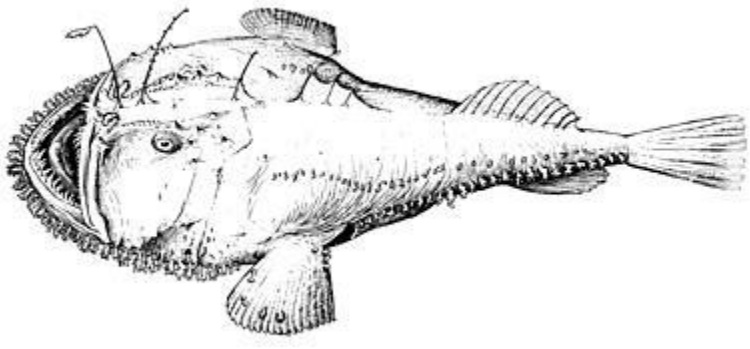
# Monkfish Fishery Management Plan

# Framework Adjustment 12

Including a Supplemental Information Report, Regulatory Impact Review and Initial Regulatory Flexibility Analysis



## Final Submission

## May 12, 2020

Prepared by the

New England Fishery Management Council

In consultation with the

National Marine Fisheries Service

New England Fishery Management Council

NOAA

***Document history***

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**Proposed Action:** Specifications for fishing years 2020-2022

**Responsible Agencies:**

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**Abstract:**

The New England Fishery Management Council, in consultation with NOAA's National Marine Fisheries Service, has prepared specifications for the Monkfish FMP fishing years 2020-2022. It addresses the requirements of the National Environmental Policy Act, the Magnuson Stevens Fishery Conservation and Management Act, the Regulatory Flexibility Act, and other applicable laws.

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## 1.2 FIGURES

## 1.3 ACRONYMS

| | |
|---|---|
| ABC | Acceptable Biological Catch |
| ACL | Annual Catch Limit |
| AIM | An Index Method of Analysis |
| ALWTRP | Atlantic Large Whale Take Reduction Plan |
| AM | Accountability Measure |
| ANPR | Advanced Notice of Proposed Rulemaking |
| AP | Advisory Panel |
| APA | Administrative Procedures Act |
| ASMFC | Atlantic States Marine Fisheries Commission |
| $B_{MSY}$ | Biomass that would allow for catches equal to Maximum Sustainable Yield when fished at the overfishing threshold (FMSY) |
| BiOp, BO | Biological Opinion, a result of a review of potential effects of a fishery on Protected Resource species |
| CAI | Closed Area I |
| CAII | Closed Area II |
| CEQ | Council on Environmental Quality |
| CPUE | Catch per unit of effort |
| DAM | Dynamic Area Management |
| DAS | Day(s)-at-sea |
| DFO | Department of Fisheries and Oceans (Canada) |
| DMF | Division of Marine Fisheries (Massachusetts) |
| DMR | Department of Marine Resources (Maine) |
| DPWG | Data Poor Working Group |
| DSEIS | Draft Supplemental Environmental Impact Statement |
| EA | Environmental Assessment |
| EEZ | Exclusive economic zone |
| EFH | Essential fish habitat |

| | |
|---|---|
| EIS | Environmental Impact Statement |
| EO | Executive Order |
| ESA | Endangered Species Act |
| F | Fishing mortality rate |
| FEIS | Final Environmental Impact Statement |
| FMP | Fishery management plan |
| FW | Framework |
| FY | Fishing year |
| GARFO | Greater Atlantic Regional Fisheries Office |
| GARM | Groundfish Assessment Review Meeting |
| GB | Georges Bank |
| GIS | Geographic Information System |
| GOM | Gulf of Maine |
| GRT | Gross registered tons/tonnage |
| HAPC | Habitat area of particular concern |
| HPTRP | Harbor Porpoise Take Reduction Plan |
| IFM | Industry-funded monitoring |
| IFQ | Individual fishing quota |
| ITQ | Individual transferable quota |
| IVR | Interactive voice response reporting system |
| IWC | International Whaling Commission |
| LOA | Letter of authorization |
| MA | Mid-Atlantic |
| MAFAC | Marine Fisheries Advisory Committee |
| MAFMC | Mid-Atlantic Fishery Management Council |
| MMPA | Marine Mammal Protection Act |
| MPA | Marine protected area |
| MRI | Moratorium Right Identifier |
| MRIP | Marine Recreational Information Program |
| MSA | Magnuson-Stevens Fishery Conservation and Management Act |
| MSY | Maximum Sustainable Yield |
| NEAMAP | Northeast Area Monitoring and Assessment Program |
| NEFMC | New England Fishery Management Council |
| NEFOP | Northeast Fisheries Observer Program |
| NEFSC | Northeast Fisheries Science Center |
| NEPA | National Environmental Policy Act |
| NLSA | Nantucket Lightship closed area |
| NMFS | National Marine Fisheries Service |
| NOAA | National Oceanic and Atmospheric Administration |
| OBDBS | Observer database system |
| OLE | Office for Law Enforcement (NMFS) |
| OY | Optimum yield |
| PBR | Potential Biological Removal |
| PDT | Plan Development Team |
| PRA | Paperwork Reduction Act |
| RFA | Regulatory Flexibility Act |
| RMA | Regulated Mesh Area |
| RPA | Reasonable and Prudent Alternatives |
| SA | Statistical Area |
| SAFE | Stock Assessment and Fishery Evaluation |
| SAP | Special Access Program |

| | |
|---|---|
| SARC | Stock Assessment Review Committee |
| SAS | Stock Assessment Subcommittee |
| SAW | Stock Assessment Workshop |
| SBNMS | Stellwagen Bank National Marine Sanctuary |
| SIA | Social Impact Assessment |
| SNE | Southern New England |
| SNE/MA | Southern New England-Mid-Atlantic |
| SSB | Spawning stock biomass |
| SSC | Scientific and Statistical Committee |
| TAL | Total allowable landings |
| TED | Turtle excluder device |
| TEWG | Technical Expert Working Group |
| TMS | Ten-minute square |
| TRAC | Trans boundary Resources Assessment Committee |
| USCG | United States Coast Guard |
| USFWS | United States Fish and Wildlife Service |
| VMS | Vessel monitoring system |
| VEC | Valued ecosystem component |
| VPA | Virtual population analysis |
| VTR | Vessel trip report |
| WGOM | Western Gulf of Maine |
| YPR | Yield per recruit |

# 2.0 PURPOSE OF THIS SUPPLEMENTAL INFORMATION REPORT (SIR)

The purpose of this SIR is to determine if the proposed modifications to the FY 2020-2022 monkfish specifications will require a supplement to the Environmental Assessment that was prepared for Framework Adjustment 10 (NEFMC 2017) to Monkfish Fishery Management Plan, as required by the National Environmental Policy Act.

In making a determination on the need for additional analysis under the National Environmental Policy Act (NEPA), the NEFMC and NMFS have considered and have been guided by the Council on Environmental Quality (CEQ) NEPA regulations and applicable case law. The CEQ's regulations state that "agencies shall prepare supplements to either draft or final environmental impact statements if: (i) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." 40 Code of Federal Regulations (C.F.R.) § 1502.09(c) (emphasis added). In addition, we have considered the CEQ's "significance" criteria at 40 C.F.R. § 1508.27 to determine whether any new circumstances or information are "significant," which could require a new environmental assessment. Any significant new circumstances or information that are relevant to environmental concerns and that have a bearing on the proposed action or its impacts are also considered in making this determination about whether a new or supplemental EA is needed.

This document describes the proposed action and compares it to the alternatives and analyses presented in the Framework 10 EA. It then considers whether there are any significant new circumstances or information that are relevant to environmental concerns and have a bearing on the proposed action or its impacts. For our consideration of new circumstances and information, we have consulted, among other sources, the Council's Monkfish Plan Development Team (PDT), Monkfish Committee, Monkfish Advisory Panel, the Greater Atlantic Regional Fisheries Office's (GARFO) Protected Resources and Sustainable Fisheries divisions, GARFO's Environmental Analyses and NEPA Program, and Council habitat staff.

# 3.0 PROPOSED ACTION

The proposed action is in response to an assessment update that estimated changes in the stock biomass of northern and southern monkfish stocks. The "Plan b" assessment updated the information used to determine the catch advice for each stock. The assessment produced a multiplier that was applied to the existing ABC to provide future catch advice for each stock.

The proposed specifications for the 2020-2022 fishing years include adjustments to the northern and southern monkfish specifications to respond to new assessment data. The assessment recommended an increase in the northern fishery management area (NFMA) monkfish ABC by up to 20%. No change was recommended for the southern fishery management area (SFMA) ABC (Figure 7). The survey trend methodology for adjusting catch advice calculates the proportional rate of change in smoothed survey indices (average of fall and spring NEFSC surveys) over the most recent three years and uses the rate of change to revise catch limits.

The Council is proposing an increase of 10% in the NFMA ABC. This is more conservative than the adjustment factor coming from the Plan B assessment (1.2) because of uncertainty about how long the 2015-year class will continue to influence biomass in the next 3 fishing years, the overall trend in the survey indices, and the recent performance of the fishery, which has only been achieving the TAL since FY2016. The Council proposes a status quo ABC in the SFMA because the adjustment factor coming from the assessment (1.0) supported no change in the ABC. Landings in the SFMA have been below the TAL in recent years.

The overfishing limit (OFL) is defined as the product of the fishing mortality threshold ($F_{max}$) and the current estimate of exploitable biomass. Since the age-based analyses were not updated in the 2019 operational assessment, the fishing mortality threshold was not recalculated. After the 2013 operational assessment, the OFL was revised in Framework 8, however, the ABCs were not revised at that time. The OFLs for the Northern and Southern Fishery Management Areas were 17,805 mt and 23,204 mt, respectively.

Revised specifications in the NFMA and status quo ABC in the SFMA would result in ABCs of 8,351 mt and 12,316 mt for the Northern and Southern Fishery Management Areas, respectively (Figure 1 and Figure 2). These were derived from applying the proportional rate of change based on the Plan B assessment to the status quo ABCs from FW10 (7,592 mt in the NFMA, 12,316 mt in the SFMA).

Discards are calculated from the assessment data using the most recent three-year moving average of the ratio of discards to total catch for both management areas; in 2016 this was 13.9% in the NFMA and 24.6% in the SFMA. The 2019 operational assessment estimates discards as 18.2% in the NFMA and 50.8% in the SFMA. The large increase in the SFMA discards is likely because of the large 2015-year class and the data show there has been an increase in discards from dredge gear.

