



Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: September 23, 2021

To: Council

From: Karson Coutre, Staff

Subject: Atlantic Large Whale Take Reduction Team scoping for risk reduction measures for Atlantic trap/pot and gillnet fisheries

On October 6, the Council will review scoping materials for phase two of the Atlantic Large Whale Take Reduction Plan (ALWTRP) which focuses on reducing the risk of entanglement to right, humpback, and fin whales in U.S. East Coast gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries. The measures that will be developed in phase two of this plan have the potential to impact several Council managed fisheries and the Protected Resources Committee has developed recommendations for Council engagement in scoping and the ALWTRT process. Materials listed below are provided for the Council's consideration of this agenda item.

- 1) Protected Resources Committee meeting summary from September 20, 2021
- 2) Federal Register Notice of intent to prepare an environmental impact statement by NMFS dated August 11, 2021
- 3) NMFS ALWTRP scoping announcement and schedule dated August 18, 2021
- 4) Public Comments received by September 23, 2021

More information can be found on the [Atlantic Large Whale Take Reduction Plan webpage](#).



Protected Resources Committee Meeting Summary

Monday, September 20, 2021, 1:00 pm - 3:30 pm

The Protected Resources Committee met via webinar and reviewed a presentation of scoping materials from Colleen Coogan for phase two of the Atlantic Large Whale Take Reduction Plan (ALWTRP). This phase focuses on reducing the risk of entanglement to large whales in U.S. East Coast gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries. The measures that will be developed in phase two of this plan have the potential to impact several Council managed fisheries and the Protected Resources Committee discussed recommendations for Council engagement in scoping and the entire ALWTRP process as they further develop risk reduction measures.

Committee Members in attendance: Chris Batsavage, Maureen Davidson, Peter Hughes, Sonny Gwin, Dewey Hemilright, Sara Winslow

Others in attendance: Karson Coutre (MAFMC Staff and ALWTRT Representative), Colleen Coogan (NMFS Protected Resources), Terry Alexander (NEFMC ALWTRT Representative), Kim McKown (NYSDEC)

Questions and Discussion

Committee members asked several clarifying questions about gear modifications and breaking strength of different types of line. It was discussed that most 3/8-inch line has too high of breaking strength for whales to escape. Rope manufacturers usually make their line stronger than the minimum breaking strength, so it has been hard to find production of weaker line. One participant noted that although there are seasonally required weak inserts for gillnetters, they are actually fishing those nets year-round instead of switching gear. This means that some of the risk of entanglement is already reduced or there may be areas where it is less risky than previously thought. A Committee member also noted that there used to be a gear liaison in the mid-Atlantic that would walk the docks and provide helpful information and asked whether that position could be brought back. Colleen Coogan from NMFS indicated that this position was not filled after a retirement due to budget issues and they are trying to secure funding for this position. A Committee member also noted that when discussing minimum numbers of traps per trawl, smaller boats may not be able to carry the minimum number required. Colleen noted that conservation equivalencies for these smaller boats can be discussed ahead of time.

A Committee member asked whether measures were being sought on a broad geographic scale or smaller discrete area specific regulations. Colleen responded that both are tools that were used in the phase one in the New England area and people can provide feedback on what would work best for the region during scoping. There could be broad requirements for precautionary measures like weak inserts and then smaller more restrictive options such as area closures in whale and gear overlap hotspots.

Another Committee member asked about the potential for overlap or conflicting regulations with other TRTs such as bottlenose dolphin and harbor porpoise. Colleen responded that the NEPA analysis would take those into account. Some measures being discussed such as tie downs on gillnets are in the porpoise plan in the mid-Atlantic and tie downs are also suggested in this scoping for this TRT, so they could be a requirement that reduces risk of multiple protected species. Another place there could be overlap is area closures, but area closures could also move effort to an area that increases the risk to other species.

A Committee member and a participant voiced concerns that the mobile gear fleet is often left out of these conversations because the mobile fleet doesn't interact with right whales, so the regulations don't directly require them to change their gear or area fished. However, moving towards ropeless fishing on fixed gear is going to impact the mobile fleet because they will not know where to avoid. There could be increased chance of catching a ropeless pot which will be a lose-lose situation for the fishermen involved. There are ways to detect these ropeless traps electronically, but every mobile gear vessel would need to add that equipment which is costly. A Committee member asked what the system will be for identifying where ropeless gear is and noted that there can be penalties associated with gear interactions. Colleen responded that ropeless gear is not being required and they are testing a gear marking phone application instead of expensive electronic equipment. That system would have to be worked out before ropeless could be more broadly fished.

