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Dated: June 7, 2016.

Karen Hyun,*Acting Principal Deputy 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. 160301165-6165-01]

RIN 0648-BF88

**Fisheries of the Northeastern United
States; Spiny Dogfish Fishery;
Proposed 2016-2018 Specifications****AGENCY:** National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.**ACTION:** Proposed specifications; request
for comments.**SUMMARY:** This rulemaking proposes
catch limits, commercial quotas, and
possession limits for the spiny dogfish
fishery for the 2016-2018 fishing years.
The proposed action was developed by
the Mid-Atlantic and New England
Fishery Management Councils pursuant
to the fishery specification requirements
of the Spiny Dogfish Fishery
Management Plan. These management
measures are supported by the best
available scientific information and
reflect recent declines in spiny dogfish
biomass, and are expected to result in
minor positive economic impacts for the
spiny dogfish fishery while maintaining
the conservation objectives of the Spiny
Dogfish Fishery Management Plan.**DATES:** Comments must be received on
or before July 7, 2016.**ADDRESSES:** Copies of the specifications,
including the Environmental
Assessment and Regulatory Impact
Review (EA/RIR), and other supporting
documents for the action are available
from Dr. Christopher M. Moore,
Executive Director, Mid-Atlantic
Fishery Management Council, Suite 201,
800 N. State Street, Dover, DE 19901.
The framework is also accessible via the
Internet at: [http://
www.greateratlantic.fisheries.noaa.gov](http://www.greateratlantic.fisheries.noaa.gov).You may submit comments, identified
by NOAA-NMFS-2016-0061, by any
one of the following methods:

- **Electronic Submissions:** Submit all
electronic public comments via the
Federal e-Rulemaking portal. Go to

[www.regulations.gov/
#!docketDetail;D=NOAA-NMFS-2016-
0061](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0061), click the "Comment Now!" icon,
complete the required fields, and enter
or attach your comments.

- **Mail:** NMFS, Greater Atlantic
Regional Fisheries Office, 55 Great
Republic Drive, Gloucester, MA 01930.
Mark the outside of the envelope
"Comments on Spiny Dogfish
Specifications."