**Figure 1 - Revised specifications for the Northern Fishery Management Area.**

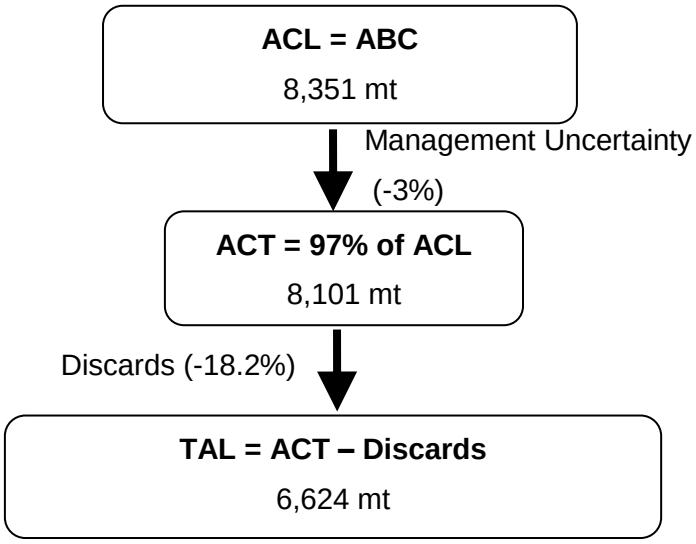


**Figure 2 - Revised specifications for the Southern Fishery Management Area.**

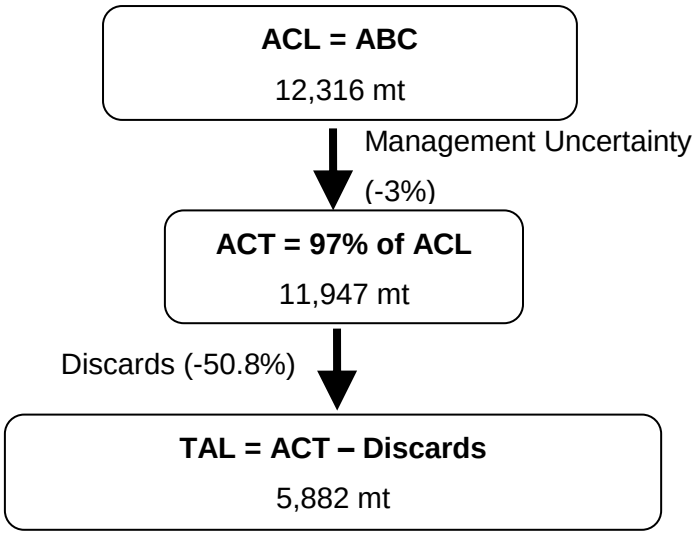

**Table 1- Comparison of status quo (FYs 2016-2019) and alternative specifications (FYs 2020-2022) for the Northern Fishery Management Area.**

| | ABC | ACT | TAL | Estimated Discards | % Difference in TAL from Status Quo |
|---|---|---|---|---|---|
| Status quo | 7,592 | 7,364 | 6,338 | 1,026 | 0% |
| Plan B adjustment factor (20%) | 9,110 | 8,837 | 7,226 | 1,610 | 13% |
| **Recommended adjustment factor (10%)** | 8,351 | 8,101 | 6,624 | 1,477 | 4.4% |

**Table 2 - Comparison of status quo (FYs 2016-2019) and alternative specifications (FYs 2020-2022) for the Southern Fishery Management Area.**

| | ABC | ACT | TAL | Estimated Discards | % Difference in TAL from Status Quo |
|---|---|---|---|---|---|
| Status quo | 12,316 | 11,947 | 9,011 | 2,936 | 0% |
| **Council recommendation** | 12,316 | 11,947 | 5,882 | 6,064 | -42% |

# 4.0 BACKGROUND

Framework Adjustment 10 to the Monkfish FMP revised annual catch limits, increased the incidental monkfish trip limit in the NFMA, and increased the DAS allocation and trip limits in the SFMA (NEFMC 2017). The 2016 operational assessment moved from a model-based assessment to an empirical assessment based on commercial data and fishery-independent data. The 2019 assessment update used the same empirical approach to provide catch advice as was previously analyzed, just updated with more recent information (NEFSC 2019).

The FY 2017-2019 specifications were based on the Plan B stock assessment conducted in 2016, using estimates of 2012-2015 catch and 2013-2015 survey data. The overfishing limit (OFL) is defined as the product of the fishing mortality threshold ($F_{max}$) and the current estimate of exploitable biomass. The OFLs for the northern and southern fishery management areas remain at 17,805 mt and 23,204 mt, respectively, because they cannot be updated without an age-based model. Discards were calculated from the ratio between the same 3 years of discards and catch; 2013-2015 were used in the calculation.

Current monkfish specifications for 2016-2019 fishing years are shown in Table 1 and Table 2 (7,592 mt ABC for the NFMA and 12,316 mt ABC for the SFMA). The 2016 operational assessment moved from a model-based assessment to an empirical assessment based on commercial data and fishery-independent data (NEFSC 2016).

# 5.0 NEW INFORMATION AND CIRCUMSTANCES

Commercial fishery statistics for monkfish were updated for 2015-2018. In the north, landings and catch have fluctuated around a steady level since 2009 but increased after 2015 (Figure 3). In the south, landings and catch had been declining since around 2000, but catch increased after 2015 due to discarding of a strong 2015 year class (Figure 3).

Strong recruitment in 2015 fueled an increase in stock biomass in 2016-2018, though abundance has since declined as recruitment returned to average levels. Biomass increases were greater in the northern area than in the southern area, and biomass has declined somewhat in the south.

The proportion of discards in the northern area catch was about 13% in the 1980s, 7% during 2002-2006, became slightly higher on average (12%) during 2007-2009, was 14% for 2010-2015 and 18% during 2016-2018 (Figure 4). During 2016-2018, the proportion of discards in the SFMA catch was 51%, and estimated discards (mt) exceeded landings in 2017 and 2018. These high discard rates are due primarily to regulatory discards in the scallop dredge fishery (Figure 4).

Survey data updated through 2018 indicate an increasing trend in biomass in both management areas since 2014; exploitable biomass (43+cm total length) indices have more than doubled in both areas since 2015, reflecting growth of the strong 2015 year class (Figure 5 and Figure 6). Abundance also increased and remains relatively high but has been decreasing in most series since 2016. Recruitment indices were high in the north in 2015 and 2016, and in the south in 2015.

New estimates of area-swept minimum biomass and abundance were developed using results from a study of relative efficiency of chain and rock-hopper sweeps on the net used for NEFSC bottom trawl surveys. The area-swept estimates are approximately 3 times (total biomass) or 5 times (total abundance) higher than the un-adjusted estimates but follow the same trends.

In 2015, there were 578 monkfish limited access permits, of which 268 were Category C permits holding limited access permits in either the multispecies (51%) or scallop (55%) fisheries, and 242 were Category D permits, primarily (98%) holding limited access multispecies permits (Table 3). There were seven Category H limited access permits for vessels fishing within the SFMA (Table 3).

**Table 3 - Number and percent of monkfish limited access vessels also issued a limited access permit in other fisheries in 2018, by permit category.**

| MONKFISH PERMIT CATEGORY | NUMBER OF MONKFISH PERMITS | NUMBER OF MONKFISH VESSELS ALSO ISSUED A LIMITED ACCESS PERMIT FOR: | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | BLACK SEA BASS | SUMMER FLOUNDER | HERRING | LAGC IFQ SCALLOP | LOBSTER | MULTI-SPECIES | OCEAN QUAHOG | RED CRAB | SCALLOP | SCUP | SQUID/ MACKEREL/ BUTTERFISH |
| A | 20 | 13 | 9 | 16 | 4 | 13 | 12 | 3 | 11 | | 12 | 19 |
| B | 39 | 21 | 11 | 34 | 3 | 19 | 25 | 1 | 20 | | 11 | 38 |
| C | 268 | 102 | 218 | 242 | 145 | 217 | 266 | 191 | 227 | 164 | 111 | 259 |
| D | 227 | 91 | 139 | 204 | 108 | 204 | 227 | 108 | 174 | 19 | 110 | 217 |
| F | 17 | 17 | 17 | 17 | 9 | 17 | 17 | 9 | 12 | 3 | 17 | 17 |
| H | 7 | 2 | 1 | 1 | 1 | 1 | 1 | | | | | 5 |
| TOTAL | 578 | 246 | 395 | 514 | 270 | 471 | 548 | 312 | 444 | 186 | 261 | 555 |

| MONKFISH PERMIT CATEGORY | NUMBER OF MONKFISH PERMITS | PERCENT OF MONKFISH VESSELS ALSO ISSUED A LIMITED ACCESS PERMIT FOR: | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | BLACK SEA BASS | SUMMER FLOUNDER | HERRING | LAGC IFQ SCALLOP | LOBSTER | MULTI-SPECIES | OCEAN QUAHOG | RED CRAB | SCALLOP | SCUP | SQUID/ MACKEREL/ BUTTERFISH |
| A | 20 | 65% | 45% | 80% | 20% | 65% | 60% | 15% | 55% | 0% | 60% | 95% |
| B | 39 | 54% | 28% | 87% | 8% | 49% | 64% | 3% | 51% | 0% | 28% | 97% |
| C | 268 | 38% | 81% | 90% | 54% | 81% | 99% | 71% | 85% | 61% | 41% | 97% |
| D | 227 | 40% | 61% | 90% | 48% | 90% | 100% | 48% | 77% | 8% | 48% | 96% |
| F | 17 | 100% | 100% | 100% | 53% | 100% | 100% | 53% | 71% | 18% | 100% | 100% |
| H | 7 | 29% | 14% | 14% | 14% | 14% | 14% | 0% | 0% | 0% | 0% | 71% |
| TOTAL | 578 | 43% | 68% | 89% | 47% | 81% | 95% | 54% | 77% | 32% | 45% | 96% |

*Source: NMFS-GARFO Analysis and Program Support Division, vessel permit database, accessed August 2019.*

The FMP also provides an open-access permit (Category E) for vessels that did not qualify for a limited access permit so those vessels can land monkfish caught incidentally in other fisheries. Table 4 shows a slow decline in incidental permits over the last 4 fishing years.

**Table 4 - Monkfish open-access (Category E) permits issued each year since 2005.**

| Fishing Year | Number of permits |
|---|---|
| 2005 | 2379 |
| 2006 | 2310 |
| 2007 | 2265 |
| 2008 | 2163 |
| 2009 | 2066 |
| 2010 | 1998 |
| 2011 | 1827 |
| 2012 | 1763 |
| 2013 | 1713 |
| 2014 | 1644 |
| 2015 | 1593 |
| 2016 | 1589 |
| 2017 | 1567 |
| 2018 | 1541 |

*Source: NMFS-GARFO Analysis and Program Support Division, vessel permit database, accessed August 2019.*

Table 5 shows monthly landings for FY2018 by area and gear, as well as total monthly landings for the fishing year. Landings in both areas combined peaked in FY 2003 but have since declined to reach a relatively stable level between FY2011 – 2014 (Table 6). FY 2018 landings showed a slight increase in landings in the SFMA and a slight decrease in the NFMA. Table 7 is based on fishing year and landed weight indicates that the trend in revenues and landings has stabilized in recent years.