Multiple Committee members discussed that effort is already low in the region and in several areas the number of participants in the fisheries are declining. Because of this they voiced concern over further reducing effort. One Committee member asked what the baseline year would be for analyzing the risk reduction needed. Colleen noted that reducing risk does not have to mean reducing effort, so gear modifications or shifting effort to a different area are ways to reduce the risk of whale interactions while maintaining the same level of effort. She added that 2020 is the most recent year of data, however given the expressed concerns about COVID impacts on 2020 fishing, there may be a case for using other years such as 2017, the year phase 1 was based on. Committee members voiced concerns with using 2020 due to decreased commercial effort and difficulties in data collection and Colleen noted that this could be added to the ALWTRT agenda so they can consider the appropriate year in later meetings.

One Committee member noted that on the co-occurrence graphs for pot/trap fisheries it appeared that there was effort off North Carolina that did not look realistic because he does not know of very much pot/trap fishing occurring in that area. Colleen said she would follow up with the team members who conducted the analysis.

Committee members also asked whether action was being taken to decrease ship strikes and how wind energy areas were being factored into the plan to reduce right whale interactions. Wind energy areas will reduce the footprint of available fishing ground for mobile fleets but might still be accessible to fixed gear fisheries. Colleen responded that decreasing whale takes in both of those areas is important but out of the jurisdiction of NMFS and the ALWTRT process, however they are being addressed in different ways.

One Committee member was concerned with the lack of clarity on what is currently being asked of fishermen. He said that more information should be provided from logbooks and the observer program to describe what percent reduction is needed from each fishery or gear type so that fishermen can better weigh in on ideas about how to do it. Colleen noted that in this early scoping phase there are a lot of ways that the reductions could happen so there is not a set percent reduction per gear type or per fishery. The overall risk reduction target is about 80% for gillnet and other pot/trap fisheries (besides lobster, covered in phase 1) along the Atlantic coast. Helpful input at this stage from fishermen is comments on what is not feasible or what they think they could implement.

Lastly, the Committee discussed whether this ALWTRT process will incorporate or require Council action. Several of the scoping ideas will not require Council action however Council actions will be included in the analysis if they reduce risk of right whale interactions. There are also some topics such as trap caps or limited access fisheries that were suggested during brainstorming for scoping that may be more appropriately addressed through the Council process given the complexity and history of different fisheries.

Committee Recommendations to the Council

- At the current stage in the process the options on the table are broad ideas that have the potential to be implemented in several different ways. Based on the estimated timeline, this process is approximately one year away from any proposed rulemaking. It will be important to keep the Protected Resources Committee informed and engaged in the process during later development of alternatives. There may be an opportunity for the Committee to be briefed during intentional breaks in the TRT meeting agenda, which in some cases includes a day between meetings when remote. **The Committee recommends meeting as needed throughout the process and making more specific recommendations on measures as appropriate later in the action development.**
- Stakeholder participation is going to be crucial to the successful development of realistic measures, therefore **the Committee recommends state managers and other Council members reach out to their stakeholders to highlight the need for their input during the scoping period.** Given the timing of the Council meeting, highlighting the call-in days hosted by NMFS and the email address to submit written comments may be most productive.
- **The Committee also recommends that issues such as limited access fisheries, changes to permitting, or trap caps in a fishery should be addressed through the Council process.**

focus of the work, and collect initial stakeholder input.

DATES: These webinars will be held on Monday, August 30, 2021, at 4 p.m.–5:30 p.m.; Wednesday, September 1, 2021, at 6 p.m.–7:30 p.m.; Thursday, September 2, 2021, at 10 a.m.–11:30 a.m.

ADDRESSES: All meeting participants and interested parties are strongly encouraged to register in advance of any webinar they are interested in attending. Meeting links for each webinar can be located at: <https://www.mafmc.org/climate-change-scenario-planning>.

Meeting addresses: The meetings will be held via webinar (see **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492. Contact information and individual staff members working on this initiative can be found here: <https://www.mafmc.org/climate-change-scenario-planning>.

