

**Subpart D—Civil Monetary Penalty Inflation Adjustments**

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**Subpart D—Civil Monetary Penalty Inflation Adjustments**

**§ 11.31 Definitions.**

(a) *Civil monetary penalty* means any penalty, fine, or other sanction that:

- (1)(i) Is for a specific monetary amount as provided by Federal law; or
  - (ii) Has a maximum amount provided for by Federal law;
  - (2) Is assessed or enforced by an agency pursuant to Federal law; and
  - (3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.
- (b) *Inflation Adjustment Act* means the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74, November 2, 2015, 129 Stat. 584, 28 U.S.C. 2461 note).

**§ 11.32 Purpose and scope.**

The purpose of this part is to make the inflation adjustment, described in and required by the Inflation Adjustment Act, of each civil monetary penalty provided by law within the jurisdiction of the U.S. Fish and Wildlife Service.

**§ 11.33 Adjustments to penalties.**

The civil monetary penalties provided by law within the jurisdiction of the U.S. Fish and Wildlife Service are adjusted as follows:

Law	Citation	Type of violation	Maximum civil monetary penalty
(a) African Elephant Conservation Act .....	16 U.S.C. 4224(b) .....	Any violation .....	\$9,893
(b) Bald and Golden Eagle Protection Act .....	16 U.S.C. 668(b) .....	Any violation .....	12,500
(c) Endangered Species Act of 1973 .....	16 U.S.C. 1540(a)(1) .....	(1) Knowing violation of section 1538 .....	49,467
		(2) Other knowing violation .....	23,744
		(3) Any other violation .....	1,250
(d) Lacey Act Amendments of 1981 .....	16 U.S.C. 3373(a) .....	(1) Violations referred to in 16 U.S.C. 3373(a)(1).	25,000
		(2) Violations referred to in 16 U.S.C. 3373(a)(2).	625
(e) Marine Mammal Protection Act of 1972 .....	16 U.S.C. 1375 .....	Any violation .....	25,000
(f) Recreational Hunting Safety Act of 1994 .....	16 U.S.C. 5202(b) .....	(1) Violation involving use of force or violence or threatened use of force or violence.	15,909
		(2) Any other violation .....	7,954
(g) Rhinoceros and Tiger Conservation Act of 1998.	16 U.S.C. 5305a(b)(2) .....	Any violation .....	17,403
(h) Wild Bird Conservation Act .....	16 U.S.C. 4912(a)(1) .....	(1) Violation of section 4910(a)(1), section 4910(a)(2), or any permit issued under section 4911.	41,932
		(2) Violation of section 4910(a)(3) .....	20,127
		(3) Any other violation .....	839

**§ 11.34 Subsequent adjustments.**

The Secretary of the Interior or his or her designee will, every year after August 1, 2016, make the inflation adjustment described in and required by the Inflation Adjustment Act of each civil monetary penalty provided by law and within the jurisdiction of the U.S. Fish and Wildlife Service. Each annual adjustment will be reflected in the table in § 11.33.

Dated: June 21, 2016.

**Michael J. Bean,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 160202068–6532–02]

**RIN 0648–XE425**

**Fisheries of the Northeastern United States; Small-Mesh Multispecies Specifications**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule modifies the specifications for northern and southern red hake for fishing years 2016 and 2017. This action is necessary to implement the Council’s recommended measures in response to updated scientific information. These final specifications are intended to help achieve sustainable yield and prevent

overfishing on these two red hake stocks.

**DATES:** Effective June 28, 2016, until the effective date of the 2018–19 annual specifications and management measures, which will publish in the **Federal Register**.

**ADDRESSES:** Copies of the specifications document, consisting of an Environmental Assessment (EA) and other supporting documents, are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. This document is also available from the following internet addresses: [www.greateratlantic.fisheries.noaa.gov/](http://www.greateratlantic.fisheries.noaa.gov/) or [www.nefmc.org](http://www.nefmc.org). Copies of the small entity compliance guide are available from John K. Bullard, Regional Administrator, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298.

**FOR FURTHER INFORMATION CONTACT:** Peter Burns, Fishery Policy Analyst, (978) 281–9144.

**SUPPLEMENTARY INFORMATION:**

**Background**

The New England Fishery Management Council manages the small-mesh multispecies fishery primarily through a series of exemptions from the Northeast Multispecies Fishery Management Plan (FMP). The small-mesh multispecies fishery is composed of five stocks of three species of hakes (northern and southern silver hake, northern and southern red hake, and offshore hake). It is managed separately from the other stocks of groundfish such as cod, haddock, and flounders, primarily because the fishery uses small mesh and modified nets that do not generally result in the catch of these other stocks. Amendment 19 to the Northeast Multispecies FMP (April 4, 2013; 78 FR 20260) established a process for setting the small-mesh multispecies catch specifications, as well as set the specifications for the 2012–2014 fishing years. On May 28,

2015, NMFS published specifications for the 2015–2017 fishing years, based on stock assessment updates using data through the spring 2014 survey (80 FR 30379). The Northeast Fisheries Science Center completed a stock assessment update in 2015, using data through the 2015 spring survey. The 2015 update indicates that the northern red hake stock is increasing in biomass, while the southern stock is decreasing.