**Table 5 - FY2018 Preliminary Commercial Monkfish Landings by Stock Area and Gear Type: May 2018 – April 2019 (landings in live weight).**

| | MAY - 2018 | JUN - 2018 | JUL - 2018 | AUG - 2018 | SEP - 2018 | OCT - 2018 | NOV - 2018 | DEC - 2018 | JAN - 2019 | FEB - 2019 | MAR - 2019 | APR - 2019 | MAY-April, FY2018 | | FY 2018* | | FY 2017* | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | Metric Tons | Percent of Area | May-April,18 as a % of Target TAL | Target TAL Metric Tons | May-April,17 as a % of Target TAL | Target TAL Metric Tons |
| **NORTHERN** | **376** | **439** | **420** | **484** | **501** | **648** | **403** | **518** | **589** | **579** | **683** | **528** | **6,168** | **57%** | **97%** | **6,338** | **107%** | **6,338** |
| OTTER TRAWL | 338 | 295 | 218 | 297 | 318 | 466 | 314 | 491 | 586 | 578 | 683 | 483 | 5,067 | 47% | 80% | | 92% | |
| GILLNET | 20 | 96 | 180 | 168 | 152 | 138 | 75 | 16 | 2 | 1 | 0 | 20 | 868 | 8% | 14% | | 15% | |
| DREDGE | 10 | 28 | 12 | 14 | 29 | 44 | 11 | 8 | 1 | 0 | | 0 | 157 | 1% | 2% | | 1% | |
| OTHER GEARS | 8 | 20 | 10 | 5 | 2 | 0 | 3 | 3 | 0 | 0 | 0 | 25 | 76 | 1% | 1% | | 0% | |
| **SOUTHERN** | **1,047** | **776** | **200** | **47** | **33** | **119** | **263** | **550** | **409** | **272** | **338** | **546** | **4,600** | **43%** | **51%** | **9,011** | **42%** | **9,011** |
| OTTER TRAWL | 33 | 35 | 23 | 14 | 14 | 27 | 28 | 61 | 44 | 52 | 59 | 42 | 432 | 4% | 5% | | 5% | |
| GILLNET | 887 | 608 | 114 | 1 | 4 | 83 | 198 | 464 | 350 | 212 | 256 | 448 | 3,625 | 34% | 40% | | 30% | |
| DREDGE | 99 | 105 | 56 | 31 | 15 | 9 | 34 | 21 | 11 | 8 | 18 | 20 | 427 | 4% | 5% | | 5% | |
| OTHER GEARS | 28 | 28 | 7 | 1 | 0 | 0 | 3 | 4 | 4 | 0 | 5 | 36 | 116 | 1% | 1% | | 2% | |
| **ALL AREAS** | **1,423** | **1,215** | **620** | **531** | **534** | **767** | **666** | **1,068** | **998** | **851** | **1,021** | **1,074** | **10,768** | **100%** | | | | |
| OTTER TRAWL | 371 | 330 | 241 | 311 | 332 | 493 | 342 | 552 | 630 | 630 | 742 | 525 | 5,499 | 51% | | | | |
| GILLNET | 907 | 704 | 294 | 169 | 156 | 221 | 273 | 480 | 352 | 213 | 256 | 468 | 4,493 | 42% | | | | |
| DREDGE | 109 | 133 | 68 | 45 | 44 | 53 | 45 | 29 | 12 | 8 | 18 | 20 | 584 | 5% | | | | |
| OTHER GEARS | 36 | 48 | 17 | 6 | 2 | 0 | 6 | 7 | 4 | 0 | 5 | 61 | 192 | 2% | | | | |

| | MAY - 2018 | JUN - 2018 | JUL - 2018 | AUG - 2018 | SEP - 2018 | OCT - 2018 | NOV - 2018 | DEC - 2018 | JAN - 2019 | FEB - 2019 | MAR - 2019 | APR - 2019 | Fishing Year* Landings |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | Metric tons |
| **Fishing Year 2018** | 1,423 | 1,215 | 620 | 531 | 534 | 767 | 666 | 1,068 | 998 | 851 | 1,021 | 1,074 | 10,768 |
| **Fishing Year 2017** | 1,067 | 1,153 | 607 | 654 | 634 | 953 | 780 | 1,122 | 1,057 | 1,004 | 607 | 1,074 | 10,712 |
| **Fishing Year 2016** | 1,417 | 1,069 | 511 | 420 | 358 | 447 | 713 | 887 | 880 | 912 | 939 | 1,239 | 9,792 |
| **Fishing Year 2015** | 1,256 | 963 | 590 | 431 | 389 | 482 | 578 | 848 | 594 | 755 | 992 | 935 | 8,813 |
| **Fishing Year 2014** | 1,313 | 1,149 | 453 | 415 | 357 | 463 | 654 | 900 | 824 | 395 | 785 | 1,110 | 8,818 |
| **Fishing Year 2013** | 1,232 | 919 | 522 | 350 | 412 | 556 | 745 | 952 | 630 | 765 | 756 | 845 | 8,684 |
| **Fishing Year 2012** | 1,574 | 1,266 | 502 | 394 | 439 | 672 | 547 | 806 | 733 | 530 | 654 | 988 | 9,104 |
| **Fishing Year 2011** | 1,044 | 1,066 | 542 | 338 | 385 | 530 | 809 | 982 | 867 | 1,000 | 929 | 1,008 | 9,499 |
| **Fishing Year 2010** | 928 | 839 | 422 | 306 | 282 | 350 | 561 | 643 | 716 | 712 | 730 | 830 | 7,318 |
| **Fishing Year 2009** | 1,253 | 1,182 | 647 | 396 | 331 | 479 | 554 | 418 | 753 | 696 | 644 | 795 | 8,148 |
| **Fishing Year 2008** | 1,641 | 1,359 | 674 | 537 | 539 | 665 | 808 | 812 | 1,084 | 703 | 634 | 824 | 10,279 |
| **Fishing Year 2007** | 1,413 | 1,206 | 917 | 776 | 695 | 934 | 1,163 | 1,314 | 1,088 | 897 | 737 | 1,090 | 12,230 |
| **Fishing Year 2006** | 1,314 | 1,490 | 1,181 | 909 | 880 | 1,104 | 1,140 | 1,130 | 967 | 671 | 951 | 848 | 12,586 |
| **Fishing Year 2005** | 2,040 | 3,040 | 1,862 | 1,487 | 1,343 | 1,100 | 1,616 | 1,413 | 1,523 | 1,143 | 1,309 | 1,313 | 19,189 |
| **Fishing Year 2004** | 1,806 | 1,979 | 1,581 | 1,380 | 1,304 | 1,243 | 1,803 | 1,681 | 1,264 | 1,173 | 1,235 | 1,478 | 17,927 |
| **Fishing Year 2003** | 2,681 | 3,199 | 1,913 | 1,746 | 1,420 | 2,253 | 2,823 | 1,907 | 1,976 | 2,386 | 2,172 | 1,797 | 26,273 |
| **Fishing Year 2002** | 1,574 | 2,093 | 1,489 | 1,382 | 1,524 | 1,643 | 1,937 | 2,203 | 2,015 | 1,762 | 2,631 | 1,553 | 21,807 |

*Note: Gear data are based on vessel trip reports.*

*The three-digit statistical areas defined below are for statistical and management purposes and may not be consistent with stock area delineation used for biological assessment.*

*Monkfish Stock Areas: Northern: 464-465, 511-515, 521-522, 561-562*

*Southern: 525-526, 533-534, 537-539, 541-543, 611-639*

**Table 6- Monkfish landings by management area FY1999 – 2018.**

| Year | NFMA (metric tons) | SFMA (metric tons) |
|---|---|---|
| 1999 | 9,720 | 14,311 |
| 2000 | 11,859 | 7,960 |
| 2001 | 14,853 | 11,069 |
| 2002 | 14,491 | 7,478 |
| 2003 | 14,155 | 12,198 |
| 2004 | 11,750 | 6,193 |
| 2005 | 9,533 | 9,656 |
| 2006 | 6,677 | 5,909 |
| 2007 | 5,050 | 7,180 |
| 2008 | 3,528 | 6,751 |
| 2009 | 3,344 | 4,800 |
| 2010 | 2,834 | 4,484 |
| 2011 | 3,699 | 5,801 |
| 2012 | 3,920 | 5,184 |
| 2013 | 3,596 | 5,088 |
| 2014 | 3,403 | 5,415 |
| 2015 | 4,080 | 4,733 |
| 2016 | 5,443 | 4,280 |
| 2017 | 6,850 | 3,723 |
| 2018 | 5,961 | 4,581 |

*Source: NMFS-GARFO Analysis and Program Support Division, cfders dealer weight and vessel trip report databases.*

**Table 7 - Total monkfish landings (landed weight) and revenues, FY2005-2018.**

| Fishing Year | Landings | Revenues |
|---|---|---|
| **(May 1 - April 30)** | **(1,000 lbs. landed wt.)** | **($1,000)** |
| **2005** | 22,857 | $42,719 |
| **2006** | 14,764 | $28,598 |
| **2007** | 14,367 | $29,426 |
| **2008** | 11,672 | $23,228 |
| **2009** | 9,494 | $18,364 |
| **2010** | 8,612 | $20,173 |
| **2011** | 11,365 | $28,885 |
| **2012** | 9,940 | $21,400 |
| **2013** | 9,395 | $18,065 |
| **2014** | 9,992 | $19,210 |
| **2015** | 9,949 | $19,046 |
| **2016** | 10,896 | $19,931 |
| **2017** | 10,765 | $16,546 |
| **2018** | 11,736 | $15,452 |

*Source: NMFS-GARFO Analysis and Program Support Division, cfders dealer weight database, accessed August 2019.*

While Massachusetts continues to account for the greatest proportion of all monkfish landings, all states have seen an overall decline in monkfish landings (Table 8) in recent years.