SUPPLEMENTARY INFORMATION:

Background

Climate change is a growing threat to marine fisheries worldwide. On the East coast of the United States, there is evidence of climate-related shifts in distribution, abundance, and/or productivity of fishery resources. It is uncertain what the next couple of decades will bring, and how fishery management programs can best prepare to meet the challenges ahead. Over the next year, this joint effort will bring together researchers, fishery managers, fishery participants and others to discuss these questions and emerge with ideas and recommendations for how fishery management can potentially adapt to climate change.

The management bodies in this region have decided to employ a scenario planning framework to discuss these issues. Scenario planning is a way of exploring how fishery management may need to evolve over the next few decades as climate change becomes a bigger issue. Specifically, scenarios are stories about possible future developments. This approach is designed to help stakeholders and managers think broadly about the future implications of climate change to help define what changes can potentially be made now to be better prepared.

These introductory webinars are the first step of a multi-year scenario planning effort. Staff will explain the overall initiative and share draft objectives, possible outcomes and focus of the work. There will be a presentation introducing the basics of scenario

planning and potential benefits of engaging in the process. At the end of the webinar there will be an opportunity for small group discussions for participants to share feedback and suggestions on the information presented and proposed. Additional details about the webinars will be posted to this page once available: <https://www.mafmc.org/climate-change-scenario-planning>.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 5, 2021.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
 [FR Doc. 2021–17051 Filed 8–10–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID: 0648–XB307]

Environmental Impact Statement on Phase 2 Modifications to the Atlantic Large Whale Take Reduction Plan To Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot and Gillnet Fisheries Along the U.S. East Coast

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

ACTION: Notice of intent to prepare an environmental impact statement, request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) intends to begin a rulemaking process that will amend the Atlantic Large Whale Take Reduction Plan (Plan) to reduce the risk of mortalities and serious injuries of North Atlantic right whales (*Eubalaena glacialis*) and other large whales caused by entanglement in commercial trap/pot and gillnet fisheries along the U.S. East Coast. An Environmental Impact Statement (EIS) will be prepared in accordance with the National Environmental Policy Act (NEPA) to analyze the impacts to the environment of alternatives to amend the Plan. This notice informs the public of upcoming

scoping meetings to solicit public input on Phase 2 of our efforts to reduce the risk of entanglement to right, humpback, and fin whales in U.S. commercial fisheries managed under the Plan. Phase 1, a final rule implementing new modifications to reduce mortalities and serious injuries caused by incidental entanglement in the northeast American lobster and Jonah crab trap/pot fishery, is anticipated shortly, and was analyzed in a Final Environmental Impact Statement released (FEIS) on July 2, 2021. Phase 2 focuses on risk reduction in U.S. East Coast gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries.

DATES: Written or electronic scoping inputs must be received at the appropriate address, email mailbox, or phone number (see **ADDRESSES**) by October 21, 2021.

Public Hearings: At least seven virtual public meetings will be held during the public comment period. In addition, we will be holding three call-in days for interested parties to call and speak to a NMFS staff member to ask questions or submit information and recommendations.

See **ADDRESSES** to obtain public hearing and call-in day notification details. Scoping will also occur through presentations and discussions at the Atlantic States Marine Fisheries Commission and New England, Mid-Atlantic, and South Atlantic Fishery Management Council meetings during the scoping period.

ADDRESSES: You may submit input on this document via email. Submit all electronic public comments by sending an email to nmfs.gar.ALWTRT2021@noaa.gov using the subject line “Comments on Atlantic Large Whale Take Reduction Plan Scoping.” Input can also be provided via webinar during scoping meetings or via phone on call-in days. Remote public meeting dates, access, and call-in information is available in the **SUPPLEMENTARY INFORMATION** section. Meeting information will also be posted on the Plan website fisheries.noaa.gov/ALWTRP, or you may contact Marisa Trego for information on dates and times.

FOR FURTHER INFORMATION CONTACT: Marisa Trego, Take Reduction Team Coordinator, Greater Atlantic Region. Telephone: 978 282–8484. Address: 55 Great Republic Drive, Gloucester, MA 01930. Email: marisa.trego@noaa.gov.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Proposed Action

The proposed action for analysis in the EIS would be NMFS rulemaking to modify the Plan to reduce mortalities and serious injuries from incidental commercial fishing gear entanglements in U.S. East Coast gillnet fisheries as well as trap/pot fisheries, including the Atlantic mixed species and Mid-Atlantic lobster and Jonah crab fisheries. NMFS' purpose for the proposed action is to fulfill the mandates of the MMPA to reduce incidental mortalities and serious injuries of large whales to below each stock's potential biological removal (PBR) level.

