This rule also informs the public of the proposed fishery specifications and provides an opportunity for comment.

DATES: Comments must be received by June 28, 2021.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2021–0043, by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.
2. Click the “Comment” icon, complete the required fields; and
3. Enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

The New England Fishery Management Council prepared a draft environmental assessment (EA) for this action that describes the proposed measures and other considered alternatives. The EA also provides an economic analysis, as well as an analysis of the biological, economic, and social impacts of the proposed measures and other considered alternatives. Copies of the specifications document, including the EA and information on the economic impacts of the proposed measures, are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. This document is also accessible via the internet at https://www.nefmc.org/library/2021-2023-whiting-specifications.

TABLE 1—PROPOSED SMALL-MESH MULTISPECIES SPECIFICATIONS FOR FISHING YEARS 2021–2023 (METRIC TONS), WITH THE PERCENT CHANGE IN THE TOTAL ALLOWABLE LANDINGS (TAL) FROM FISHING YEAR 2020

<table>
<thead>
<tr>
<th></th>
<th>Overfishing limit</th>
<th>Acceptable biological catch</th>
<th>Annual catch limit</th>
<th>TAL</th>
<th>Percent change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Red Hake</td>
<td>N/A</td>
<td>3.452</td>
<td>3.278</td>
<td>1,405</td>
<td>+413</td>
</tr>
<tr>
<td>Northern Silver Hake</td>
<td>39,930</td>
<td>20,410</td>
<td>19,387</td>
<td>17,457</td>
<td>−34</td>
</tr>
<tr>
<td>Southern Red Hake</td>
<td>N/A</td>
<td>1,505</td>
<td>1,429</td>
<td>422</td>
<td>+89</td>
</tr>
</tbody>
</table>

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Background

The small-mesh multispecies fishery comprises three species of hakes that are managed as five stocks: Northern and southern silver hake; northern red hake; and offshore hake. Southern silver hake and offshore hake are often grouped together for management purposes and collectively referred to as “southern whiting.” The New England Fishery Management Council manages the small-mesh multispecies fishery within the Northeast Multispecies Fishery Management Plan (FMP). This action proposes catch limit specifications for the 2021 small-mesh multispecies fishery, and projects specifications for fishing years 2022 and 2023, based on the Council’s recommendations.

This action would also increase whiting (silver hake and offshore hake) possession limits on trips using gear with less than 3-in (7.62-cm) mesh from 3,500 pounds (lb) (1,588 kilograms (kg)) or 7,500 lb (3,402 kg) to 15,000 lb (6,804 kg), and restore the in-season adjustment trigger for northern red hake to 90 percent from 37.9 percent. These recommended changes reflect the most recent stock assessment information (September 2020), and are intended to increase fishing flexibility, decrease regulatory discards, and promote rebuilding of the southern red hake stock.

Proposed Specifications

This action proposes the Council’s recommendations for 2021 and projected 2022–2023 small-mesh multispecies catch specifications, as well as revised management measures reduce regulatory discards. These proposed catch limits would increase annual quotas for southern whiting and both red hake stocks, and decrease the quota for northern silver hake (Table 1). Specifications for fishing years 2022 and 2023 are projected to be the same as the proposed 2021 limits.
TABLE 1—PROPOSED SMALL-MESH MULTISPECIES SPECIFICATIONS FOR FISHING YEARS 2021–2023 (METRIC TONS), WITH THE PERCENT CHANGE IN THE TOTAL ALLOWABLE LANDINGS (TAL) FROM FISHING YEAR 2020—Continued

<table>
<thead>
<tr>
<th>Classification</th>
<th>Overfishing limit</th>
<th>Acceptable biological catch</th>
<th>Annual catch limit</th>
<th>TAL</th>
<th>Percent change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Whiting</td>
<td>72,160</td>
<td>40,990</td>
<td>38,941</td>
<td>28,742</td>
<td>+99</td>
</tr>
</tbody>
</table>

The Council's analyses indicate that the overall economic impact of the proposed action is expected to be negligible to slightly positive, and that the proposed specifications are not expected to substantially change fishing effort, risk of overfishing, prices/revenues, or fishery behavior. The proposed measures are intended to provide operational flexibility and fishing opportunities, while preventing overexploitation of the stocks. Therefore, the Council concluded, and NMFS agrees, that this action would not have a substantial economic impact on the regulated by the proposed action, and of those 627 entities, all are engaged in commercial fishing, although 106 did not have revenues (were not active) in 2019. Of those 627 entities potentially affected by this action, 618 are categorized as small entities and 9 are categorized as large entities. It was found that on average these small businesses derive less than four percent of their total fishing income from the small-mesh multispecies fishery, and that this fishery serves as more of a supplement to their overall fishing revenue rather than the primary source.

This action, which proposes higher catch limits for most stocks and increases a whiting possession limit primarily to reduce regulatory discards, is expected to provide operational flexibility and opportunity in the fishery without increasing risk to the resource or substantially changing fishing behavior. Under this action, annual quotas would increase for southern whiting and both red hake stocks and decrease for northern silver hake. While permit holders may experience a slight positive impact from higher landings of some species throughout the course of the year, short-term landings are not expected to increase. Further, over the long-term of several years, the small increases in annual quotas will likely be negligible when balanced with the decreased access to northern silver hake. Also, the proposed changes to management measures, such as the whiting trip limit and northern red hake trigger, are primarily intended to reduce regulatory discards and prevent overrestriction of stable stocks in the fishery. These measures are expected to allow normal operation of the fishery to continue further into the year, and are not expected to change fishing behavior overall.
significant economic impact on a substantial number of small businesses. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This action would not establish any new reporting or record-keeping requirements.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 7, 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 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.86, revise paragraph (d)(1)(i), and remove and reserve paragraph (d)(1)(ii) to read as follows:

§ 648.86 NE Multispecies possession restrictions.

* * * * *

(d) * * *

(1) * * *

(i) Vessels possessing on board or using nets of mesh size smaller than 3 in (7.62 cm). Owners or operators of a vessel may possess and land not more than 15,000 lb (6,804 kg) of combined silver hake and offshore hake, if either of the following conditions apply:

(A) The mesh size of any net or any part of a net used by or on board the vessel is smaller than 3 inches (7.62 cm), as applied to the part of the net specified in paragraph (d)(1)(iv) of this section, as measured in accordance with § 648.80(f); or

(B) The mesh size of any net or part of a net on board the vessel not incorporated into a fully constructed net is smaller than 3 inches (7.62 cm), as measured by methods specified in § 648.80(f). “Incorporated into a fully constructed net” means that any mesh smaller than 3 inches (7.62 cm) that is incorporated into a fully constructed net may occur only in the part of the net not subject to the mesh size restrictions specified in paragraph (d)(1)(iv) of this section, and the net into which the mesh is incorporated must be available for immediate use.

3. In § 648.90, revise paragraph (b)(5)(iii) to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(b) * * *

(5) * * *

(iii) Small-mesh multispecies in-season adjustment triggers. The small-mesh multispecies in-season accountability measure adjustment triggers are as follows:

<table>
<thead>
<tr>
<th>Species</th>
<th>In-season adjustment trigger (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Red Hake</td>
<td>90</td>
</tr>
<tr>
<td>Northern Silver Hake</td>
<td>90</td>
</tr>
<tr>
<td>Southern Red Hake</td>
<td>40.4</td>
</tr>
<tr>
<td>Southern Silver Hake</td>
<td>90</td>
</tr>
</tbody>
</table>

* * * * *

[FR Doc. 2021–12282 Filed 6–10–21; 8:45 am]

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