**Table 8 - Total monkfish landings (landed weight), FY2009-2018, by state.**

| STATE | Thousands of Pounds of Monkfish | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | **FY 2009** | **FY 2010** | **FY 2011** | **FY 2012** | **FY 2013** | **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** |
| **CT** | 253 | 305 | 457 | 547 | 724 | 380 | 464 | 275 | 246 | 324 |
| **MA** | 4,181 | 3,812 | 4,972 | 4,303 | 4,227 | 4,581 | 5,067 | 5,943 | 6,306 | 6,057 |
| **MD** | 48 | 83 | 98 | 69 | 86 | 78 | 36 | 51 | 32 | 19 |
| **ME** | 178 | 115 | 257 | 345 | 243 | 178 | 219 | 170 | 411 | 442 |
| **NC** | 31 | 27 | 10 | 3 | 38 | 47 | 56 | 33 | 36 | 20 |
| **NH** | 125 | 86 | 74 | 38 | 50 | 68 | 123 | 119 | 175 | 213 |
| **NJ** | 1,637 | 1,418 | 1,676 | 1,389 | 1,351 | 1,740 | 1,250 | 1,335 | 1,229 | 1,205 |
| **NY** | 807 | 766 | 1,059 | 1,183 | 773 | 748 | 827 | 1,193 | 829 | 1,005 |
| **RI** | 1,732 | 1,598 | 2,122 | 1,495 | 1,488 | 1,819 | 1,648 | 1,560 | 1,412 | 2,306 |
| **VA** | 502 | 402 | 638 | 567 | 413 | 352 | 259 | 218 | 88 | 142 |
| **TOTAL** | **9,494** | **8,612** | **11,365** | **9,940** | **9,394** | **9,992** | **9,949** | **10,897** | **10,765** | **11,735** |

*Source: NMFS-GARFO Analysis and Program Support Division, cfders dealer weight database, accessed August 2019.*

As shown in Table 9, only a portion of the limited access vessels used at least one monkfish DAS in FY 2018, and the total DAS used by limited access (permit categories C and D) vessels was only about 7% of the total allocated. This represents a substantial amount of latent effort in the fishery. Even among active vessels (those that used at least one monkfish DAS), not all allocated DAS are used. Only about 53% of allocated DAS were used by active vessels across all permit categories. Part of this latent effort can be explained by the fact that nearly one-half of the permit category C vessels, 161 vessels, are limited access scallop vessels who choose not to use a scallop DAS to target monkfish under the monkfish DAS usage requirements because of the greater profitability of using scallop DAS to target scallops (Table 3).

**Table 9 - Monkfish DAS usage, FY 2018.**

| Permit Category | All Vessels | | | Active Vessels* | | |
|---|---|---|---|---|---|---|
| | Total Number of Permits | DAS Allocated | DAS Used | Number of Active Vessels | DAS Allocated | DAS Used |
| A | 20 | 866 | 417 | 14 | 689 | 417 |
| B | 39 | 1,689 | 693 | 25 | 1,230 | 693 |
| C | 268 | 11,604 | 695 | 26 | 1,279 | 695 |
| D | 227 | 9,829 | 987 | 41 | 2,017 | 987 |
| F | 17 | 835 | - | 0 | 0 | 0 |
| H | 7 | 303 | 42 | 3 | 148 | 42 |
| **TOTAL** | **578** | **25,126** | **2,834** | **109** | **5,363** | **2,834** |

*Source: NMFS Vessel Permits and Allocation Management System (AMS) databases, accessed August 2019.*

** Active = vessels that used >0 monkfish DAS*

*Permit Category A active vessel NMA DAS used not included due to data confidentiality.*

The following table shows the distribution of monkfish permit holders by homeport and monkfish permit category for the five primary, 15 secondary, and "other" monkfish ports for FY 2018.

**Table 10 – Monkfish permits by port, FY 2018.**

| HOMEPORT | | FY 2018 by Category | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | A | B | C | D | E | F | H | TOTAL |
| PRIMARY PORTS | | 9 | 22 | 144 | 85 | 304 | 11 | 0 | 573 |
| NEW BEDFORD | MA | 1 | 1 | 107 | 34 | 74 | 0 | 0 | 217 |
| GLOUCESTER | MA | 0 | 0 | 15 | 21 | 90 | 0 | 0 | 124 |
| NARRAGANSETT/POINT JUDITH | RI | 2 | 1 | 11 | 21 | 51 | 6 | 0 | 92 |
| MONTAUK | NY | 0 | 4 | 2 | 6 | 69 | 5 | 0 | 86 |
| BARNEGAT LIGHT/LONG BEACH | NJ | 6 | 16 | 9 | 3 | 20 | 0 | 0 | 54 |
| SECONDARY PORTS | | 6 | 4 | 85 | 76 | 336 | 5 | 4 | 516 |
| HAMPTON BAYS/SHINNECOCK | NY | 1 | 1 | 1 | 2 | 21 | 0 | 0 | 26 |
| POINT PLEASANT | NJ | 1 | 3 | 4 | 7 | 37 | 0 | 1 | 53 |
| CHATHAM | MA | 0 | 0 | 0 | 21 | 53 | 0 | 0 | 74 |
| BOSTON | MA | 1 | 0 | 27 | 9 | 25 | 1 | 0 | 63 |
| CAPE MAY | NJ | 0 | 0 | 22 | 7 | 86 | 3 | 0 | 118 |
| NEW LONDON | CT | 0 | 0 | 4 | 4 | 6 | 1 | 0 | 15 |
| LITTLE COMPTON | RI | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 4 |
| PORTLAND | ME | 0 | 0 | 7 | 10 | 13 | 0 | 0 | 30 |
| CHINCOTEAGUE | VA | 0 | 0 | 0 | 0 | 5 | 0 | 1 | 6 |
| WESTPORT | MA | 1 | 0 | 1 | 1 | 12 | 0 | 0 | 15 |
| SCITUATE | MA | 0 | 0 | 1 | 4 | 17 | 0 | 0 | 22 |
| PORTSMOUTH | NH | 0 | 0 | 0 | 4 | 20 | 0 | 0 | 24 |
| WANCHESE | NC | 0 | 0 | 4 | 5 | 12 | 0 | 2 | 23 |
| OCEAN CITY | MD | 0 | 0 | 0 | 0 | 17 | 0 | 0 | 17 |
| NEWPORT NEWS | VA | 0 | 0 | 12 | 2 | 12 | 0 | 0 | 26 |
| OTHER PORTS | | 5 | 13 | 39 | 66 | 894 | 1 | 3 | 1,021 |
| **TOTAL** | | **20** | **39** | **268** | **227** | **1,534** | **17** | **7** | **2,110** |

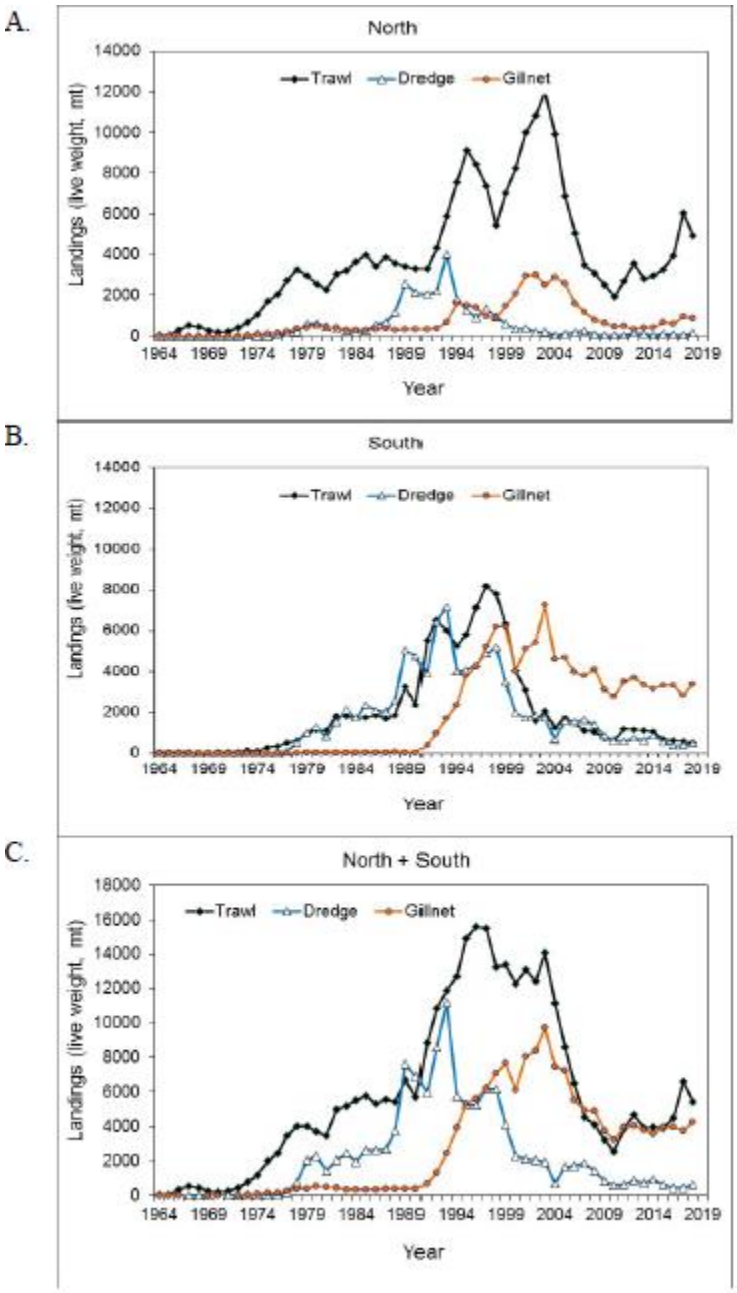


**Figure 3 - Commercial landings of monkfish by gear type and management area, 1964-2018. A. Northern management area, B. Southern management area, C. Management areas combined. Figure taken from draft 2019 assessment report.**

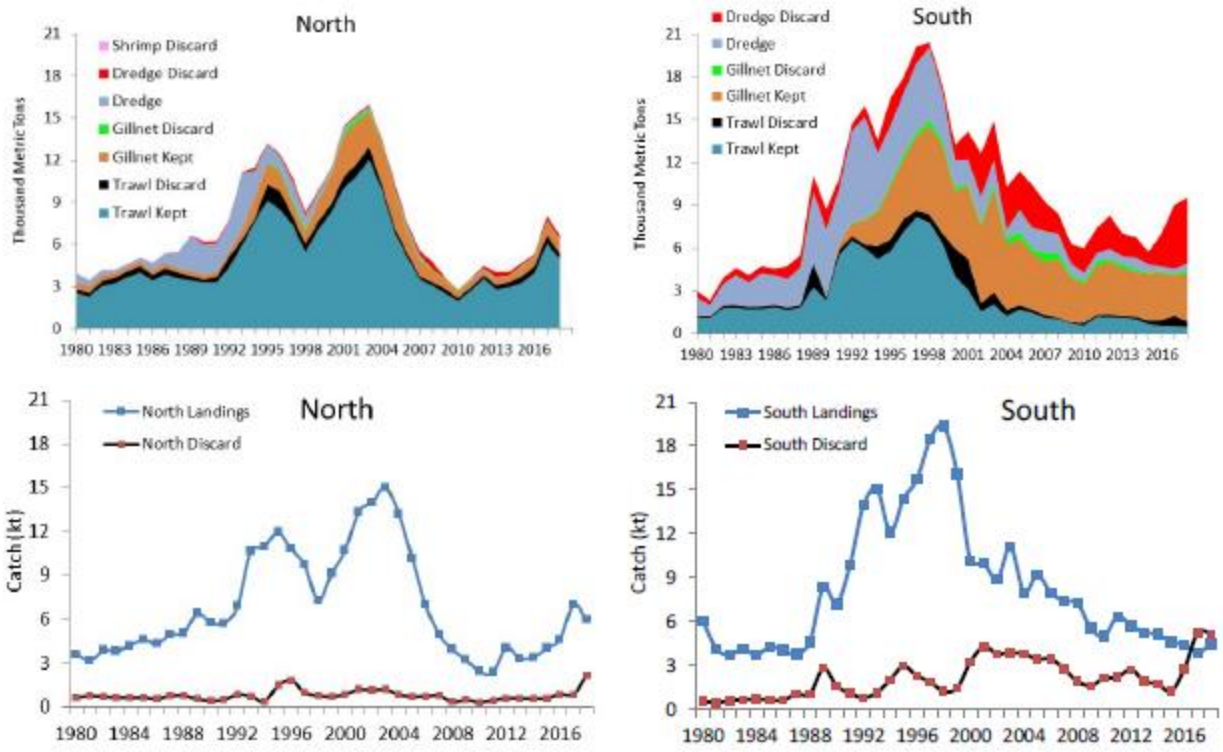


**Figure 4 - Monkfish landings and discard by gear type (top panels) and total (bottom panels) for Northern (left) and Southern (right) Fishery Management Areas. Figure taken from draft 2019 assessment report.**