Instructions: Comments must be
submitted by one of the above methods
to ensure that the comments are
received, documented, and considered
by NMFS. 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. 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) submitted
voluntarily by the sender will be
publicly accessible. Do not submit
confidential business information, or
otherwise sensitive or protected
information. NMFS will accept
anonymous comments (enter "N/A" in
the required fields if you wish to remain
anonymous).**FOR FURTHER INFORMATION CONTACT:**
William Whitmore, Fishery Policy
Analyst, (978) 281-9182.**SUPPLEMENTARY INFORMATION:****Background**The Atlantic spiny dogfish (*Squalus
acanthias*) fishery is jointly managed by
the New England and Mid-Atlantic
Fishery Management Councils. The
Atlantic States Marine Fisheries
Commission also manages the spiny
dogfish fishery in state waters from
Maine to North Carolina through an
interstate fishery management plan. The
Federal Spiny Dogfish Fishery
Management Plan (FMP) was
implemented in 2000, when spiny
dogfish were determined to be
overfished. The spiny dogfish stock was
declared to be successfully rebuilt in
2010, and it continues to be above its
target biomass.The regulations implementing the
FMP at 50 CFR part 648, subpart L,
outline the process for specifying an
annual catch limit (ACL), commercial
quota, possession limit, and other
management measures for a period of 1-
5 years. The Mid-Atlantic Council's
Scientific and Statistical Committee
(SSC) reviews the best available
information on the status of the spiny
dogfish population and recommends
acceptable biological catch (ABC) levels.This recommendation is then used as
the basis for catch limits and other
management measures developed by the
Council's Spiny Dogfish Monitoring
Committee and Joint Spiny Dogfish
Committee (which includes members of
both Councils). The Councils then
review the recommendations of the
committees and make their specification
recommendations to NMFS. NMFS
reviews those recommendations, and
may modify them if necessary to ensure
that they are consistent with the FMP
and other applicable law. NMFS then
publishes proposed measures for public
comment.*Spiny Dogfish Stock Status Update*In November 2015, the Northeast
Fisheries Science Center updated spiny
dogfish stock status, using the most
recent catch and biomass estimates from
the spring trawl surveys, and a new
model to help account for the missing
spring 2014 trawl survey value. Updated
estimates indicate that the female
spawning stock biomass (SSB) for 2015
was 371 million lb (168,207 mt), about
6 percent above the target maximum
sustainable yield biomass proxy
(SSBmax) of 351 million lb (159,288
mt). The 2015 fishing mortality (F)
estimate for the stock was 0.21, below
the overfishing threshold (FMSY) of
0.2439. Therefore, the spiny dogfish
stock is not currently overfished or
experiencing overfishing.However, the 3-year average survey
index of female SSB dropped
substantially in 2015. This decline was
not unexpected and is primarily due to
(1) high variance in the survey, and (2)
poor spiny dogfish pup production (*i.e.*,
recruitment to the dogfish stock). The
2012 survey index value (a point
estimate) was very high. Because of this,
it was expected that the 3-year average
survey index would decline as that high
value worked out of 3-year average
calculation. Further, the 2015 survey
index value was the lowest value in 15
years. As a result, the 3-year average
survey index has declined. Similar to
the expected reduction in the 3-year
average survey index, the effect of poor
pup production has been anticipated for
some time. Poor pup production from
approximately 1997-2003 has reduced
SSB. Because of the formulaic method
used to drive the ABC, consistent with
the Council's risk policy, a reduction in
the SSB calculated from the 3-year
average survey index leads directly to a
reduction in the ABC value.The Mid-Atlantic Council's Scientific
and Statistical Committee reviewed this
information and recommended reducing
the ABC levels for spiny dogfish for the
2016-2018 fishing years. The ABC

recommendations were based on an overfishing level (OFL) of median catch at the FMSY proxy and the Council's risk policy. The resulting new spiny dogfish ABCs are 52.1 million lb (23,617 mt) for 2016, 50.8 million lb (23,045 mt) for 2017, and 49.9 million lb (22,635 mt) for 2018 (decreases from 62.4 million lb (28,310 mt) in 2015).

Proposed Specifications

The Councils' Spiny Dogfish Monitoring Committee and the Commission's Spiny Dogfish Technical Committee met in Fall 2015 to determine the resulting ACLs and quotas following the FMP's process. To calculate the commercial quota for each

year, deductions were made from the ABC to account for Canadian landings (143,300 lb (65 mt)), U.S. discards (11.494 million lb (5,214 mt)), and U.S. recreational harvest (68,343 lb (31 mt)). The resulting ACLs and commercial quotas are summarized in Table 1.

TABLE 1—PROPOSED 2016–2018 ACL AND COMMERCIAL QUOTA SPECIFICATIONS FOR THE SPINY DOGFISH FISHERY

Fishing year	ACL (lb)	ACL (mt)	Commercial quota (lb)	Commercial quota (mt)	Change from 2015 (percent)
2016	51,923,272	23,552	40,360,761	18,307	– 20
2017	50,662,228	22,980	39,099,717	17,735	– 23
2018	49,758,333	22,570	38,195,822	17,325	– 25

Because of the proposed harvest reductions, the Councils initially recommended the status quo spiny dogfish trip limit of 5,000 lb (2,268 kg) in their October and December 2015 meetings. This recommendation was submitted to NMFS when the Councils took final action. However, these reduced quotas are still significantly higher than actual landings in recent years due to limited demand. At their April 2016 meetings both Councils voted to request an increase in the trip limit to 6,000 lb (2,722 kg), based upon input from the Commission and a number of fishing industry representatives.

