

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to Stephens' kangaroo rat. Except as provided under paragraph (t)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.  
 (ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.  
 (iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.  
 (iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to Stephens' kangaroo rat, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(2) through (4) for endangered wildlife.

(iii) Take, as set forth at § 17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at § 17.21(d)(2) for endangered wildlife.

(v) Implement livestock grazing in the course of habitat management and restoration to benefit Stephens' kangaroo rat or other native species in the grassland habitat as approved by the Service.

(vi) Conduct the following wildfire suppression activities:

(A) Activities necessary to maintain the minimum clearance (defensible space) requirement from any occupied dwelling, occupied structure, or to the property line, whichever is nearer, to provide reasonable fire safety and to reduce wildfire risks consistent with the State of California fire codes or local fire codes/ordinances.

(B) Fire management actions (*e.g.*, prescribed burns, hazardous fuel reduction activities) on protected/ preserve lands to maintain, protect, or enhance habitat occupied by Stephens' kangaroo rat. These activities are to be coordinated with and reported to the Service in writing and approved the first time an individual or agency undertakes them.

(C) Maintenance of existing fuel breaks.

(D) Firefighting activities associated with actively burning wildfires to reduce risk to life or property.

(vii) Remove nonnative, invasive, or noxious plants for the purpose of

Stephens' kangaroo rat conservation as approved by the Service. This includes noxious weed control and other vegetation reduction in the course of habitat management and restoration to benefit Stephens' kangaroo rat, including mechanical and chemical control, provided that these activities are conducted in a manner consistent with Federal and applicable State laws, including Environmental Protection Agency label restrictions for herbicide application.

(viii) Implement activities conducted as part of a plan developed in coordination with the Service or the California Department of Fish and Wildlife that are for the purpose of Stephens' kangaroo rat conservation.

**Martha Williams,**

*Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2022-03317 Filed 2-16-22; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-HQ-ES-2021-0138; FF09E21000 FXES1111090FEDR 223]

**RIN 1018-BG58**

#### **Endangered and Threatened Wildlife and Plants; Adding Rice's Whale to and Updating Three Humpback Whale Entries on the List of Endangered and Threatened Wildlife**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), in accordance with the Endangered Species Act of 1973, as amended (Act), are amending the List of Endangered and Threatened Wildlife (List) by adding Rice's whale (*Balaenoptera ricei*). We are also updating the entries for the Central America, Mexico, and Western North Pacific distinct population segments (DPSs) of humpback whales (*Megaptera novaeangliae*) to reflect the designation of critical habitat for these DPSs. These amendments are based on previously published determinations by the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration, Department of Commerce, which has jurisdiction for these species.

**DATES:**

*Effective date:* This rule is effective February 17, 2022.

*Applicability date:* The Rice's whale listing was applicable as of October 22, 2021. The humpback whale critical habitat designations were applicable as of May 21, 2021.

**FOR FURTHER INFORMATION CONTACT:**

Caitlin Snyder, Chief, Branch of Domestic Listing, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041-3803; telephone 703-358-2171.

**SUPPLEMENTARY INFORMATION:**

**Background**

In accordance with the Act (16 U.S.C. 1531 *et seq.*) and Reorganization Plan No. 4 of 1970 (35 FR 15627; October 6, 1970), NMFS has jurisdiction over the marine taxa specified in this rule. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as an endangered species or a threatened species. Under section 4(a)(3)(A)(i) of the Act, NMFS must designate any habitat of endangered or threatened species which is then considered to be critical habitat. NMFS makes these determinations and critical habitat designations via its rulemaking process. We, the Service, are then responsible for publishing final rules to amend the List in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 17.11(h).

On December 8, 2016, NMFS published a proposed rule to list the Gulf of Mexico Bryde's whale as an endangered species (81 FR 88639). NMFS solicited public comments on the proposed rule for 75 days (81 FR 88639, December 8, 2016; 81 FR 92760, December 20, 2016; 82 FR 9707, February 8, 2017) and accepted public comments during a public hearing on January 19, 2017. NMFS addressed all public comments received in response to the proposed rule in its April 15, 2019, final rule (84 FR 15446) to list the Gulf of Mexico Bryde's whale as an endangered species. NMFS determined that the Gulf of Mexico Bryde's whale is an unnamed subspecies of Bryde's whales (*Balaenoptera edeni*). The listing of the Gulf of Mexico Bryde's whale went into effect on May 15, 2019. We did not publish an administrative action at that time to add the Gulf of Mexico Bryde's whale to the List at 50 CFR 17.11(h).