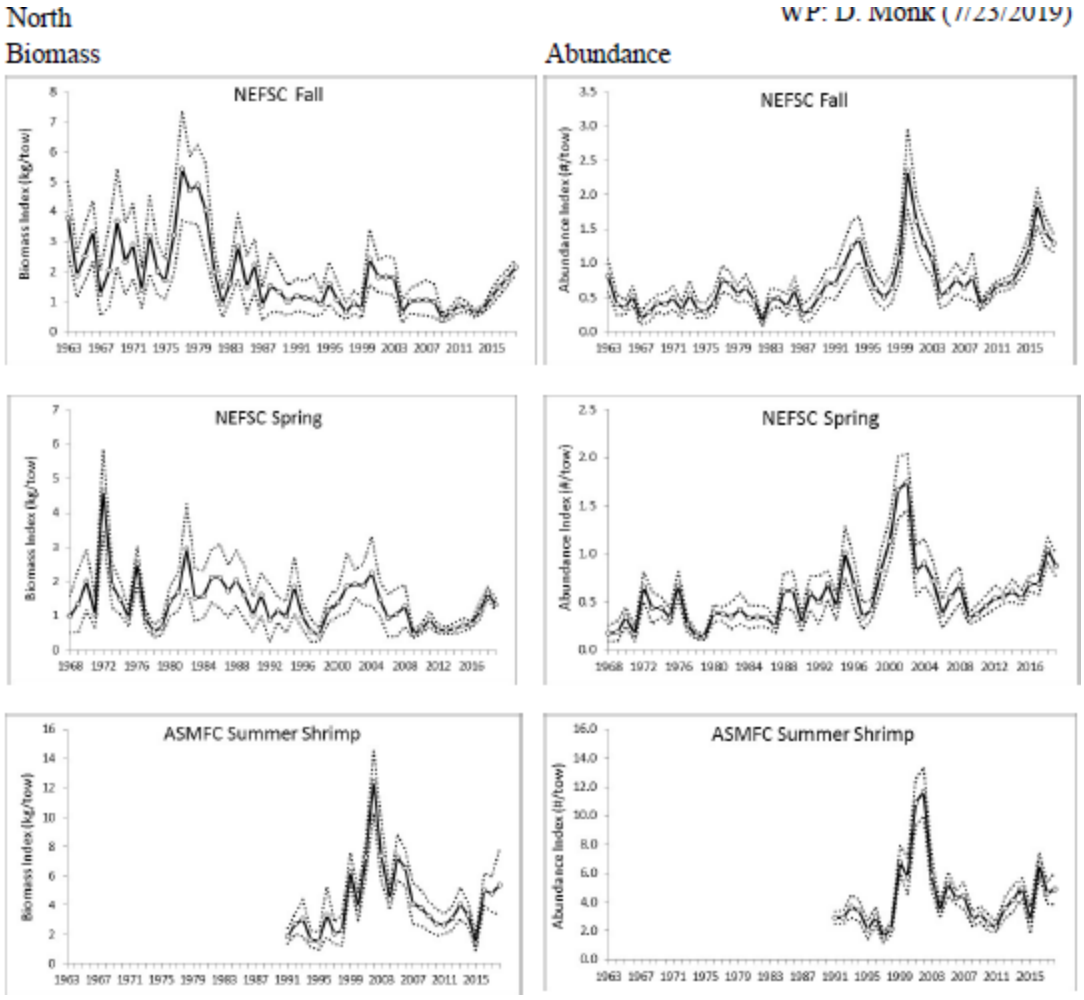


**Figure 5 – Survey indices for monkfish in the Northern fishery management area. Points after 2008 in spring and fall surveys are from surveys conducted on the FSV Bigelow, converted to Albatross units. Figure taken from draft 2019 assessment report.**

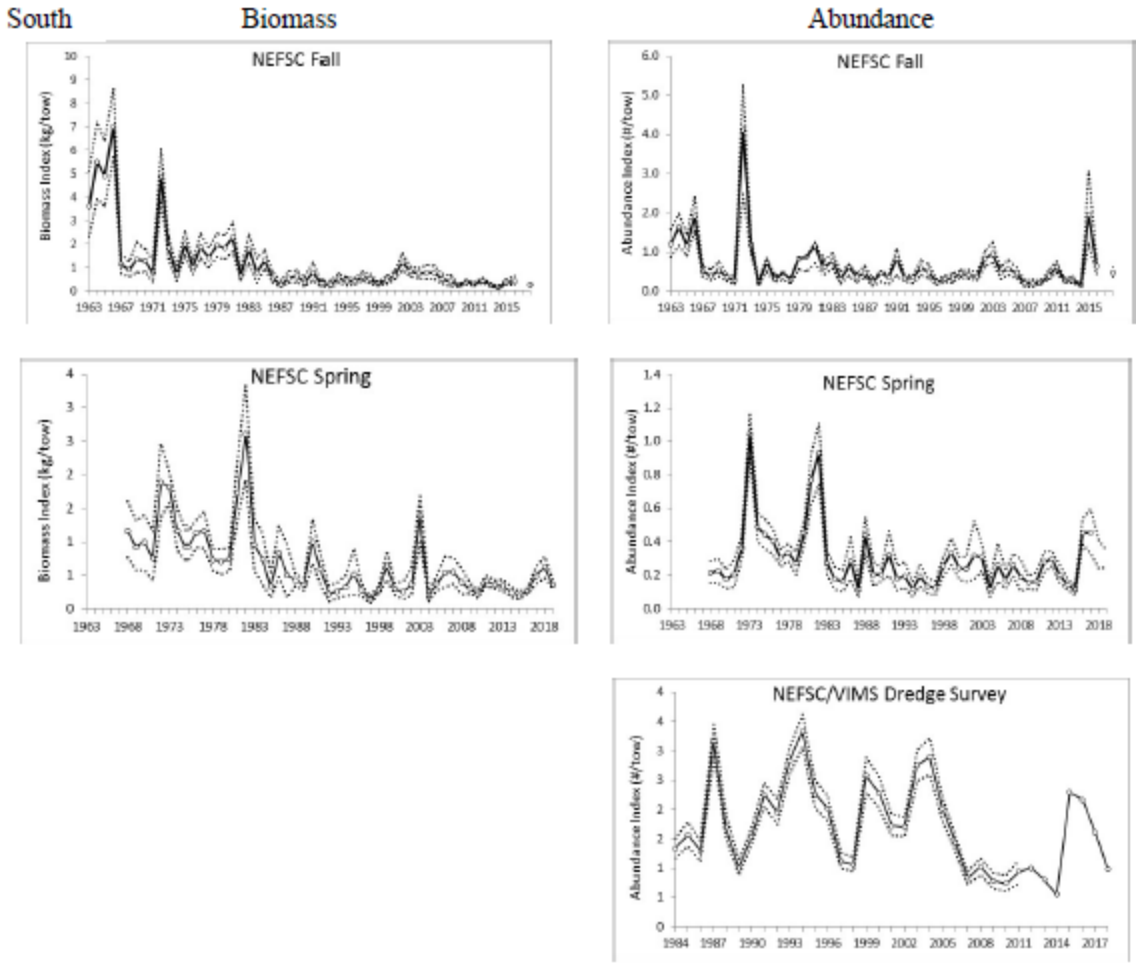


**Figure 6 - Survey indices for monkfish in the Southern management area. Points after 2008 for NEFSC trawl surveys were conducted on the FSV Bigelow, converted to Albatross units. Scallop dredge survey indices after 2011 were calculated from combined data from surveys conducted by NEFSC and Virginia Institute of Marine Science. Figure taken from draft 2019 assessment report.**

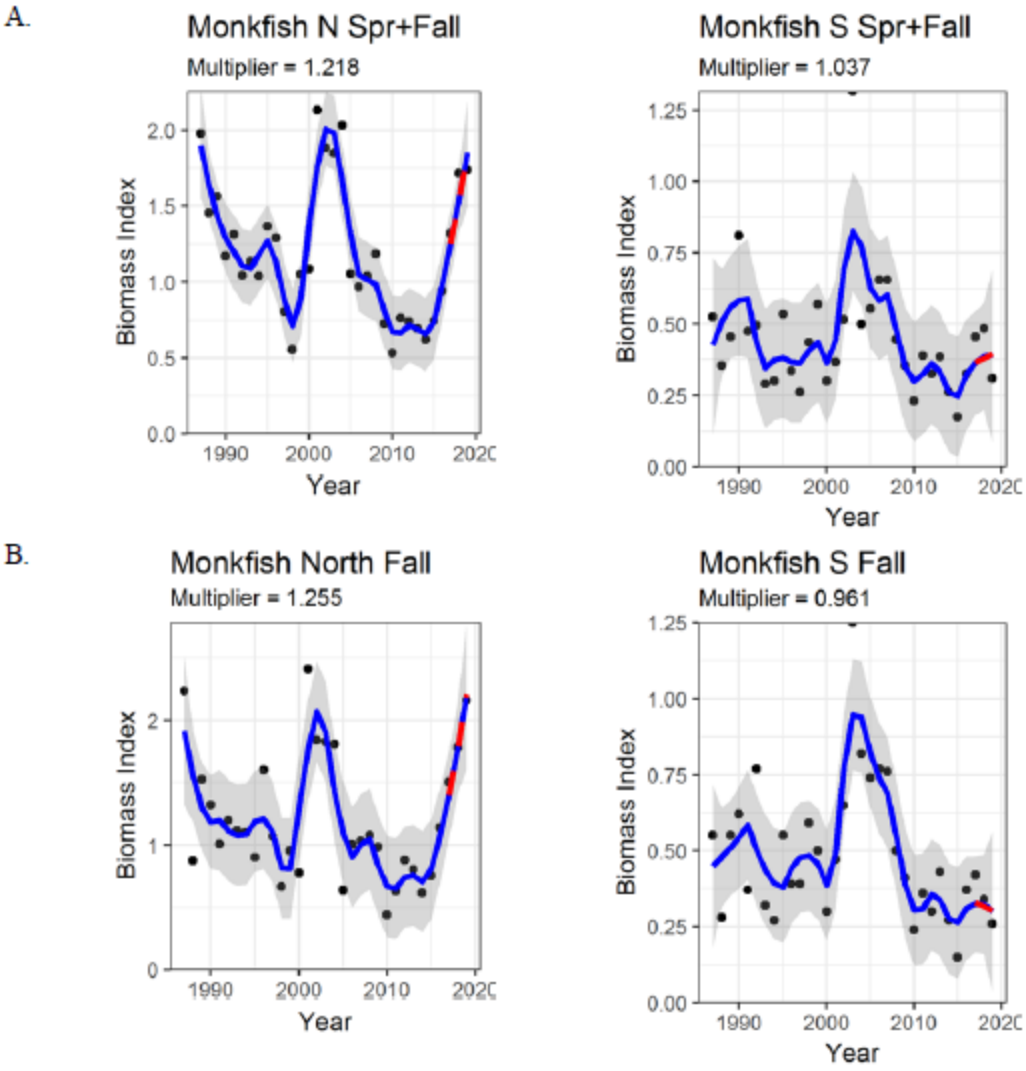


**Figure 7 – Results of "Plan B" analysis. Points are observed biomass indices, lines are loess-smoothed indices, "multiplier" is slope of log-linear regression through terminal three smoothed points. A. Results using both spring and fall indices, B. Results using fall survey indices only. Figure taken from 2019 draft assessment report.**

