biomass estimate, the gray triggerfish stock is not considered to be overfished or undergoing overfishing. As described in the framework action, the catch limit increases in this final rule are based on the findings of the interim analysis, which is deemed by the Council's SSC as suitable for management advice and the use of the Council's ACL/ACT control rule, and best available science.

#### Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the framework action, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Magnuson-Stevens Act provides the legal basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting and record-keeping requirements are introduced by this final rule. This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995. A description of this final rule, why it is being considered, and the purposes of this final rule are contained in the preamble and in the **SUMMARY** section of this final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

#### List of Subjects in 50 CFR Part 622

Annual catch limit, Fisheries, Fishing, Gray triggerfish, Gulf, Reef fish, Quota.

Dated: June 23, 2021.

**Samuel D. Rauch III,**

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

#### **PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC**

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.39, revise paragraph (a)(1)(vi) to read as follows:

#### **§ 622.39 Quotas.**

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

(vi) Gray triggerfish—88,273 lb (40,040 kg), round weight.

\* \* \* \* \*

■ 3. In § 622.41, revise the last sentence of paragraph (b)(1) and paragraph (b)(2)(iii) to read as follows:

#### **§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \* The commercial ACL is 95,949 lb (43,522 kg), round weight.

(2) \* \* \*

(iii) The recreational ACL for gray triggerfish is 360,951 lb (163,725 kg), round weight. The recreational ACT for gray triggerfish is 274,323 lb (124,431 kg), round weight.

\* \* \* \* \*

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 660**

[Docket No. 210505–0101; RTID 0648–XB156]

#### **Fisheries Off West Coast States; Modification of the West Coast Commercial Salmon Fisheries; Inseason Action #17**

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

**ACTION:** Inseason modification of 2021 management measures.

**SUMMARY:** NMFS announces an inseason action in the 2021 ocean salmon fisheries. These inseason actions modified the commercial salmon fisheries in the area from the U.S./Canada border to Cape Falcon, OR.

**DATES:** This inseason action became applicable on June 3, 2021, and remains in effect until superseded or modified.

**FOR FURTHER INFORMATION CONTACT:** Peggy Mundy at 206–526–4323, Email: [peggy.mundy@noaa.gov](mailto:peggy.mundy@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

In the 2021 annual management measures for ocean salmon fisheries (86 FR 26425, May 14, 2021), NMFS announced management measures for the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 16, 2021, until the effective date of the 2022 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions).

Management of the salmon fisheries is generally divided into two geographic areas: North of Cape Falcon (NOF) (U.S./Canada border to Cape Falcon, OR), and south of Cape Falcon (Cape Falcon, OR, to the U.S./Mexico border). The actions described in this document affected the NOF commercial salmon fishery as set out under the heading.

**Inseason Action**

*Reason and Authorization for Inseason Action #17*

The fishery affected by the inseason action described below was authorized in the final rule for 2021 annual management measures for ocean salmon fisheries (86 FR 26425, May 14, 2021). The 2021 annual management measures established a May-June commercial salmon fishery that includes subarea quotas for the areas from the U.S./Canada border to Queets River, WA (5,680 Chinook salmon), and the area

from Leadbetter Point, WA, to Cape Falcon, OR (4,195 Chinook salmon). Data for the first half of this fishery indicate that both effort and catch are well below preseason expectations. Through June 2, 2021, 850 Chinook salmon were landed in the area from the U.S./Canada border to Queets River (15 percent of the subarea quota), and 22 Chinook salmon were landed in the area from Leadbetter Point to Cape Falcon (0.5 percent of the subarea quota).

The NMFS West Coast Regional Administrator (RA) considered the landings of Chinook salmon in the NOF commercial salmon fishery, fishery effort occurring to date as well as anticipated under the proposal, quotas set preseason, and the Chinook salmon quota remaining. The RA determined that the inseason action described below was necessary to increase access to available Chinook salmon quota and meet management goals set preseason. The modification of limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation on this inseason action occurred on June 3, 2021.

Representatives from NMFS, Washington Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, and Council staff participated in the consultation.

**Inseason Action**

*Inseason Action #17*

*Description of the action:* Inseason action #17 increased the Chinook salmon landing limit in the May–June non-tribal commercial ocean salmon fishery from the U.S./Canada border to Queets River, and from Leadbetter Point to Cape Falcon from 75 Chinook salmon per vessel per landing week (Thursday through Wednesday) to 100 Chinook salmon per vessel per landing week (Thursday through Wednesday).

*Effective dates:* Inseason action #17 took effect on Thursday, June 3, 2021, the first day of the Thursday through Wednesday landing week, and remains in effect until superseded. This inseason action was announced on NMFS' telephone hotline and U.S. Coast Guard radio broadcast on June 3, 2021 (50 CFR 660.411(a)(2)).

All other restrictions and regulations remain in effect as announced for the 2021 ocean salmon fisheries (86 FR 26425, May 14, 2021).

The RA determined that this inseason action was warranted based on the best available information on Pacific salmon abundance forecasts and anticipated fishery effort. The states manage the

fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone consistent with these Federal actions. As provided by the inseason notice procedures at 50 CFR 660.411, actual notice of the described regulatory action was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

**Classification**

NMFS issues these actions pursuant to section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). These actions are authorized by 50 CFR 660.409, which was issued pursuant to section 304(b) of the MSA, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on these actions, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment on these actions was impracticable because NMFS had insufficient time to provide for prior notice, and the opportunity for public comment between the time Chinook salmon abundance, catch, and effort information was developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information. As previously noted, actual notice of the regulatory action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (86 FR 26425, May 14, 2021), the fishery management plan (FMP), and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of these actions would allow fishing at levels inconsistent with the goals of the FMP and the current management measures.

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

Dated: June 24, 2021.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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