

are equal across vessel size classes, as described in the final rule. Based on the allocation estimated to be remaining and the projected participation in this additional fishing period, the fishing period limit for all vessel size classes is 1,000 lb, (0.45 mt) dressed weight.

Notice of this additional fishing period and fishing period limit will also be announced on the NMFS hotline at 206-526-6667 or 800-662-9825.

### Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(e)(1)(iii), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. The California, Oregon, and Washington Departments of Fish and Wildlife provided estimated harvest data to NMFS, showing that the fishery participants in the directed commercial fishery had caught only an estimated 87 percent of the directed commercial fishery allocation. NMFS uses current fishery harvest and participation estimates, and fishing period catches from prior years to determine if additional fishing periods are necessary and to set fishing period limits. Given that harvest in the first two fishing periods is below the allocation, a third fishing period is considered necessary to increase commercial fishing opportunity to attain the directed commercial fishery allocation. This action should be implemented as soon as possible for fishery participants to plan for the additional fishing. This fishery has historically had 2 weeks between fishing periods, or as close to 2 weeks between them as is practicable, and closes no later than December 7, 2023 (88 FR 14066, March 3, 2023). As such, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of an additional fishing period, the directed commercial fishery allocation is unlikely to be reached, limiting economic benefits to the participants and not meeting the goals of the Catch Sharing Plan. It is necessary that this rulemaking be implemented in a timely manner so that planning for additional fishing periods can take place, and for business decision making by the regulated public impacted by this action, which includes commercial fishing operations and associated port businesses, among others. To ensure the

regulated public is fully aware of this action, notice of this regulatory action will also be provided to fishery participants through a telephone hotline, and news release. No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(e)(1)(iii) and in the final rule (88 FR 41334, June 26, 2023).

For the reasons discussed above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon filing for public inspection, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan, as well as potentially limit the economic opportunity intended by this rule to the associated fishing communities. This inseason action is not expected to result in exceeding the allocation for the directed commercial fishery. NMFS regulations allow the Regional Administrator to add fishing periods and set fishing period limits inseason, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the fishery. NMFS recently received information on the progress of landings in the directed commercial fishery, indicating an additional fishing period with fishing period limits should be implemented in the fishery to ensure optimal and sustainable harvest of the allocation. As stated above, it is in the public interest that this action is not delayed, because a delay in the effectiveness of this additional fishing period would not allow the allocation objectives of the directed commercial Pacific halibut fishery to be met.

**Authority:** 16 U.S.C. 773-773k.

Dated: July 24, 2023.

**Jennifer M. Wallace,**

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

[FR Doc. 2023-15915 Filed 7-24-23; 4:15 pm]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No.: 230724-0172]

RIN 0648-BL91

### Fisheries of the Northeastern United States; the 2023-2025 Specifications for the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan

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

**ACTION:** Final rule.

**SUMMARY:** NMFS approves and implements the 2023-2025 specifications for the Mackerel, Squid, and Butterfish Fishery Management Plan as recommended by the Mid-Atlantic Fishery Management Council. This action sets the 2023-2025 chub mackerel specifications, the 2023-2024 butterfish specifications, and the 2023 *Illex* squid specifications. This action also reaffirms the 2023 longfin squid specifications.

**DATES:** Effective July 27, 2023.

**ADDRESSES:** Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Environmental Assessment (EA), the Supplemental Information Report (SIR), the Regulatory Impact Review (RIR), and the Regulatory Flexibility Act (RFA) analysis are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, telephone (302) 674-2331. These documents are also accessible via the internet at <https://www.mafmc.org>.

Copies of the small entity compliance guide are available from Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930-2298, or available on the internet at: <https://www.greateratlantic.fisheries.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Shannah Jaburek, Fishery Policy Analyst, 978-282-8456.

#### SUPPLEMENTARY INFORMATION:

##### Background

This rule implements specifications, which are the combined suite of commercial and recreational catch levels established for one or more fishing years, for chub mackerel, *Illex*

squid, and butterfish, and reaffirms previously announced specifications for longfin squid. Atlantic mackerel specifications for 2023 were set through a separate action (88 FR 6665, February 1, 2023). Section 302(g)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) states that the Scientific and Statistical Committee (SSC) for each regional fishery management council shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch (ABC), preventing overfishing, ensuring maximum sustainable yield, and achieving rebuilding targets. The ABC is a level of catch that accounts for the scientific uncertainty in the estimate of the stock's defined overfishing limit (OFL).