On August 23, 2021, NMFS published a direct final rule (86 FR 47022) to revise the taxonomy and common name of *Balaenoptera edeni* (unnamed subspecies; Bryde's Whale—Gulf of Mexico subspecies) to reflect the most recently accepted scientific name, in

accordance with 50 CFR 224.101(e). Based on the best scientific data available at that time, NMFS determined that revising the entry at 50 CFR 224.101(h) was warranted as follows: Change the common name from Bryde’s whale (Gulf of Mexico subspecies) to Rice’s whale, change the scientific name from *Balaenoptera edeni* (unnamed subspecies) to *Balaenoptera ricei*, and change the description of the listed entity from Bryde’s whales that breed and feed in the Gulf of Mexico to “wherever found.” NMFS provided an opportunity for the public to submit significant adverse comments in response to the direct final rule; they received none. The direct final rule went into effect on October 22, 2021. By publishing this final rule, we are taking the necessary administrative step to amend the List at 50 CFR 17.11(h) to include the Rice’s whale.

We are also updating the entries on the List for the Central America, Mexico, and Western North Pacific DPSs of humpback whales to reflect the designation of critical habitat for these three DPSs. On October 9, 2019, NMFS published a proposed rule (84 FR 54354) identifying critical habitat for these three DPSs of humpback whales and solicited public comments on the proposed rule through January 31, 2020 (see 84 FR 65346, November 27, 2019). NMFS also solicited public comments at six public hearings (84 FR 55530, October 17, 2019; 84 FR 65346, November 27, 2019). NMFS addressed all public comments received in its April 21, 2021, final rule (86 FR 21082) designating critical habitat for these three DPSs.

The humpback whale critical habitat designations went into effect on May 21, 2021. By publishing this final rule, we are taking the necessary administrative step to codify these changes in the List at 50 CFR 17.11(h).

**Administrative Procedure Act**

Because NMFS provided an opportunity for public comment on the proposed rules for these taxa, and because this action of the Service to amend the List in accordance with the determinations by NMFS is nondiscretionary, the Service finds good cause that the notice and public comment procedures of 5 U.S.C. 553(b) are unnecessary for this action. We also find good cause under 5 U.S.C. 553(d)(3) to make this rule effective immediately. The NMFS rules extended protection under the Act to these species by listing Rice’s whale in 50 CFR part 224 and designating critical habitat for the Central America, Mexico, and Western North Pacific DPSs of humpback whales in 50 CFR part 226; this rule is an administrative action to add one species to, and update the entries of three species on, the List at 50 CFR 17.11(h). The public would not be served by delaying the effective date of this rulemaking action.

**Required Determinations**

*National Environmental Policy Act*

We have determined that an environmental assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section

4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

**Regulation Promulgation**

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the CFR, as set forth below.

**PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS**

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11, in paragraph (h), the List of Endangered and Threatened Wildlife, under mammals, by:

■ a. Revising the entries for “Whale, humpback [Central America DPS],” “Whale, humpback [Mexico DPS],” and “Whale, humpback [Western North Pacific DPS];” and

■ b. Adding an entry in alphabetical order for “Whale, Rice’s”.

The revisions and addition read as follows:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*  
(h) \* \* \*

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
MAMMALS				
*	*	*	*	*
Whale, humpback [Central America DPS].	<i>Megaptera novaeangliae</i> ..	Central America DPS—see 50 CFR 224.101.	E	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016; <sup>N</sup> 81 FR 93639, 12/21/2016; 87 FR [INSERT <b>Federal Register</b> PAGE WHERE THE DOCUMENT BEGINS], 2/17/2022; 50 CFR 226.227. <sup>CH</sup>
Whale, humpback [Mexico DPS].	<i>Megaptera novaeangliae</i> ..	Mexico DPS—see 50 CFR 223.102.	T	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016; <sup>N</sup> 81 FR 93639, 12/21/2016; 87 FR [INSERT <b>Federal Register</b> PAGE WHERE THE DOCUMENT BEGINS], 2/17/2022; 50 CFR 223.213; 50 CFR 223.214; 50 CFR 226.227. <sup>CH</sup>
Whale, humpback [Western North Pacific DPS].	<i>Megaptera novaeangliae</i> ..	Western North Pacific DPS—see 50 CFR 224.101.	E	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016; <sup>N</sup> 81 FR 93639, 12/21/2016; 87 FR [INSERT <b>Federal Register</b> PAGE WHERE THE DOCUMENT BEGINS], 2/17/2022; 50 CFR 224.103; 50 CFR 226.227. <sup>CH</sup>