# 6.0 NEPA COMPLIANCE – CHANGES TO THE ORIGINAL ACTION

The basis for previously analyzed management measures are not proposed to be changed in this action. The 2016 operational assessment moved from a model-based assessment to an empirical assessment based on commercial data and fishery-independent data (NEFSC 2016). The 2019 assessment update used the same empirical approach to provide catch advice as was previously analyzed, just updated with more recent information (NEFSC 2019). The most recent information results in changes to the NFMA specifications; a small increase in the NFMA ABC and an update to the discard rate, which helps to offset the increase in the ABC. There was a change in the discard rate applied to this region, however, the method for calculating discards did not change and there was no recommendation to adjust the SFMA ABC. This decrease did reduce the SFMA TAL from the previous EA but it is not expected to constrain fishery operations or result in changes to how the fishery operates given that the SFMA fishery has not achieved its TAL (or the lower TAL proposed here) in the last 5 fishing years. Overall, the specifications for both management areas are not substantially different than what was previously analyzed in the EA for the 2017-2019 specifications (Table 13). The revised specifications would not warrant changes to effort controls, possession limits, and day-at-sea (DAS) allocations, in either region.

The revised TAL in the NFMA represents a small increase (10%) when compared to the specifications established in the previous specifications EA (NEFMC 2017). The previous specifications EA also established the current possession limits and DAS allocations for both management areas and evaluated the impacts on the Valued Ecosystem Components (target, non-target/bycatch, protected species, habitat, and human communities) of the monkfish fishery. Changes in impacts to these VECs are not expected from this proposed action because there is very little change in the specifications beyond what has been previously analyzed. These effort controls have been in place for 3 fishing years (2016-2019) and the ABC has not been exceeded during that time. The TAL in the NFMA has only recently been achieved, which could be a combination of revised management measures (possession limits) and the large 2015 year class (Table 11). The increase in the NFMA TAL may result in more directed fishing effort; however, this is unlikely because effort controls are not changing and vessels are further constrained by regulations set by other FMPS, e.g. NE Multispecies or Scallop FMPS, that manage other species that might be caught by vessels landing monkfish on the same trip. It is unknown whether this trend of fully, or almost, achieving the NFMA TAL will continue. Individuals from the 2015-year class have grown large enough to be retained by the fishery and are less likely to be discarded because of minimum size regulations. Even with a 10% increase in TAL, a change in impacts would not be expected because less of the catch would be discarded instead. No changes are expected to non-target species from the small increase in TAL in the NFMA given effort is constrained in other fisheries. Furthermore, the potential risk of an interaction is not likely to be different than those analyzed in Framework 10, despite the TAL increase. Overall catch is not expected to change, this increase is expected to result in the landing of fish that were discarded in previous fishing years being landed. Thus, as overall effort is not expected to change, no change in the potential risk for interaction is expected. If the trend in the amount of the NFMA TAL being achieved was being driven by the availability of the 2015-year class, the ability of the fishery to achieve the TAL could decrease, however, it is difficult to predict future fishing effort and therefore it is unknown if the additional TAL will be achieved or not. Increase in effort, either time gear is in the water or additional gear set, can directly impact protected resources by increasing the potential for interactions. The small increase in TAL is not be expected to incentivize increased fishing effort on monkfish and therefore additional impacts on protected resources beyond those analyzed in FW10 would not be expected. The SFMA TAL is being decreased because of the increased projection of dead discards. No increase in fishing effort would be expected in the SFMA because the fishery has not been constrained

by the TAL in recent years (Table 12). Impact on protected resources in the SFMA would not be significantly different to that analyzed in FW10 because potential interactions would not be expected to increase given the reduction to the TAL to a level more in line with current effort. Similarly, habitat impacts are expected to remain unchanged. Impacts to human communities would likely remain similar because given the increase in TAL is small. A slight increase in revenue and a marginal increase in social benefits could be realized because less of the catch would be discarded.

The impacts of the proposed action are largely the same as in the previous action (NEFMC 2017), since the risk of monkfish overfishing in either management area (Table 13) is about the same as previously analyzed (NEFMC 2017) and the changes in catch limits are expected to cause little change in fishing behavior, targeting of monkfish or other species, fishing costs, or revenue from landing monkfish. Updated information and analyses that have bearing on adjusting the monkfish specifications are presented in Section 5.0 of this document.

**Table 11 – Recent landings in the NFMA compared to target TAL (GARFO quota monitoring data).**

| NMFA | | | |
|---|---|---|---|
| Fishing Year | Landings (mt) | TAL (mt) | Percent of TAL achieved |
| 2014 | 3,403 | 5,854 | 58 |
| 2015 | 4,080 | 5,854 | 70 |
| 2016 | 5,447 | 5,854 | 93 |
| 2017 | 6,807 | 6,338 | 107 |
| 2018 | 6,168 | 6,338 | 97 |

**Table 12 – Recent landings in the SFMA compared to target TAL (GARFO quota monitoring data).**

| SMFA | | | |
|---|---|---|---|
| Fishing Year | Landings (mt) | TAL (mt) | Percent of TAL achieved |
| 2014 | 5,415 | 8,925 | 61 |
| 2015 | 4,733 | 8,825 | 53 |
| 2016 | 4,345 | 8,925 | 49 |
| 2017 | 3,802 | 9,011 | 42 |
| 2018 | 4,600 | 9,011 | 51 |

**Table 13 – Summary of impacts on VECs from Framework 10 (NEFMC 2017).**

| | Allocated Target Species | Non-allocated Target Species and Bycatch | Endangered/ Protected Species | Habitat Impacts | Human Community Impacts |
|---|---|---|---|---|---|
| ACL | Neutral | Neutral | Low negative to neutral | Neutral | Neutral to low positive |
| Effort Controls: NFMA | Neutral to low positive | Neutral | Low negative | Neutral | Neutral to low positive |
| Effort Controls: SFMA | Neutral to low positive | Neutral | Low negative | Neutral | Low positive to positive |

# 7.0 CONCLUSION

After considering the proposed action in Section 3.0, new information in Section 5.0, NMFS has determined that a supplement to the EA for the 2017-2019 specifications (NEFMC 2017) is unnecessary because the adjustments are limited to these specifications and have impacts that were analyzed previously on the fishery and the managed stocks. Considerations in support of this conclusion include the following: 1) the changes to the monkfish specifications are not expected to substantially change the risk of overfishing, change the number or length of trips targeting monkfish, or change the profits or revenue from fishing for monkfish, and 2) no new information or circumstances exist that have a bearing on environmental concerns that are significantly different from when the original Finding of No Significant Impact was signed on July 12, 2017. The specifications EA (NEFMC 2017) thus remains valid to support the proposed action.

# 8.0 RELATIONSHIP TO APPLICABLE LAWS

## 8.1 MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT – NATIONAL STANDARDS

Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that regulations implementing any fishery management plan or amendment be consistent with ten national standards. Below is a summary of how this action is consistent with the National Standards and other required provisions of the Magnuson-Stevens Act.

The Council continues to meet the obligations of National Standard 1 by adopting and implementing conservation and management measures that will continue to prevent overfishing, while achieving optimum yield for managed species and the U.S. fishing industry on a continuing basis. The primary goal of managing the monkfish fishery is to maintain long-term sustainable catch levels. The Monkfish FMP established a fishery specifications process that ensures a consistent review of the monkfish stock status, fishery performance, and other factors in order to manage by annual catch limits (ACLs) and prevent overfishing. The measures implemented through this action should further achieve the goals/objectives and reduce the possibility of overfishing the monkfish resource. The last model-based stock assessment for monkfish determined that the resource is not overfished, and overfishing is not occurring.

The Council uses the best scientific information available (National Standard 2). Specifically, this action was informed by fisheries-independent data from the NEFSC trawl survey, commercial fishery landings data, and other scientific data sources. The 2020-2022 monkfish specifications are supported by the best available scientific information, and recommendations for monkfish catch during FY 2020-2022 are based on advice from the Council's Scientific and Statistical Committee (SSC).

The Council manages monkfish throughout the northeast region (Maine – North Carolina; National Standard 3). While most monkfish are landed in Massachusetts, New York, and Rhode Island, monkfish landings have been reported in every state from Maine through Virginia. The Monkfish FMP manages the monkfish resource as two stocks in the northern and southern fishery management areas, which each has its own ABC. The management measures proposed in this action do not discriminate among residents of different states (National Standard 4); the measures are intended to be applied equally to monkfish permit holders of the same category, regardless of homeport or location.

The proposed 2020-2022 monkfish fishery specifications set specifications for both management areas in a manner that is intended to maximize opportunities for the fishery while minimizing the potential for overfishing. The specifications proposed in this document should promote efficiency in the utilization of fishery resources through appropriate measures intended to provide access to the monkfish fishery for

both current and historical participants while minimizing the race to fish in any of the monkfish management areas, and they do not have economic allocation as their sole purpose (National Standard 5).

The measures proposed account for variations in the fishery (National Standard 6). The 2019 operational assessment for monkfish has no significant changes from the previous survey-based assessment. There are a number of factors which could introduce variations into the monkfish fishery, including from the operational assessment. Market fluctuations, environmental factors, and predator-prey interactions constantly introduce additional variations among, and contingencies in, the monkfish resource, the fishery, and the available catch.