North Atlantic right whales are listed as endangered under the Endangered Species Act (ESA) and considered depleted under the Marine Mammal Protection Act (MMPA). After more than two decades of an increasing trend, the right whale population has been declining since 2010, and the most recent estimate of 368 whales in 2019 (Pace 2021) is well below the optimum sustainable population. This estimate represents a minimum population number and reflects new research suggesting that many mortalities occur undetected (Pace *et al.* 2021). The decline was exacerbated by an Unusual Mortality Event (UME) that began in 2017, when a total of 17 confirmed dead right whales were documented. As of July 2021, the UME totals 50 individuals, comprising 34 right whale mortalities and an additional 16 seriously injured right whales. Of these 50 individuals, 18 definitively involved entanglement and another 5 were probable entanglements. During this period (2017–2021), only 40 calves have been born.

One of the primary causes of mortality and serious injury of North Atlantic right whales is entanglement in fishing gear. Climate change and associated changes in prey abundance and distribution are exacerbating the population decline by shifting the overlap between right whales and fisheries and reducing the population's resilience to stressors. With mortalities continuing to outpace births, the population decline continues and further mitigation of entanglements that cause mortality or serious injury is necessary for population recovery.

The MMPA mandates that NMFS develop and implement Take Reduction Plans for preventing the depletion and assisting in the recovery of certain marine mammal stocks that are killed or seriously injured incidental to commercial fisheries. Pursuant to the MMPA, NMFS convenes Take Reduction Teams composed of

stakeholders to develop recommendations that achieve a short-term goal of reducing mortalities and serious injuries of marine mammals covered by the plan to a rate below each stock's PBR level. NMFS considers those recommendations when implementing Take Reduction Plans through the rulemaking process.

The Atlantic Large Whale Take Reduction Team (Team) was first convened in 1996 to recommend measures to reduce mortalities and serious injuries of right, humpback, and fin whales incidental to certain commercial fisheries. NMFS implements measures under the Plan. Since 1997, the Plan has been amended several times to reduce the impacts of fishing gear on large whales in the region through measures that include area closures, gear configuration requirements, and gear marking rules. A final rule implementing new modifications to reduce mortalities and serious injuries caused by entanglement in the northeast American lobster and Jonah crab trap/pot fishery is anticipated shortly, and was analyzed in a FEIS released on July 2, 2021 (86 FR 35288).

In 2021, the Team convened to address large whale mortalities and serious injuries caused by entanglements in the U.S. East Coast gillnet, Atlantic mixed species trap/pot, and mid-Atlantic lobster and Jonah crab trap/pot fisheries. Specifically, these fisheries include: (1) Mid-Atlantic gillnet fisheries for monkfish, spiny dogfish, smooth dogfish, bluefish, weakfish, menhaden, spot, croaker, striped bass, large and small coastal sharks, Spanish mackerel, king mackerel, American shad, black drum, skate species, yellow perch, white perch, herring, scup, kingfish, spotted seatrout, and butterfly; (2) Northeast sink gillnet fisheries for Atlantic cod, haddock, pollock, yellowtail flounder, winter flounder, witch flounder, American plaice, windowpane flounder, spiny dogfish, monkfish, silver hake, red hake, white hake, ocean pout, skate spp, mackerel, redfish, and shad; (3) Northeast drift gillnet fisheries for shad, herring, mackerel, and menhaden and any residual large pelagic driftnet effort in New England; (4) Southeast Atlantic gillnet fisheries for finfish, including, but not limited to: King mackerel, Spanish mackerel, whiting, bluefish, pompano, spot, croaker, little tunny, bonita, jack crevalle, cobia, and striped mullet; (5) Southeast Atlantic shark gillnet fisheries for large and small coastal sharks, including but not limited to blacktip, blacknose, finetooth, bonnethead, and sharpnose sharks; (6)

Northeast anchored float gillnet fishery for mackerel, herring (particularly for bait), shad, and menhaden; and (7) Atlantic mixed species trap/pot fisheries for hagfish, shrimp, conch/whelk, red crab, Jonah crab, rock crab, black sea bass, scup, tautog, cod, haddock, Pollock, redfish (ocean perch), white hake, spot, skate, catfish, stone crab, and cunner; (8) Mid-Atlantic trap/pot fisheries for lobster and Jonah crab, and (9) Atlantic trap/pot fishery for Atlantic blue crab.