The regulations implementing the fishery management plan (FMP) require the Mid-Atlantic Fishery Management Council's Mackerel, Squid, and Butterfish Monitoring Committee to develop specification recommendations for each species based upon the ABC advice of the Council's SSC. The FMP regulations also require the specification

of annual catch limits (ACL) and accountability measure (AM) provisions for butterfish. Both squid species are exempt from the ACL/AM requirements because they have a life cycle of less than 1 year. In addition, the regulations require the specification of domestic annual harvest (DAH), the butterflyfish mortality cap in the longfin squid fishery, and initial optimum yield (IOY) for both squid species.

On May 10, 2022 (87 FR 27952), we published a final rule in the **Federal Register** implementing the previously approved 2022 specifications for the chub mackerel, butterflyfish, longfin squid, and *Illex* squid fisheries.

The Council's SSC met in May and July 2022 to reevaluate the chub mackerel, longfin squid, *Illex* squid, and butterflyfish 2023 specifications based upon the latest information. At those meetings, the SSC concluded that no adjustments to the *Illex* squid, longfin squid, and chub mackerel ABCs were warranted. However, for butterflyfish, the SSC recommended to use a different biological reference point based on new information from the assessment. The stock was assessed with the recently developed model known as the Woods Hole Assessment Model.

*2023 Longfin Squid Specifications*

This action maintains the 2022 longfin squid ABC of 23,400 metric tons (mt) for 2023. The background for this ABC is discussed in the proposed rule to implement the 2021–2022 squid and butterflyfish specifications (86 FR 38586; July 22, 2021) and is not repeated here. The IOY, DAH, and domestic annual processing (DAP) are calculated by deducting an estimated discard rate (2 percent) from the ABC. This results in a 2023 IOY, DAH, and DAP of 22,932 mt (Table 1). This action also maintains the existing allocation of longfin squid DAH among trimesters according to percentages specified in the FMP (Table 2). The Council will review these specifications during its annual specifications process following annual data updates each spring, and may change its recommendation for 2024 if new information becomes available.

TABLE 1—2023 LONGFIN SQUID

Specification	Metric tons
OFL .....	Unknown
ABC .....	23,400
IOY .....	22,932
DAH/DAP .....	22,932

TABLE 2—2021–2022 LONGFIN QUOTA TRIMESTER ALLOCATIONS

Trimester	Percent	Metric tons
I (Jan–Apr) .....	43	9,861
II (May–Aug) .....	17	3,898
III (Sep–Dec) .....	40	9,173

*2023–2024 Butterfish Specifications*

This action implements the 2023 butterflyfish specifications and projected 2024 specifications as outlined in Table 3. The SSC reviewed the research track assessment results in May 2022. A variety of ecosystem topics were considered for inclusion in the butterflyfish assessment. These included

predictive models for spatial distribution patterns over time; the influence of environmental drivers; the potential magnitude of natural mortality by marine mammal, bird, and fish populations; and comparative analyses of trends in recruitment and condition factor for a broad range of fish species. The proposed 2023 and projected 2024 butterflyfish specifications uses a new

biological reference point for fishing mortality that is higher than earlier values based on updated scientific information. These specifications maintain the existing butterflyfish mortality cap in the longfin squid fishery of 3,884 mt and the existing allocation of the butterflyfish mortality cap among longfin squid trimesters (Table 4).