The purpose of this action is to modify the northern and southern red hake specifications for the 2016 and 2017 fishing years. The Council recommended these changes in response to its review of the 2015 assessment update. The 2015 stock assessment update showed an increase in the northern red hake stock and a decrease in the southern red hake stock; however, the reasons for the decline in the southern stock area are unclear. In response to the updated stock

assessment, the Council recommends modifications to the annual catch limits and total allowable landings limits.

**Final Measures**

This rule increases the northern red hake and decreases the southern red hake 2016 and 2017 annual catch limits and total allowable landings limits (Table 1), consistent with the stock assessment update and the Council’s recommendation. The increase to the northern stock specifications will reduce unnecessary discards by delaying a reduction in the possession limits. This action will benefit the fishery without increasing the risk of overfishing. The decrease in the southern stock specifications is necessary to reduce the risk of overfishing, even though recent landings are approximately 20 percent below the revised level of total allowable landings (Table 2).

TABLE 1—SUMMARY OF THE REVISED 2016 AND 2017 RED HAKE SPECIFICATIONS, IN METRIC TONS

	Northern red hake		Southern red hake	
	Existing	Revised	Existing	Revised
Overfishing Limit .....	331	556	3,400	1,816
Acceptable Biological Catch .....	287	496	3,179	1,717
Annual Catch Limit (ACL) .....	273	471	3,021	1,631
Total Allowable Landings (TAL) .....	104.2	120	1,309.4	746

TABLE 2—COMPARISON OF REVISED 2016–2017 RED HAKE SPECIFICATIONS AND 2014 CATCH AND LANDINGS, IN METRIC TONS

	Northern red hake	Southern red hake
Revised ACL .....	471	1,631
2014 Catch .....	278	1,277
% of Revised ACL ....	56%	74%
Revised TAL .....	120	746
2014 Landings .....	74	603
% of Revised TAL ....	62%	81%

The Assistant Administrator finds good cause under the authority of 5 U.S.C. 553(d)(3) to waive the 30-day delay of the effective date. Because the fishing year began on May 1, 2016, delaying the effectiveness of this action, particularly the increase in the northern red hake catch limits, would not be in the best interest of the fishery resource or vessels fishing for small-mesh multispecies. The intent of this action is to allow the fishery to benefit from the increase in the northern red hake biomass by increasing the overall catch limits for the fishery. This action will also help to reduce red hake discards by ensuring that the possession limits are not reduced sooner than necessary. The accountability measures for the fishery require that the possession limits be reduced once certain harvest triggers are met. If the 30-day delay in the effective date stands, there is a risk that early-season fishing effort on the northern red hake stock could trigger a reduction in the possession limits before the increase in overall catch limits contained in this final rule take effect. In 2012 and 2013, northern red hake catch rates exceeded the Annual Catch Limits (ACL) and Acceptable Biological Catch (ABC) and the possession limit was reduced to the

incidental level earlier than anticipated. Such a situation could cause economic hardship for fishermen by restricting them to a lower possession limit until the higher catch limits contained in this rule take effect and the higher possession limits are re-instated. Therefore, having the increased catch limits take effect upon publication will optimize the benefits to the industry by extending the season and will benefit the resource by helping to prevent excess discards and overages to the ACL and ABC.

In addition, making the measures in this final rule effective upon publication will assist in reducing the risk of overfishing the southern red hake stock, even though the fishery is not expected to exceed the reduced catch limits.

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

**Comments and Responses**

On April 7, 2016, NMFS published proposed specifications for public notice and comment. NMFS did not receive any comments in response to the proposed rule.

**Classification**

The Administrator, Greater Atlantic Region, NMFS, determined that this final rule is necessary for the conservation and management of the small-mesh multispecies fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is exempt from review under E.O. 12866 because this action contains no implementing regulations.

regulatory flexibility analysis is not required and none was prepared.

There are no new reporting or recordkeeping requirements contained in any of the final measures included in this action.

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

Dated: June 22, 2016.

**Samuel D. Rauch III,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 140904754-5188-02]

RIN 0648-BG08

#### Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2015-2016 Biennial Specifications and Management Measures; Inseason Adjustments

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

**ACTION:** Final rule; inseason adjustments to biennial groundfish management measures.

**SUMMARY:** This final rule announces inseason changes to management measures in the Pacific Coast groundfish fisheries. This action, which is authorized by the Pacific Coast Groundfish Fishery Management Plan (PCGFMP), is intended to allow fisheries to attain their allocations and maintain year-round fishing opportunities while keeping harvest within the annual catch limit (ACL) for sablefish north 36° N. lat.