The Team met most recently on June 28 and July 1, 2021, to discuss the types of management actions that should be included in scoping to decrease the risk and severity of right whale and other large whale entanglements in the above-listed fisheries. Further information about the Plan and the 2021 Team meetings where potential management measures were discussed, including recordings of all the meetings, can be found at the Team's website: <https://www.fisheries.noaa.gov/alwtrp>.

Preliminary Description of Proposed Action and Alternatives

NMFS will consider suites of regulatory measures that would modify existing Plan requirements to address ongoing large whale entanglements. The primary purpose of the Plan modifications is to reduce the mortality and serious injury of right whales in U.S. East Coast gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries. In addition to the proposed action and the no action alternative, potential alternatives that the draft EIS may analyze include measures that would reduce or weaken line in gear associated with these fisheries, to reduce co-occurrence of this gear and right whales, and to improve identification of entangling gear. For gillnet fisheries, possible management options include changing configurations such as increasing the minimum number of net panels per set to reduce endline numbers, gear tending or daytime-only sets for gillnets, installation of weak links at panels and weak rope that breaks at forces of less than 1,700 lb, establishing seasonal restricted areas, and expanding gear marking requirements. For trap/pot fisheries, possible management options include changing configurations such as traps per trawl to reduce endline numbers and installation of weak inserts or ropes that break at forces of less than 1,700 lb, establishment of seasonal restricted areas, and expansion of gear marking requirements.

NEPA (42 U.S.C. 4321 *et al.*) requires that Federal agencies conduct an

environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. NMFS has determined that an EIS should be prepared under NEPA for the purpose of informing rulemaking to modify the Plan. We will prepare an EIS in accordance with NEPA requirements, as amended (42 U.S.C. 4321 *et al.*); NEPA implementing regulations (40 CFR 1500–1508); and other Federal laws, regulations, and policies. Reasonable alternatives that are identified during the scoping period will be evaluated in the draft EIS.

Summary of Expected Impacts

The draft EIS will identify and describe the potential effects of the proposed action on the human environment that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action. This includes such effects that occur at the same time and place as the proposed action or alternatives and such effects that are later in time or occur in a different place. The proposed action may include, but is not limited to, modifications to configurations of fishing gear, modification to fishing seasons and/or areas, and modifications to gear marking requirements. Expected potential impacts to commercial fishermen in the above-mentioned fisheries may include, but are not limited to, additional costs and labor for modifying gear configurations and gear markings, and reduced profit due to reduced catches, access to fishing grounds, or seasons. Expected potential impacts to Atlantic large whales include, but are not limited to, reduced mortality and serious injury due to a reduction in entanglement in fishing gear or reduced severity of any entanglements that do occur. Other potential impacts may include, but are not limited to, impacts (both beneficial and adverse) to other marine life, cultural resources, demographics, employment, and economics. These expected potential impacts will be analyzed in the draft and final EIS.

Schedule for the Decision-Making Process

After the draft EIS is completed, NMFS will publish a notice of availability (NOA) and request public comments on the draft EIS. NMFS expects to issue the NOA in the Fall of 2022. After the public comment period ends, NMFS will review, consider, and respond to comments received and will develop the final EIS. NMFS expects to make the final EIS available to the public in 2023. A record of decision will

be completed no sooner than 30 days after the final EIS is released, in accordance with 40 CFR 1506.11.

Scoping Process: This NOI commences the public scoping process for identifying issues and potential alternatives for consideration. Throughout the scoping process, Federal agencies, state, tribal, local governments, and the general public have the opportunity to help NMFS determine reasonable alternatives and potential measures to be analyzed in the EIS, as well as to provide additional information.

