

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XB541]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Northeast Skate Complex; Withdrawal of the Notice of Intent To Prepare an Environmental Impact Statement for Amendment 5

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

ACTION: Notice of withdrawal.

SUMMARY: The New England Fishery Management Council initiated development of Amendment 5 to the Northeast Skate Complex Fishery Management Plan in 2016. A notice of intent to develop an environmental impact statement for this action was published in January 2017, followed by a second notice and round of scoping in late December 2020. However, in September 2021, the Council voted to discontinue work on Amendment 5 and pursue the remaining alternatives through newly initiated Framework Adjustment 9. The remaining alternatives in this framework are largely administrative and not expected to have significant impacts on the fishery or human environment. Therefore, NMFS is withdrawing the notice of intent and no longer intends to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Policy Analyst, (978) 281–9180.

SUPPLEMENTARY INFORMATION: In 2016, the New England Fishery Management Council initiated development of Amendment 5 to the Northeast Skate Complex Fishery Management Plan (FMP) to consider limited access in the skate fishery. The Council published a notice of intent (NOI) to develop an environmental impact statement (EIS) for this amendment, in accordance with the National Environmental Policy Act, to analyze the impacts of any proposed management measures (82 FR 825; January 4, 2017). Throughout this initial development and scoping process, the range of proposed alternatives changed. A second NOI was published (85 FR 84304; December 28, 2020), and additional scoping hearings were held in 2021.

The comments received throughout the development process during both rounds of scoping hearings, and at

multiple Skate Advisory Panel, Skate Committee, and Council meetings, were mixed in support of, and opposition to, limiting access to the skate fishery. Ultimately, after careful consideration of the public comments received and extensive examination of the alternatives analyzed, the Council voted to no longer develop limited access alternatives in Amendment 5 at its April 2021 meeting. Further, at its meeting in September 2021, the Council voted to discontinue work on Amendment 5 completely and to pursue the remaining alternatives addressing changes to permit provisions and clarifying the FMP goals and objectives through the newly initiated Framework Adjustment 9. Framework 9 is expected to be implemented in mid-2022.

These remaining alternatives that will be considered in Framework 9 are largely administrative and are not expected to have significant impacts on the fishery or affected environment. Consequently, the Council and NMFS have determined that it is not necessary to prepare an EIS for Framework 9 and will instead continue development of the remaining framework alternatives with an appropriate NEPA document. Therefore, NMFS is informing the public that work on Amendment 5 is complete, and that we are withdrawing the NOI and draft EIS from further consideration.

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

Dated: November 12, 2021.

Michael Ruccio,

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

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN 0648–XB512

Atlantic Highly Migratory Species; Advisory Panel

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

ACTION: Notice; solicitation of nominations.

SUMMARY: NMFS solicits nominations for the Atlantic Highly Migratory Species (HMS) Advisory Panel (AP). NMFS consults with and considers the comments and views of the HMS AP when preparing and implementing Fishery Management Plans (FMPs) or FMP amendments for Atlantic tunas,

swordfish, sharks, and billfish. Nominations are being sought to fill approximately one-third (12) of the seats on the HMS AP for 3-year appointments. Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental organizations are considered for membership on the HMS AP. NMFS also intends to fill an additional vacancy on the HMS AP for the remainder of a term that expires on December 31, 2023.

DATES: Nominations must be received on or before December 17, 2021.

ADDRESSES: You may submit nominations and requests for the Advisory Panel Statement of Organization, Practices, and Procedures by email to *HMSAP.Nominations@noaa.gov*. Include in the subject line the following identifier: “HMS AP Nominations.”

FOR FURTHER INFORMATION CONTACT: Peter Cooper at (301) 427–8503.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries are managed under the dual authority of both the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments are implemented by regulations at 50 CFR part 635.

The Magnuson-Stevens Act requires the establishment of an AP for each FMP for Atlantic HMS, *i.e.*, tunas, swordfish, billfish, and sharks. 16 U.S.C. 1854(g)(1)(A)–(B). Since the inception of the AP in 1998, NMFS has consulted with and considered the comments and views of AP members when preparing and implementing Atlantic HMS FMPs or FMP amendments. In this notice, NMFS solicits nominations for the Atlantic HMS AP. Nominations are being sought to fill approximately one-third (12) of the seats on the HMS AP for 3-year appointments. Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental organizations are considered for membership on the HMS AP as described below. NMFS also intends to select a nominee to fill an additional academic vacancy on the HMS AP for the remainder of a term that expires on December 31, 2023. This vacancy is the result of a sitting HMS AP member

moving to the HMS AP seat designated for the ICCAT Advisory Committee Chair.