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
Whale, Rice's .....	<i>Balaenoptera ricei</i> .....	Wherever found .....	E	84 FR 15446, 4/15/2019; 86 FR 47022, 8/23/2021; <sup>N</sup> 87 FR [INSERT <b>Federal Register</b> PAGE WHERE THE DOCUMENT BEGINS], 2/17/2022.

**Martha Williams,**

*Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2022-03114 Filed 2-16-22; 8:45 am]

BILLING CODE 4333-15-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 180117042-8884-02; RTID 0648-XB791]

**Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries**

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

**ACTION:** Temporary rule; closure of the Atlantic bluefin tuna Angling category southern area large medium and giant fishery for 2022.

**SUMMARY:** NMFS closes the southern area Angling category fishery for large medium and giant (“trophy” (*i.e.*, measuring 73 inches (185 cm) curved fork length or greater)) Atlantic bluefin tuna (BFT). This action applies to Highly Migratory Species (HMS) Angling category permitted vessels and Atlantic HMS Charter/Headboat permitted vessels when fishing recreationally.

**DATES:** Effective 11:30 p.m., local time, February 12, 2022, through December 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** Larry Redd, Jr., [larry.redd@noaa.gov](mailto:larry.redd@noaa.gov), 301-427-8503, Nicholas Velseboer, [nicholas.velsboer@noaa.gov](mailto:nicholas.velsboer@noaa.gov), 978-281-9260, or Thomas Warren, [thomas.warren@noaa.gov](mailto:thomas.warren@noaa.gov), 978-281-9347.

**SUPPLEMENTARY INFORMATION:** Atlantic HMS fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act

(Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure notice for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified.

The 2022 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2022. The Angling category season opened January 1, 2022, and continues through December 31, 2022. The Angling category baseline quota is 232.4 metric tons (mt), of which 5.3 mt is allocated for the harvest of large medium and giant (trophy) BFT by vessels fishing under the Angling category quota, with 1.8 mt allocated for each of the following areas: North of 39°18' N lat. (off Great Egg Inlet, NJ); south of 39°18' N lat. and outside the Gulf of Mexico (the “southern area”); and in the Gulf of Mexico. Trophy BFT measure 73 inches (185 cm) curved fork length or greater.

**Angling Category Large Medium and Giant Southern “Trophy” Fishery Closure**

Based on landings data from the NMFS Automated Catch Reporting

System and the North Carolina Tagging Program, as well as average catch rates and anticipated fishing conditions, NMFS projects the Angling category southern area trophy BFT subquota of 1.8 mt will be reached shortly. Therefore, retaining, possessing, or landing large medium or giant (*i.e.*, measuring 73 inches (185 cm) curved fork length or greater) BFT south of 39°18' N lat. and outside the Gulf of Mexico by persons aboard Angling category permitted vessels and Atlantic HMS Charter/Headboat permitted vessels (when fishing recreationally) must cease at 11:30 p.m. local time on February 12, 2022. This closure will remain effective through December 31, 2022. This action applies to Angling category permitted vessels and Atlantic HMS Charter/Headboat permitted vessels when fishing recreationally for BFT, and is taken consistent with the regulations at § 635.28(a)(1). This action is intended to prevent overharvest of the Angling category southern area trophy BFT subquota.

If needed, subsequent Angling category adjustments will be published in the **Federal Register**. Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 cm) to less than 73 inches (185 cm) and any further Angling category adjustments, is available at [hmspermits.noaa.gov](https://hmspermits.noaa.gov) or by calling (978) 281-9260. HMS Angling and HMS Charter/Headboat permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. Anglers are also reminded that all BFT that are released must be handled in a manner that will maximize 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/>.

HMS Charter/Headboat and Angling category vessel owners are required to report the catch of all BFT retained or