NMFS will hold virtual public scoping meetings at the following dates and times (eastern):

- Thursday, September 9, 2021, 6:30–8:30 p.m., for Maryland, Delaware, Virginia, Northern North Carolina trap/pot fisheries;
- Tuesday, September 14, 2021, 6:30–8:30 p.m., for Rhode Island, Connecticut, New York, and New Jersey trap/pot fisheries;
- Tuesday, September 21, 2021, 6:30–8:30 p.m., for Maine, New Hampshire, Massachusetts, and Rhode Island trap/pot fisheries;
- Thursday, September 23, 2021, 6:30–8:30 p.m., for Rhode Island, Connecticut, New York, and New Jersey gillnet fisheries;
- Tuesday, October 5, 2021, 6:30–8:30 p.m., for Southern North Carolina, South Carolina, Georgia, Florida, all gear;
- Tuesday, October 12, 2021, 6:30–8:30 p.m., for Maryland, Delaware, Virginia, Northern North Carolina gillnet fisheries;
- Thursday, October 14, 2021, 6:30–8:30 p.m., for Maine, New Hampshire, Massachusetts, and Rhode Island gillnet fisheries.

To register, go to our website: <https://www.fisheries.noaa.gov/alwtrp>. NMFS will also hold public call-in days:

- Friday, October 1, 2021, 12 noon to 6 p.m.
- Monday, October 4, 2021, 8 a.m. to 3 p.m.
- Tuesday, October 12, 10 a.m. to 4 p.m.

For more information on how to call, go to our website: <https://www.fisheries.noaa.gov/alwtrp>.

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

Everyone potentially impacted by or interested in changes to the Plan, and particularly, management of commercial trap/pot and gillnet fisheries along the East Coast, is invited to participate in the public scoping process by

submitting written input, attending public scoping webinar meetings, or calling us during designated call-in days. This scoping process aims to gather input regarding the scope of actions to be proposed for rulemaking, the development of alternatives to analyze in the EIS, and the potential impacts of management actions.

For gillnet fisheries, the Team discussed and NMFS requests input on management options, particularly concerning information about operational challenges, time, and costs required to change configurations such as net panels per set to reduce endline numbers, gear tending or daytime-only sets for gillnets, installation of weak inserts or rope that breaks at forces of less than 1,700 lb, to establish restricted areas, and to expand gear marking requirements. For trap/pot fisheries, the Team discussed and NMFS requests input on management options, particularly including information about operational challenges, time, and costs required to change configurations such as traps per trawl to reduce endline numbers and to install weak inserts or rope that breaks at forces of less than 1,700 lb, to establish restricted areas, and to expand gear marking requirements.

NMFS and the Team particularly request input on latent effort in U.S. East Coast gillnet and trap/pot operations that may affect measures designed to reduce gear that could entangle whales, potential impacts to fishery operations arising from gear modifications likely to be considered, potential risks and benefits to large whales, and information regarding whale distribution or behavior along the U.S. East Coast that should be considered in developing risk reduction measures. In addition to direct costs of replacing new gear, input is requested on indirect cost of gear modification measure alternatives, such as costs and time required to install sleeves, install weak rope, and mark gear, and costs related to fewer vertical lines, seasonal closures, or exempted areas. Information on the value of whale conservation and the economic benefits of whale conservation is also requested.

NMFS and the Team also identified data needs to support future discussions, including data on open access fisheries, gear configurations across the fisheries, whale distribution, whale behavioral information, and gear marking. Data related to fishing gear configurations specific to areas or target species, how gear alterations measures may affect those fisheries, and how existing gear configurations contribute to large whale entanglement risk would

be very welcome. As an example, longer gear marks near the buoy and gear marks distinguishing permitting states, specific Federal and state water markings, and gear identification tape throughout buoy lines were analyzed in the FEIS released on July 2, 2021, for northeast lobster and Jonah crab trap/pot fisheries. One Team member suggested restricting fishing rope diameter to no greater than 0.5 inch (1.27 cm) to distinguish it from offshore Canadian gear.

Information received through this scoping process will inform the development of alternative risk reduction measures for an environmental impact analysis. Only inputs and suggestions that are within the scope of the proposed actions will be considered when developing the alternatives for analysis in the EIS. This includes items related to reducing risk of mortality and serious injury of large whales due to entanglements in commercial U.S. fishing gear and improving gear marking to reduce uncertainty about where entanglements occur. The purpose is to develop measures to fulfill the requirements of Section 118 of the MMPA, which regulates the taking of marine mammals incidental to U.S. commercial fishing operations. NMFS implements additional endangered species conservation and recovery programs under the ESA and also affords marine mammals protections under multiple programs pursuant to the MMPA. Therefore, for the purposes of the scoping period for this proposed action, we are not requesting input related to other stressors, such as vessel strikes, anthropogenic noise, natural mortality, international entanglement risk, offshore wind development, or climate change.