As always, the Council considered the costs and benefits associated with the proposed 2020-2022 monkfish fishery specifications. Any costs incurred as a result of the management action proposed in this document are considered to be necessary in order to achieve the goals and objectives of the Monkfish FMP and are viewed to be outweighed by the benefits of taking the management action. Consistent with National Standard 7, the management measures proposed in this document are not duplicative and were developed in close coordination with NMFS, the MAFMC, and other interested entities and agencies to minimize duplicity.

The proposed 2020-2022 monkfish fishery specifications consider the importance of fishery resources to fishing communities (National Standard 8). A complete description of the fishing communities participating in and dependent on the monkfish fishery is provided in Section 6.5 in Framework 10. Relative to the no action alternative, the measures proposed are expected to have positive to low positive impacts on communities engaged in and dependent on the monkfish fishery.

This action also considers National Standard 9; Section 6.2 of FW10 has comprehensive information related to bycatch in the monkfish fishery. The primary non-target species in this fishery are skates and dogfish. Both the Spiny Dogfish and Northeast Skate Complex FMPs contain management measures that aim to minimize the negative impacts of non-target species.

Finally, this action is consistent with National Standard 10 to promote the safety of human life at sea. The Council has the utmost concern regarding safety and understands how important safety is when considering allocations for the monkfish ACLs to the individual management areas. The proposed 2020-2022 monkfish specifications ensure that access to the monkfish fishery is provided for vessels of all sizes and gear types, which is one reason for distributing the catch in both inshore and offshore areas.

## 8.2 National Environmental Policy Act

The National Environmental Policy Act (NEPA) provides a mechanism for identifying and evaluating the full spectrum of environmental issues associated with federal actions and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. This document is designed to meet the requirements of the MSA and NEPA. The Council on Environmental Quality has issued regulations specifying the requirements for NEPA documents (40 CFR 1500 – 1508), as has NOAA in its policy and procedures for NEPA (NAO 216-6A §5.04b.1). All those requirements are addressed in this action, as described below.

### 8.2.1 Point of Contact

Questions concerning this document may be addressed to:

Mr. Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950 (978) 465-0492

## 8.2.2 Agencies Consulted

The following agencies were consulted in preparing this document:

- Mid-Atlantic Fishery Management Council
- New England Fishery Management Council, including representatives from:
  - Connecticut Department of Environmental Protection
  - Maine Department of Marine Resources
  - Massachusetts Division of Marine Fisheries
  - New Hampshire Fish and Game
  - Rhode Island Department of Environmental Management
- National Marine Fisheries Service, NOAA, Department of Commerce
- United States Coast Guard, Department of Homeland Security
- United States Fish and Wildlife Service, Department of Interior

## 8.2.3 List of Preparers

The following personnel participated in preparing this document:

- ***New England Fishery Management Council***. Fiona Hogan (Monkfish Plan Coordinator), Jennifer Couture, Michelle Bachman
- ***Mid-Atlantic Fishery Management Council***. Jason Didden (Mid-Atlantic Monkfish Plan Coordinator)
- ***National Marine Fisheries Service.*** Timothy Cardiasmenos, Trish Clay, Laura Hansen, Allison Murphy, Tammy Murphy, Danielle Palmer, Anne Richards, John Sullivan
- ***State agencies.*** Gregory DeCelles (MADMF), Eric Schneider (RIDEM), Renee St. Amand (CT DEEP)

## 8.2.4 Opportunity for Public Comment

This action was developed from June 2019- December 2019, and there were seven public meetings related to this action (Table 14). Opportunities for public comment occurred at Advisory Panel, Committee, and Council meetings. There were more limited opportunities to comment at PDT meetings. Meeting discussion documents and summaries are available at www.nefmc.org.

**Table 14. Public meetings related to Monkfish specifications for FYs2020-2022.**

| Date | Meeting Type | Location |
|---|---|---|
| June 13, 2019 | NEFMC Meeting | DoubleTree by Hilton, South Portland, ME |
| August 12, 2019 | Monkfish PDT conference call | N/A |
| August 27, 2019 | Monkfish PDT | Hyatt Place, Braintree, MA |
| September 18, 2019 | Monkfish Advisory Panel | Comfort Inn, Revere, MA |
| September 18, 2019 | Monkfish Committee | Comfort Inn, Revere, MA |
| September 24, 2019 | NEFMC Meeting | Beauport Hotel, Gloucester, MA |
| October 7, 2019 | MAFMC Meeting | Durham Convention Center, Durham, NC |

In addition to the public meetings listed in Table 14, the development of Framework 10 followed a similar process. Framework 10 was developed during the period August 2016 through December 2016 and was discussed at the following meetings (Table 15). Opportunities for public comment were provided at each of these meetings.

**Table 15. Public meetings related to Monkfish Framework 10.**

| Date | Meeting Type | Location |
|---|---|---|
| 5/10/16 | Monkfish PDT Conference Call | N/A |
| 8/2/16 | Monkfish PDT Conference Call | N/A |
| 8/17/16 | Monkfish AP | Radisson Airport Hotel, Warwick, RI |
| 8/24/16 | Monkfish PDT Conference Call | N/A |
| 9/1/16 | Monkfish Committee | Radisson Airport Hotel, Warwick, RI |
| 9/20-22/16 | NEFMC Meeting | Doubletree, Danvers, MA |
| 10/4/16 | Monkfish PDT Conference Call | N/A |
| 10/12/16 | Monkfish AP | Radisson Airport Hotel, Warwick, RI |
| 10/18/16 | Monkfish Committee | Radisson Airport Hotel, Warwick, RI |
| 11/1/16 | Monkfish PDT | Mariners House, Boston MA |
| 11/14/16 | Monkfish Committee | Hotel Viking, Newport RI |
| 11/15-17/16 | NEFMC Meeting | Hotel Viking, Newport, RI |
| 12/13-15/16 | MAFMC Meeting | Royal Sonesta, Baltimore, MD |

## 8.3 Marine Mammal Protection Act (MMPA)

The proposed action is not expected to alter fishing methods or activities. Therefore, this action likely would not affect marine mammals or critical habitat in any manner not considered in previous consultations on the fisheries. Section **Error! Reference source not found.** of Framework 10 describes the marine mammals potentially affected by the monkfish fishery and Section **Error! Reference source not found.** summarizes the impacts of the proposed action. A final determination of consistency with the MMPA will be made by the agency when this action is approved.

## 8.4 Endangered Species Act (ESA)

Section 7 of the ESA requires Federal agencies conducting, authorizing, or funding activities that affect threatened or endangered species to ensure that those effects do not jeopardize the continued existence of listed species. The batched fisheries Biological Opinion finalized December 16, 2013, concluded that the actions considered would not jeopardize the continued existence of any listed species. On October 17, 2017, NMFS reinitiated consultation on the batched Biological Opinion due to updated information on the decline of Atlantic right whale abundance.

Section 7(d) of the ESA prohibits Federal agencies from making any irreversible or irretrievable commitment of resources with respect to the agency action that would effectively foreclose the formulation or implementation of any reasonable and prudent alternatives during the consultation period. This prohibition is in force until the requirements of section 7(a)(2) have been satisfied. Section 7(d) does not prohibit all aspects of an agency action from proceeding during consultation; non-jeopardizing activities may proceed if their implementation would not violate section 7(d). Per the October 17, 2017, memo, it was concluded that allowing those fisheries specified in the batched Biological Opinion to continue during the reinitiation period will not increase the likelihood of interactions with ESA-listed species above the amount that would otherwise occur if consultation had not been reinitiated. Based on this, the memo concluded that the continuation of these fisheries during the reinitiation period would be unlikely to jeopardize the continued existence of any ESA-listed species. Taking this and the impacts of the proposed action into consideration, the proposed action, along with other activities, is not expected to jeopardize to any ESA-listed species.

This action does not represent any irreversible or irretrievable commitment of resources with respect to the FMP that would affect the development or implementation of reasonable and prudent measures during the consultation period. NMFS has discretion to amend its MSA and Endangered Species Act (ESA) regulations and may do so at any time subject to the Administrative Procedure Act and other applicable laws. Thus, the Council has preliminarily determined that fishing activities conducted pursuant to this action will not affect endangered and threatened species or critical habitat in any manner beyond what has been considered in prior consultations on this fishery.

## 8.5 Administrative Procedure Act (APA)

Sections 551-553 of the Administrative Procedure Act established procedural requirements applicable to informal rulemaking by federal agencies. The purpose is to ensure public access to the federal rulemaking process, and to give public notice and opportunity for comment. The Council did not request relief from notice and comment rule making for this action and expects that NOAA Fisheries will publish proposed and final rule making for this action.

## 8.6 Paperwork Reduction Act

The purpose of the Paperwork Reduction Act is to minimize paperwork burden for individuals, small businesses, nonprofit institutions, and other persons resulting from the collection of information by or for the Federal Government. It also ensures that the Government is not overly burdening the public with information requests. This action makes no alterations to the existing information collection requirements implemented by previous amendments to the Monkfish FMP that are subject to the PRA.

## 8.7 Coastal Zone Management Act (CZMA)

Section 307(c)(1) of the Coastal Zone Management Act (CZMA) of 1972, as amended, requires that all Federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. The CZMA includes measures for ensuring stability of productive fishery habitat while striving to balance development pressures with social, economic, cultural, and other impacts on the coastal zone. It is recognized that responsible management of both coastal zones and fish stocks must involve mutually supportive goals. The Council has developed this action and will submit it to NMFS; NMFS must determine whether this action is consistent, to the maximum extent practicable, with the CZM programs for each state (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland,

Virginia, and North Carolina). Letters documenting NMFS' determination will be sent to the coastal zone management program offices of each state.

## 8.8 INFORMATION QUALITY ACT (IQA)

*Utility of Information Product*

The information presented in this document is helpful to the intended users (the affected public) by clearly describing the purpose and need of the action, the measures proposed and their impacts. A discussion of the reasons for selecting the proposed action is included so that intended users may fully understand the proposed action and its implications. The intended users of this document include individuals involved in the monkfish fishery (e.g., fishing vessels, processors, fishery managers) and others interested in the management of the monkfish fishery. The information in this document will be helpful and beneficial to owners of vessels holding monkfish permits, since it will notify them of the measures contained in this specification package. This information will enable these individuals to adjust their business management practices and make appropriate business decisions. Until a proposed rule is prepared and published, this document is the principal means by which the information herein is publicly available. The information in this document is based on the most recent available information from the relevant data sources, including detailed and relatively recent information on the monkfish resource and, therefore, represents an improvement over previously available information. This document will be subject to public comment through proposed rulemaking, as required under the APA and, therefore, may be improved based on comments received.

This document is available in several formats, including printed publication, and online through the NEFMC's web page (www.nefmc.org). The *Federal Register* notice that announces the proposed rule and the final rule and implementing regulations will be made available in printed publication, on the website for the Greater Atlantic Regional Fisheries Office (www.greateratlantic.fisheries.noaa.gov), and through the Regulations.gov website. The *Federal Register* documents will provide metric conversions for all measurements.