TABLE 3—2023 AND PROJECTED 2024 BUTTERFISH SPECIFICATIONS IN METRIC TONS

Specification	2023	2024
OFL .....	17,631	16,096
ABC .....	17,267	15,764
ACT .....	16,404	14,976
Assumed discards .....	1,248	1,248
Total discards .....	5,132	5,132
Butterfish cap in longfin .....	3,884	3,884
DAH .....	11,271	9,844

TABLE 4—2023 TRIMESTER ALLOCATION OF BUTTERFISH MORTALITY CAP ON THE LONGFIN SQUID FISHERY

Trimester	Percent	Metric tons
I (Jan–Apr) .....	43	1,670
II (May–Aug) .....	17	660
III (Sep–Dec) .....	40	1,554
Total .....	100	3,844

**2023 *Illex* Squid Specifications**

The 2023 *Illex* squid ABC is 40,000 mt, consistent with the Council’s recommendation and as proposed. In this final rule, however, the ABC is reduced by the discard rate of 3.42 percent, which results in a 2023 IOY, DAH, and DAP of 38,631 mt (Table 5). This discard rate is slightly lower than in the proposed rule, and lower than the Council’s recommendation (both 4.52 percent). This new discard rate represents a more accurate estimate than the discard rate in the proposed rule that appears to have been influenced by low observer coverage in 2020–2021 due to COVID–19. While the Council did not recommend this discard rate for the 2023 specifications, at its April 2023 meeting the Council used this formula in developing recommendations for the 2024–2025 specifications. NMFS determined that this discard estimate based on updated information is a more accurate than the estimated used by Council when developing its 2023 recommendation, and we are applying it for 2023 as well. This decision was made to provide a benefit to the industry without implications to the stock, as the ABC remains the same. Due to the revised commercial discard rate, the 2023 IOY, DAH, and DAP represent an increase of 475 mt compared to 2022.

TABLE 5—2023 ILLEX SQUID SPECIFICATIONS IN METRIC TONS

Specification	2023
OFL .....	Unknown.
ABC .....	40,000
IOY .....	38,631
DAH/DAP .....	38,631

**Reaffirmation of 2021–2022 Atlantic Chub Mackerel Specifications**

Amendment 21 to the FMP (88 FR 6665; February 1, 2023) previously implemented chub mackerel specifications for the 2020–2022 fishing years. The Council reevaluated these specifications at its June 2022 meeting and decided to make no adjustments for the 2023–2025 fishing years. This action sets the previously implemented specifications for 2023 and projects the same for 2024–2025.

TABLE 6—2023 AND PROJECTED 2024–2025 ATLANTIC CHUB MACKEREL SPECIFICATIONS IN METRIC TONS

Specification	2023–2025
ABC .....	2,300
Annual Catch Limit (ACL) .....	2,262
Annual Catch Target .....	2,171
Total Allowable Landings .....	2,041

**Additional Measures Not Part of the 2023 Mackerel, Squid, and Butterfish Specifications**

In addition to implementing the specifications discussed previously, this final rule reinstates regulatory text outlining the eligibility requirements required to issue Tier 1 longfin squid moratorium permits found at 50 CFR 648.4(a)(5)(i)(A)(1) and the requirement to close the directed *Illex* fishery once a certain percentage of the DAH has been landed found at § 648.24(a)(2) that were inadvertently removed from the Code of Federal Regulations on January 1, 2023. These changes simply restore the regulatory text that was removed by mistake by the expiration of a previous action, and is being made under our administrative authority at section 305(d) of the Magnuson-Stevens Act.

**Proposed Rule Comments and Responses**

We received no public comments on the proposed rule published on March 7, 2023 (88 FR 14110).

**Changes From the Proposed Rule**

Originally the Council recommended that the *Illex* squid ABC be reduced by the status quo discard rate of 4.52 percent, which would have resulted in a 2023 IOY, DAH, and DAP of 38,192 mt. However, at the March 23, 2023, Mackerel, Squid, and Butterfish Monitoring Committee meeting, the Committee observed that *Illex* squid discards varied from 315 mt to 1,407 mt from 2012–2021, including discards estimates that may have been driven by lower coverage in 2020–2021 due to COVID–19. As such, the 2023 ABC remains at 40,000 mt, but with the IOY/DAH limit adjusted by a discard rate of 3.42 percent to 38,631 mt after

accounting for 1,369 mt set aside for potential discards. These changes were made in response to the Committee’s updated discard estimate based on updated information and to account for the COVID–19 anomalies.

**Classification**

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act and other applicable law.

This final rule has been determined to be not significant for purposes of E.O. 12866.