To promote informed decision-making, input should be as specific as possible and should provide as much detail as necessary to allow a commenter's meaningful participation and fully inform NMFS of the commenter's position. Input should explain why the issues raised are important to the consideration of potential environmental impacts and alternatives to the proposed action, as well as economic and other impacts affecting the quality of the human environment.

It is important that reviewers provide their input at such times and in such a manner that they are useful to the agency's preparation of the EIS. Comments should be provided prior to the close of the scoping period and should clearly articulate the reviewer's concerns and contentions. Input

received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Input submitted anonymously will be accepted and considered.

Citations

- Pace III, R.M. May 2021. Revisions and Further Evaluations of the Right Whale Abundance Model: Improvements for Hypothesis Testing. NOAA NEFSC Tech Memo 269.
- Pace, R.M., R. Williams, S.D. Kraus, A.R. Knowlton, H.M. Pettis. 2021. Cryptic mortality in North Atlantic right whales. *Conserv. Sci. Pract.* 3:e346.

Authority: This NOI is published pursuant to NEPA, 42 U.S.C. 4321 *et al.*, and MMPA, 31 U.S.C. 1361 *et al.*

Dated: August 6, 2021.

Catherine Marzin,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021-17126 Filed 8-10-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE:

National Oceanic and Atmospheric Administration

[RTID 0648-XB280]

Gulf of Mexico Fishery Management Council; Public Meeting; Correction

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

ACTION: Notice of a correction to a public meeting.

SUMMARY: NMFS, NOAA, published a document in the **Federal Register** of August 3, 2021, regarding a meeting of the Gulf of Mexico Fishery Management Council (Council). The meeting has since changed to a hybrid meeting offering both in-person and virtual options for attending the meeting.

FOR FURTHER INFORMATION CONTACT: Dr. Carrie Simmons, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 3, 2021, in FR Doc. 2021-16465, on page 41832, in the first column, correct the third full paragraph to read:

The meeting will be a hybrid meeting. You may register for the webinar to listen-in only by visiting www.gulfcouncil.org and click on the Council meeting on the calendar.

On page 41831, under heading *Wednesday, August 25, 2021; 8:30 a.m.–5:30 p.m.*, correct the last paragraph to read:

The Council will hold public testimony from 2:45 p.m. to 5:30 p.m., EDT for Potential Reconsideration of Final Document—Framework Action: Gulf of Mexico *Red Snapper* Recreational Data Calibration and Recreational Catch Limits, and open testimony on other fishery issues or concerns. Public comment may begin earlier than 2:45 p.m. EDT, but will not conclude before that time. Persons wishing to give public testimony in-person must register at the registration kiosk in the meeting room. Persons wishing to give public testimony virtually must sign up on the Council website on the day of public testimony. Registration for virtual testimony closes one hour (1:45 p.m. EDT) before public testimony begins.

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

Dated: August 3, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-16860 Filed 8-10-21; 8:45 am]

BILLING CODE 3510-22-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB-2021-0014]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is publishing this notice seeking comment on a Generic Information Collection titled “Electronic Disclosure on Mobile Devices” prior to requesting the Office of Management and Budget’s (OMB’s) approval of this collection under the Generic Information Collection Plan “Generic Information Collection Plan for Studies of Consumers using Controlled Trials in Field and Economic Laboratory Settings,” OMB Control number 3170-0048.

DATES: Written comments are encouraged and must be received on or before September 10, 2021 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see

August 18, 2021

Phase 2 of the Atlantic Large Whale Take Reduction Plan Modifications

We are proposing to modify the Atlantic Large Whale Take Reduction Plan (Plan) to reduce the incidental mortality and serious injury to North Atlantic right whales (*Eubalaena glacialis*), fin whales (*Balaenoptera physalus*), and humpback whales (*Megaptera novaeangliae*) in U.S. East Coast gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries to meet the goals of the Marine Mammal Protection Act and the Endangered Species Act. These modifications are Phase 2 of our efforts to reduce risk to North Atlantic right whales and other large whales from U.S. commercial fisheries.