Procedures and Guidelines

A. Nomination Procedures for Appointments to the Advisory Panel

Nomination packages should include:

1. The name of the nominee and a description of his/her interest in HMS or HMS fisheries, or in particular species of sharks, swordfish, tunas, or billfish;
2. Contact information, including mailing address, phone, and email of the nominee;
3. A statement of background and/or qualifications;
4. A written commitment that the nominee shall actively participate in good faith, and consistent with ethics obligations, in the meetings and tasks of the HMS AP; and
5. A list of outreach resources that the nominee has at his/her disposal to communicate qualifications for HMS AP membership.

Qualification for membership includes one or more of the following: (1) Experience in HMS recreational fisheries; (2) experience in HMS commercial fisheries; (3) experience in fishery-related industries (e.g., marinas, bait and tackle shops); (4) experience in the scientific community working with HMS; and/or (5) representation of a

private, non-governmental, regional, national, or international organization that represents marine fisheries, or environmental, governmental, or academic interests regarding HMS.

Tenure for the HMS AP

Member tenure will be for 3 years, with approximately one-third of the members' terms expiring on December 31 of each year. Nominations are sought for terms beginning January 2022 and expiring December 2024. NMFS also intends to select a nominee to fill an additional vacancy for the remainder of a term that expires on December 31, 2023.

B. Participants

Nominations for the HMS AP will be accepted to allow representation from commercial and recreational fishing interests, academic/scientific interests, and the environmental/non-governmental organization community, for individuals who are knowledgeable about Atlantic HMS and/or Atlantic HMS fisheries. Current representation on the HMS AP, as shown in Table 1, consists of 12 members representing commercial interests, 12 members representing recreational interests, 4 members representing environmental interests, 4 academic representatives, and the International Commission for the Conservation of Atlantic Tunas

(ICCAT) Advisory Committee Chair. NMFS seeks to fill 4 commercial, 4 recreational, 3 academic, and 1 environmental organization vacancies for terms starting in 2022. In addition to these 12 vacancies, NMFS also intends to select a nominee to fill an academic vacancy for the remainder of the term that expires on December 31, 2023. This vacancy is the result of a sitting HMS AP member moving to the HMS AP seat designated for the ICCAT Advisory Committee Chair.

In filling vacancies, NMFS will seek to maintain the current representation from each of the sectors. NMFS also considers species expertise and representation from the fishing regions (Northeast, Mid-Atlantic, Southeast, Gulf of Mexico, and Caribbean) to ensure the diversity and balance of the HMS AP. Table 1 includes the current representation on the HMS AP by sector, region, and species with terms that are expiring identified in bold. It is not meant to indicate that NMFS will only consider persons who have expertise in the species or fishing regions that are listed. Rather, NMFS will aim toward having as diverse and balanced an AP as possible. The intent is to have a group that, as a whole, reflects an appropriate and equitable balance and mix of interests given the responsibilities of the HMS AP.

TABLE 1—CURRENT REPRESENTATION ON THE HMS AP BY SECTOR, REGION, AND SPECIES

Sector	Fishing region	Species	Date appointed	Date term expires	Member status
Academic *	All	Swordfish/Tuna	1/1/2021	12/31/2023	Active.
Academic	All	Tuna	1/1/2019	12/31/2021	Expiring.
Academic	Gulf of Mexico/Southeast	Shark	1/1/2019	12/31/2021	Expiring.
Academic	Southeast	Swordfish/HMS	1/1/2019	12/31/2021	Expiring.
Commercial	Mid-Atlantic	HMS/Shark	1/1/2020	12/31/2022	Active.
Commercial	Mid-Atlantic	Swordfish/Tuna	1/1/2020	12/31/2022	Active.
Commercial	Gulf of Mexico	Shark	1/1/2020	12/31/2022	Active.
Commercial	Gulf of Mexico	Sharks	1/1/2021	12/31/2023	Active.
Commercial	Northeast	Tuna	1/1/2021	12/31/2023	Active.
Commercial	Gulf of Mexico/Southeast	Swordfish/Tuna	1/1/2021	12/31/2023	Active.
Commercial	Gulf of Mexico	Tuna	1/1/2021	12/31/2023	Active.
Commercial	Northeast	Tuna	1/1/2021	12/31/2023	Active.
Commercial	Northeast/Southeast/Gulf of Mexico	HMS/Tuna	1/1/2019	12/31/2021	Expiring.
Commercial	Southeast	Shark	1/1/2019	12/31/2021	Expiring.
Commercial	Southeast	Swordfish/Tuna	1/1/2019	12/31/2021	Expiring.
Commercial	Northeast	Swordfish/Tuna	1/1/2019	12/31/2021	Expiring.
Environmental	All	Tuna	1/1/2020	12/31/2022	Active.
Environmental	All	HMS	1/1/2020	12/31/2022	Active.
Environmental	All	Shark	1/1/2021	12/31/2023	Active.
Environmental	Caribbean	HMS	1/1/2019	12/31/2021	Expiring.
Recreational	Northeast	HMS	1/1/2020	12/31/2022	Active.
Recreational	Northeast	Tuna/Sharks	1/1/2020	12/31/2022	Active.
Recreational	Mid-Atlantic	HMS	1/1/2020	12/31/2022	Active.
Recreational	Southeast	Billfish	1/1/2020	12/31/2022	Active.
Recreational	Gulf of Mexico	HMS	1/1/2020	12/31/2022	Active.
Recreational	All	Billfish	1/1/2021	12/31/2023	Active.
Recreational	Mid-Atlantic	Shark	1/1/2021	12/31/2023	Active.
Recreational	Southeast/Mid Atlantic	Billfish	1/1/2021	12/31/2023	Active.
Recreational	Northeast	Tuna/Shark	1/1/2019	12/31/2021	Expiring.
Recreational	Gulf of Mexico/Southeast	HMS	1/1/2019	12/31/2021	Expiring.