This final rule does not contain policies with federalism or “takings” implications, as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This action does not contain any collection-of-information requirements subject to the Paperwork Reduction Act.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date. The start of the fishing year began on January 1, 2023. This rule slightly increases the *Illex* squid DAH and reinstates the regulatory requirement to close the directed *Illex* fishery once a certain percentage of the DAH has been landed. A delay in implementing final measures would prevent any economic benefits from this rule from being realized and prevent achieving optimal yield in the summer fishing season currently underway. Importantly, if the regulations relating to *Illex* squid closures are not promptly reinstated and made effective, we may find ourselves unable to implement such action if that fishery approaches its DAH this summer, which could occur rapidly in such a high-volume fishery. Data in the longfin squid fishery that only recently became available indicates that a trimester II closure is imminent. This rule maintains the longfin squid specifications implemented in 2022 (87 FR 27952, May 10, 2022) and the fishery would close at the same landings threshold being implemented in the 2023 specifications.

However, if there is a delay in implementing the 2023 longfin squid specifications, the closure would occur

under the old specifications and would likely cause confusion within the industry that the fishery is reopening once the 2023 specifications become effective. In addition, this rule slightly reduces the butterfish ABC below the current specifications based on a recent butterfish stock assessment. Past performance suggests that this will not limit the fishery as recent landings have been and continue to remain lower than the reduced ABC, but there always remains a risk of overages with the fishery operating under the current higher specifications due to the nature of the butterfish fishery and the ability to catch high volumes of fish in a short amount of time. Lastly, this action reaffirms the chub mackerel specification currently in place for 2023, therefore, delaying implementation would be unnecessary and might add confusion for industry participants. In response to this action, unlike actions that require an adjustment period to comply with new rules, vessels will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this final rule simply means adhering to the overall quotas for these fisheries and adjusted trip limits should such quotas be reached. Notably, fishery stakeholders have been involved in the development of this action and are anticipating this rule. Therefore, it is in the public interest to implement this final action as soon as possible.

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 regulatory flexibility analysis was not required and none was prepared.

**List of Subjects 50 CFR Part 648**

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: July 24, 2023.

**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 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 § 648.4, add paragraph (a)(5)(i)(A)(1) to read as follows:

**§ 648.4 Vessel permits.**

- (a) \* \* \*
- (5) \* \* \*
- (i) \* \* \*
- (A) \* \* \*

(1) *Tier 1 longfin squid moratorium permit.* Beginning in February 2019, the Regional Administrator shall automatically issue a Tier 1 longfin squid moratorium permit to any vessel that is issued a longfin squid/butterfish moratorium permit or eligible to be issued such a permit held in

confirmation of permit history (CPH) during calendar year 2018 that meets the eligibility criteria in this paragraph (a)(5)(i)(A)(1). To be eligible for a Tier 1 permit, a vessel must have been issued a valid longfin squid/butterfish moratorium permit and landed more than 10,000 lb (4,536 kg) of longfin squid in at least one calendar year between January 1, 1997, and December 31, 2013. Fishing history, including for a permit held in confirmation of permit history, can be used by a vessel to qualify for and be issued a tier 1 longfin squid moratorium permit, provided the Regional Administrator has determined that the fishing and permit history of such vessel has been lawfully retained by the applicant. Landings data used in this qualification must be verified by dealer reports submitted to NMFS. A vessel that was not automatically issued a Tier 1 longfin squid moratorium permit may apply for such a permit in accordance with paragraph (a)(5)(i)(B) of this section.

\* \* \* \* \*

- 3. In § 648.24, add paragraph (a)(2) to read as follows:

**§ 648.24 Fishery closures and accountability measures.**

(a) \* \* \*

(2) *Illex.* NMFS shall close the directed *Illex* fishery in the EEZ when the Regional Administrator projects that 94 percent of the *Illex* DAH is harvested. The closure of the directed fishery shall be in effect for the remainder of that fishing period, with incidental catches allowed as specified at § 648.26.

\* \* \* \* \*

[FR Doc. 2023–15924 Filed 7–26–23; 8:45 am]

**BILLING CODE 3510–22–P**