[Phase 1](#) addresses the Northeast lobster/Jonah crab trap/pot fishery, and is currently in review at the Office of Information and Regulatory Affairs. We expect it to be finalized shortly. Please check the [Plan](#) page for updates.

We are requesting input and ideas for Phase 2 of our efforts to reduce the risk of entanglement to right, humpback, and fin whales in U.S. commercial fisheries managed under the [Plan](#). As detailed below, stakeholders can participate by attending virtual meetings, calling in by phone on certain days, or sending written comments by email.

The scoping period runs through October 21, 2021.

[Find out more about scoping.](#)

Scoping Meetings Begin September 9, 2021

Scoping meetings will be held via webinar, and will be from 6:30-8:30 p.m. on the days listed below. Days are designated for areas and gear types, though anyone is welcome to attend any meeting and may submit input on any regions/gear types at each meeting. Meetings will be recorded. [To register for a webinar, visit our events page.](#)

- Thursday, September 9, 2021: Delaware, Maryland, Virginia and Northern North Carolina Trap/Pot Fisheries
- Tuesday, September 14, 2021: Rhode Island, Connecticut, New York, and New Jersey Trap/Pot Fisheries
- Tuesday, September 21, 2021: Maine, New Hampshire, Massachusetts, and Rhode Island Trap/Pot Fisheries

- Thursday, September 23, 2021: Rhode Island, Connecticut, New York, and New Jersey Gillnet Fisheries
- Tuesday, October 5, 2021: Southern North Carolina, South Carolina, Georgia, and Florida Trap/Pot and Gillnet Fisheries
- Tuesday, October 12, 2021: Maryland, Delaware, Virginia, and Northern North Carolina Gillnet Fisheries
- Thursday, October 14, 2021: Maine, New Hampshire, Massachusetts, and Rhode Island Gillnet Fisheries

Call-In Days

If you would like to speak to someone at the Greater Atlantic Regional Fisheries Office about your input on scoping, please call **(978) 282-8479** on the following days and hours. Your phone call may be recorded to fully capture your input. If the phone line is busy, please leave a voicemail. We will get back to you as soon as possible. Please note that the phone line WILL NOT be operational outside of these days and hours.

- Friday, October 1, 2021, Noon to 6 p.m.
- Monday, October 4, 2021, 8 a.m. to 3 p.m.
- Tuesday, October 12, 2021, 10 a.m. to 4 p.m.

Written Input

You may submit written input by October 21, 2021 to our email address: nmfs.gar.ALWTRT2021@noaa.gov.

Check for Updates

Please check the [Atlantic Large Whale Take Reduction Plan](#) page for updates and additional background information, which will be added in the coming weeks.

Questions?

Media: Contact [Allison Ferreira](#), Regional Office, 978-281-9103

From: [Mary Sabo](#)
To: [Coutre, Karson](#)
Subject: FW: Knack form submission: Add October 2021 Council Meeting
Date: Tuesday, September 14, 2021 10:12:07 AM

Name: David Dow

Email: ddow420@comcast.net

Topic (Select One): North Atlantic Right Whales

Comments: As waters warm inshore here on Cape Cod, the large zooplankton prey for NARWs have moved either further offshore into the deeper ocean or Northeast wards into the Gulf of St. Lawrence/Maine. This has increased NARW entanglement mortality from Jonah/lobster pot gear. The collapse of sea herring in the Gulf of Maine has lead the lobster pot fishery using use menhaden and other forage fish from Mid-Atlantic waters as bait. These forage fish species are managed by the MAFMC and are also subject to direct midwater drift net fishing mortality in southern New England waters. The inshore lobster industry has collapsed south of Cape Cod because of warming waters and eutrophication. Thus some type of adaptive, ecosystem-based fisheries management policy will be required in state jurisdictional waters. Thus the ASMFC and MAFMC/NEFMC need to coordinate fisheries management activities in state (0-3 miles) and Federal (3-200 miles) jurisdictional waters. Ocean noise from ocean wind farms in the Mid-Atlantic region and New England region could negatively effects the feeding and birthing habitats of NARWs as 23 wind farms will be built between North Carolina and New England between now and 2030. Thus the MMPA/ESA management process has to be coordinated with the M-S- SFA.