In this rule, NMFS is proposing the status quo (5,000 lb (2,268 kg)) trip limit because this was the recommendation originally submitted to us by the Councils. However, we will review the Commission's and Councils' more recent requests along with other public comments, and consider increasing the trip limit to 6,000 lb (2,722 kg), as recommended by the Councils and Commission, in the final rule.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the Spiny Dogfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for the purpose of E.O. 12866.

The Council prepared an IRFA, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA consists of the specifications document, the EA for the specifications, and this preamble to the proposed rule.

The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A copy of this analysis is available from the Councils (see **ADDRESSES**).

Description of the Reasons Why Action by the Agency Is Being Considered and Statement of Objectives of, and Legal Basis for, This Proposed Rule

A description of the action, why it is being considered, and the legal basis for this action are contained in the Background section of the preamble and in the SUMMARY of this proposed rule and are not repeated here.

Description of the Projected Reporting, Record-Keeping, and Other Compliance Requirements of This Proposed Rule

This action does not introduce any new reporting, recordkeeping, or other compliance requirements.

Federal Rules Which May Duplicate, Overlap, or Conflict With This Proposed Rule

This proposed rule does not duplicate, overlap, or conflict with other Federal rules.

Description and Estimate of Number of Small Entities to Which the Rule Would Apply

This proposed rule would impact fishing vessels, including commercial fishing entities. In 2014, there were 2,473 vessels that held an open access spiny dogfish permit. Cross-referencing those permits with vessel ownership data revealed that 1,830 entities owned those vessels. According to the Small Business Administration (SBA), firms are classified as finfish or shellfish firms based on the activity from which they derive the most revenue. Using the \$5.5 million cutoff for shellfish firms (NAICS 114112) and the \$20.5 million cutoff for finfish firms (NAICS 114111), 18

entities (1.0 percent) qualified as large businesses in 2014. Of the 1,812 small entities, 570 were finfish small entities, 580 were shellfish small entities, and 244 were for-hire small entities. Additionally, 418 small entities had no revenue in 2014. On average, for small entities, spiny dogfish is responsible for a small fraction of total landings, and active participants derive a small share of gross receipts from the spiny dogfish fishery.

Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities

These proposed specifications include management measure alternatives for (1) the spiny dogfish ACLs and associated commercial quotas, and (2) spiny dogfish trip limits, which are fully described in the EA supporting this action (see **ADDRESSES**). The preferred ACL/quota alternative described in the preamble of this proposed rule (Alternative 2), as well as Alternative 3, represent reductions (20–25 percent for Alternative 2; 50–51 percent for Alternative (3) in the allowable landings as compared to the no action alternative. Therefore, as compared to the other alternatives, the no action alternative would have a higher potential of minimizing short-term economic impacts on small entities. However, the potential negative economic impacts of Alternatives 2 and 3 are unlikely to be realized because they would not constrain landings in the fishery, and not result in revenue losses commensurate with the quota reductions. Average spiny dogfish landings for 2012–2014 was approximately 22 million lb (9,979 mt), which is lower than any of the analyzed

quota alternatives. Therefore, the proposed action is expected to have neutral economic impacts compared to no action in the short-term, but have potentially low positive impacts in the long-term due to maintaining sustainability of the spiny dogfish resource.

Regarding spiny dogfish trip limits, the proposed action is to maintain the status quo (5,000 lb (2,268 kg)). Higher trip limits were considered in Alternative 4 (6,000 lb (2,722 kg)) and

Alternative 5 (7,000 lb (3,175 kg)). In general, higher trip limits could result in greater immediate revenue per trip, but would increase the potential for an abbreviated season if the quota or processing capacity is reached. Large increases in trip limits may also contribute to lower and more unstable prices. Given the currently limiting overall demand for spiny dogfish, trip limits may not have a large effect on overall revenue across the fishery, only the rate of landings. Therefore, the

alternatives with higher trip limits may help minimize economic impacts, but only if prices remain relatively stable and demand increases.

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

Dated: June 15, 2016.

Samuel D. Rauch III,

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

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