**DATES:** This final rule is effective June 28, 2016.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Hanshew, phone: 206-526-6147, fax: 206-526-6736, or email: [gretchen.hanshew@noaa.gov](mailto:gretchen.hanshew@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This rule is accessible via the Internet at the Office of the Federal Register Web site at <https://www.federalregister.gov>. Background information and documents are available at the Pacific Fishery Management Council's Web site at

<http://www.pcouncil.org/>. Copies of the final environmental impact statement (FEIS) for the Groundfish Specifications and Management Measures for 2015-2016 and Biennial Periods Thereafter are available from Chuck Tracy, Acting Executive Director, Pacific Fishery Management Council (Council), 7700 NE Ambassador Place, Portland, OR 97220, phone: 503-820-2280.

#### Background

##### *Changes to Trip Limits the Limited Entry Fixed Gear and Open Access Sablefish Daily Trip Limit Fisheries North of 36° N. lat.*

The best available fisheries information indicates that catch of sablefish in the commercial non-trawl fisheries north of 36° N. lat. in 2016 will be higher than anticipated. The Council considered updated projections and the status of ongoing groundfish fisheries at its March 9-14, 2016, and April 9-14, 2016, meetings. The Council considered 2015 fishery harvest estimates and fishery models, updated with the best estimate reports from the Pacific Fishery Information Network through February 28, 2016.

At its March meeting, the Council considered updated projections, indicating that sablefish landings through the end of the year would exceed the sablefish allocation in the limited entry fixed gear daily trip limit (DTL) fishery north of 36° N. lat. Projected landings in the limited entry fixed gear DTL fishery north of 36° N. lat. vary based on assumptions on the price per pound. If no action is taken—and this higher than anticipated catch continues in the limited entry fixed gear DTL fishery—then projected landings range from 90 percent of the allocation (low price assumption) to over 100 percent of the allocation (high price assumption) through the end of the year. In recent years, the Council has taken a precautionary approach to setting trip limits at the start of the year. Setting trip limits to target approximately 90 percent attainment of the allocation allows for flexibility to increase trip limits later in the year if harvest remains at or lower than anticipated levels, and also reduces the risk of early closure if catches are higher than anticipated. The Council considered a modest decrease to the weekly limit in the limited entry fixed gear DTL fishery north of 36° N. lat. With a slightly smaller weekly limit, harvest estimates through the end of the year were reduced to between 81 and 93 percent of the allocation (under low and high price per pound assumptions, respectively).

The Council recommended and NMFS is implementing a reduction in the weekly limit for sablefish in the limited entry fixed gear fishery north of 36° N. lat. from “1,275 lb per week, not to exceed 3,375 lb per two months” to “1,125 lb per week, not to exceed 3,375 lb per two months.”

At its April meeting, the Council considered 2015 fishery performance, status of ongoing fisheries in 2016, updated projections, and requests from industry regarding the open access DTL fishery north of 36° N. lat. Harvest of sablefish in the open access DTL fishery north of 36° N. lat. exceeded its allocation in 2015. Industry raised concerns that participation levels seen in 2015 may further increase in 2016 due to a predicted poor salmon fishing season and lack of a Dungeness crab fishery off California. If no action is taken and this higher than anticipated catch continues in the open access DTL fishery, landings through the end of the year are projected to be 70 percent of the allocation. The Council considered these updated projections, and concerns and recommendations from industry representatives. Based on public testimony, there is anecdotal evidence of a sharp increase in participation in this fishery, particularly in southern Oregon and northern California ports. Industry representatives recommended a precautionary decrease in trip limits beginning July 1 to slow landings and maintain year-round fishing opportunities. The Council considered a precautionary reduction to open access DTL trip limits to maintain harvest opportunities throughout the year even under much higher participation levels.

The Council recommended and NMFS is implementing a reduction in the trip limit for sablefish in the open access fishery north of 36° N. lat. from “300 lb per day, or one landing per week of up to 1,000 lb, not to exceed 2,000 lb per two months” to “300 lb per day, or one landing per week of up to 850 lb, not to exceed 1,700 lb per two months,” beginning July 1, 2016.

Decreases to trip limits in the limited entry fixed gear and open access DTL fisheries north of 36° N. lat. are intended to allow year-round fishing opportunities and reduce the risk of closure as occurred in 2015 (when the limited entry fixed gear and open access DTL fisheries north of 36° N. lat. were both closed on November 1, reducing the season length by two months).

#### Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures, based on the best available information, consistent