TABLE 1—CURRENT REPRESENTATION ON THE HMS AP BY SECTOR, REGION, AND SPECIES—Continued

Sector	Fishing region	Species	Date appointed	Date term expires	Member status
Recreational	Mid-Atlantic	HMS	1/1/2019	12/31/2021	Expiring.
Recreational	Southeast	HMS/Billfish	1/1/2019	12/31/2021	Expiring.

Note: Terms that are expiring or associated with current members stepping down are identified in bold and marked as “Expiring”. * Designates term shift to the HMS AP seat designated for the ICCAT Advisory Committee Chair.

Five additional members on the HMS AP include one member representing each of the following Councils: New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, and the Caribbean Fishery Management Council. The HMS AP also includes 22 ex-officio participants: 20 representatives of the coastal states and 2 representatives of the interstate commissions (the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission).

NMFS will provide the necessary administrative support, including technical assistance, for the HMS AP. However, NMFS will not compensate participants with monetary support of any kind. Depending on availability of funds, members may be reimbursed for travel costs related to the HMS AP meetings.

C. Meeting Schedule

Meetings of the HMS AP will be held as frequently as necessary but are routinely held twice each year. In recent years, meetings have been held once in the spring, and once in the fall. The meetings may be held in conjunction with public hearings.

Dated: November 12, 2021.

Michael Ruccio,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB535]

Atlantic Highly Migratory Species; Exempted Fishing, Scientific Research, Display, and Shark Research Fishery Permits; Letters of Acknowledgment

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

ACTION: Notice of intent; request for comments.

SUMMARY: NMFS announces its intent to issue exempted fishing permits (EFPs), scientific research permits (SRPs), display permits, letters of acknowledgment (LOAs), and shark research fishery permits for Atlantic highly migratory species (HMS) in 2022. EFPs and related permits would authorize collection of a limited number of Atlantic HMS, including tunas, swordfish, billfishes, and sharks, from Federal waters in the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico for the purposes of scientific research, data collection, the investigation of bycatch, and public display, among other things. LOAs acknowledge that scientific research activity aboard a scientific research vessel is being conducted. Generally, EFPs and related permits would be valid from the date of issuance through December 31, 2022, unless otherwise specified in the permit, subject to the terms and conditions of individual permits.

DATES: Written comments received in response to this notice will be considered by NMFS when issuing EFPs and related permits, and must be received on or before December 17, 2021.

ADDRESSES: Comments may be submitted electronically via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2021-0108 in the Search box. Click on the “Comment” icon, complete the required fields, and 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).

FOR FURTHER INFORMATION CONTACT: Craig Cockrell, phone: (301) 427-8503, email: craig.cockrell@noaa.gov.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries are managed under the dual authority of both the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments are implemented by regulations at 50 CFR part 635. The regulations specific to HMS EFPs and related permits can be found at § 635.32.

NMFS issues EFPs and related permits where Atlantic HMS regulations (e.g., fishing seasons, prohibited species, authorized gear, closed areas, and minimum sizes) may otherwise prohibit the collection of live animals and/or biological samples for data collection and public display purposes or may otherwise prohibit certain fishing activities that NMFS has an interest in permitting or acknowledging. Consistent with 50 CFR 600.745 and 635.32, the NMFS Regional Administrator or Director may authorize, for limited testing, public display, data collection, exploratory fishing, compensation fishing, conservation engineering, health and safety surveys, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under a fishery management plan (FMP) or fishery regulations that would otherwise be prohibited. These permits exempt permit holders from the specific portions of the regulations that may otherwise prohibit the collection of Atlantic HMS for public education, public display, or scientific research. Collection of Atlantic HMS under EFPs, SRPs, display permits, and shark research fishery permits represents a small portion of the overall fishing mortality for Atlantic HMS, and this mortality is counted against the relevant quota, as appropriate and applicable. The terms and conditions of individual permits are unique; however, all permits