*Integrity of Information Product*

The information product meets the standards for integrity under the following type of document: Other/Discussion (e.g., Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act).

Prior to dissemination, information associated with this action, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. All electronic information disseminated by NMFS adheres to the standards set out in Appendix III, "Security of Automated Information Resources," of OMB Circular A-130; the Computer Security Act; and the Government Information Security Act. All confidential information (e.g. dealer purchase reports) is safeguarded pursuant to the Privacy Act; Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business, and financial information); the Confidentiality of Statistics provisions of the Magnuson-Stevens Act; and NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

*Objectivity of Information Product*

For purposes of the Pre-Dissemination Review, this document is a "Natural Resource Plan." Accordingly, the document adheres to the published standards of the MSA; the Operational Guidelines, Fishery Management Plan Process; the Essential Fish Habitat Guidelines; the National Standard Guidelines; and NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing NEPA. This

information product uses information of known quality from sources acceptable to the relevant scientific and technical communities. Several data sources were used in the development of this action, including, but not limited to, historical and current landings data from the Commercial Dealer database, vessel trip report (VTR) data, and fisheries independent data collected through the NMFS bottom trawl surveys. The analyses herein were prepared using data from accepted sources and have been reviewed by members of the Monkfish Plan Development Team and by the SSC where appropriate.

Despite current data limitations, the conservation and management measures considered for this action were selected based upon the best scientific information available. The analyses important to this decision used information from the most recent complete calendar years, generally through 2018. The data used in the analyses provide the best available information on the number of permits, both active and inactive, in the fishery, the catch (including landings and discards) by those vessels, the landings per unit of effort (LPUE), and the revenue produced by the sale of those landings to dealers, as well as data about catch, bycatch, gear, and fishing effort from a subset of trips sampled at sea by government observers. Specialists (including professional members of plan development teams, technical teams, committees, and Council staff) who worked with these data are familiar with the most current analytical techniques and with the available data and information relevant to the small-mesh multispecies fishery. The policy choice is clearly articulated in Section 3.0, the management alternatives considered in this action. The supporting science and analyses, upon which the policy choice was based, are summarized and described in Framework 10 (NEFMC 2017). All supporting materials, information, data, and analyses within this document have been, to the maximum extent practicable, properly referenced according to commonly accepted standards for scientific literature to ensure transparency. The review process used in preparation of this document involves the responsible Council, the NEFSC, GARFO, and NOAA Fisheries Service Headquarters. The NEFSC's technical review is conducted by senior-level scientists specializing in population dynamics, stock assessment, population biology, and social science.

The Council review process involves public meetings at which affected stakeholders have opportunity to comment on the document. Review by staff at GARFO is conducted by those with expertise in fisheries management and policy, habitat conservation, protected species, and compliance with the applicable law. The Council also uses its Scientific and Statistical Committee to review the background science and assessment to approve the Overfishing Limits (OFLs) and Allocable Biological Catch (ABCs), including the effects those limits would have on other specifications in this document. The SSC serves as the primary scientific and technical advisory body to the Council and is made up of scientists that are independent of the Council.

Final approval of the action proposed in this document and clearance of any rules prepared to implement resulting regulations is conducted by staff at NOAA Fisheries Service Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget. In preparing this action for the Monkfish FMP, NMFS, the Administrative Procedure Act, the Paperwork Reduction Act, the Coastal Zone Management Act, the Endangered Species Act, the Marine Mammal Protection Act, the Information Quality Act, and Executive Orders 12630 (Property Rights), 12866 (Regulatory Planning), 13132 (Federalism), and 13158 (Marine Protected Areas) were considered. The Council has determined that the proposed action is consistent with the National Standards of the MSA and all other applicable laws.

## 8.9 Executive Order 13158 (Marine Protected Areas)

Executive Order (EO) 13158 on Marine Protected Areas (MPAs) requires each federal agency whose actions affect the natural or cultural resources that are protected by an MPA to identify such actions, and, to the extent permitted by law and to the maximum extent practicable, in taking such actions, avoid harm to the natural and cultural resources that are protected by an MPA. The EO directs federal agencies to

refer to the MPAs identified in a list of MPAs that meet the definition of MPA for the purposes of the EO. The EO requires that the Departments of Commerce and the Interior jointly publish and maintain such a list of MPAs. A list of MPA sites has been developed and is available at: http://marineprotectedareas.noaa.gov/nationalsystem/nationalsystemlist/. No further guidance related to this EO is available at this time.

In the Northeast U.S., the only MPAs are the Stellwagen Bank National Marine Sanctuary (SBNMS), the Tilefish Gear Restricted Areas in the canyons of Georges Bank, and the National Estuarine Research Reserves and other coastal sites. The only MPA that overlaps the Monkfish fishery footprint is the SBNMS.

This action is not expected to more than minimally affect the biological/habitat resources of the Monkfish MPA, which was comprehensively analyzed in the Omnibus Habitat Amendment 2 (NEFMC 2016). Fishing gears regulated by the Monkfish FMP are unlikely to damage shipwrecks and other cultural artifacts because fishing vessel operators avoid contact with cultural resources on the seafloor to minimize costly gear losses and interruptions to fishing.

## 8.10 Executive Order 13132 (Federalism)

Executive Order 131321 on federalism established nine fundamental federalism principles for Federal agencies to follow when developing and implementing actions with federalism implications. However, no federalism issues or implications have been identified relative to the measures proposed in this action, thus preparation of an assessment under EO 13132 is unwarranted. The affected states have been closely involved in the development of the proposed action through their representation on the Council (all affected states are represented as voting members of at least one Regional Fishery Management Council). No comments were received from any state officials relative to any federalism implications that may be associated with this action.

## 8.11 Executive Order 12898 (Environmental Justice)

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations provides guidelines to ensure that potential impacts on these populations are identified and mitigated, and that these populations can participate effectively in the NEPA process (EO 12898 1994). NOAA guidance NAO 212-6, at Section 7.02, states that "consideration of EO 12898 should be specifically included in the NEPA documents for decision-making purposes." Agencies should also encourage public participation, especially by affected communities, during scoping, as part of a broader strategy to address environmental justice issues. Minority and low-income individuals or populations must not be excluded from participation in, denied the benefits of, or subjected to discrimination because of their race, color, or national origin.

Although the impacts of this action may affect communities with environmental justice concerns, the proposed actions should not have disproportionately high effects on low income or minority populations. The proposed actions would apply to all participants in the affected area, regardless of minority status or income level. The existing demographic data on participants in the monkfish fishery, i.e., vessel owners, crew, dealers, processors, employees of supporting industries, do not allow identification of those who live below the poverty level or are racial or ethnic minorities. Thus, it is impossible to fully determine how the actions within this specification document may impact these population segments. The public comment process is an opportunity to identify issues that may be related to environmental justice, but none have been raised relative to this action. The public has not requested translations of documents pertinent to the monkfish fishery. Framework 10 describes the primary port communities relevant to this action.

## 8.12 REGULATORY IMPACT REVIEW

This Regulatory Impact Review (RIR) is framed around the preferred alternatives for this action.

### 8.12.1 Regulatory Flexibility Act – Initial Regulatory Flexibility Analysis

As outlined in section 2.0, the purpose of this SIR is to determine if the proposed modifications to the FY 2020-2022 specifications will require a supplement to the Environmental Assessment (EA) that was prepared for Framework Adjustment 10 (NEFMC 2017) to the Monkfish Fishery Management Plan (FMP), as required by the National Environmental Policy Act (NEPA). The proposed FY 2020-2022 monkfish specifications would increase the Total Allowable Landings (TAL) in the NFMA by 4.4% and decrease the TAL in the SFMA by 42%, compared to the FY 2017-2019 specifications. However, the FY2020-2022 monkfish specifications would not change allocated monkfish Days at Sea (DAS), possession/trip limits while on a monkfish DAS, or possession or trip limits while on both a monkfish and northeast multispecies DAS, in either the NFMA or the SFMA, from the FY2017-2019 specifications. In addition, all incidental possession/trip limits will remain the same as they were under the FY2017-2019 specifications.

The FY2020-2022 specifications will regulate commercial fish harvesting entities engaged in the Northeast monkfish limited access fishery. Commercial fishing harvesting entities engaged in the Northeast monkfish limited access fishery may also be engaged in the Northeast multispecies, dogfish and skate fisheries. For the purposes of this Regulatory Flexibility Act (RFA) analysis, the ownership entities, not the individual vessels, are considered to be the regulated entities.

#### 8.12.1.1 Ownership entities in regulated commercial harvesting businesses

Individually permitted vessels may hold permits for several fisheries, harvesting species of fish regulated by several different fishery management plans, even beyond those impacted by the proposed action. Furthermore, multiple permitted vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity interest, contractual relationships, or economic dependency. For the purposes of this analysis, ownership entities are defined by those entities with common ownership personnel as listed on permit application documentation. Only permits with identical ownership personnel are categorized as an ownership entity. For example, if five permits have the same seven persons listed as co-owners on their application paperwork, those seven persons form one ownership entity, covering those five permits. If one or several of the seven owners also own additional vessels, with sub-sets of the original seven persons or with new co-owners, those ownership arrangements are deemed to be separate ownership entities for the purpose of this analysis.

#### 8.12.1.2 Regulated Commercial Fish Harvesting Entities

Ownership entities are identified on June 1st of each year based on the list of all permit numbers, for the most recent complete calendar year, that have applied for any type of Northeast Federal fishing permit. The current ownership data set is based on calendar year 2018 permits and contains gross sales associated with those permits for calendar years 2016 through 2018. For RFA purposes only, the NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR § 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. The determination as to whether the

entity is large or small is based on the average annual revenue for the three years from 2016 through 2018.

### 8.12.1.3 Directly Regulated Monkfish Harvesting Entities

Commercial monkfish fishing in the Greater Atlantic region is currently managed using input controls (Days-At-Sea and possession/trip limits). Most commercial monkfish fishing is conducted by trawl vessels in the Northern Fishery Management Area and by gillnet vessels in the Southern Fishery Management Area. Monkfish are often caught in conjunction with groundfish and therefore there is considerable overlap between the monkfish fishery and the NE multispecies fishery. There is no known directed recreational fishery for monkfish.

There are seven categories of monkfish permits in the Greater Atlantic region (categories A, B, C, D, E, F and H). Category A and B permits are for vessels that do not have limited access permits for NE multispecies or Atlantic sea scallops. Category C and D permits are for vessels that have either a limited access NE multispecies or limited access Atlantic sea scallop permit. Category F permits are designed for fishing only in an offshore area. Category E permits are open access or incidental catch permits and may be obtained by anyone with a valid vessel operator's license. Vessels with Category H permits may only use their monkfish DAS in the portion of the Southern Fishery Management Area south of 38°40' N latitude.

The NMFS issued 540 limited-access (Categories A, B, C, D, F and H) and 1,333 open-access (Category E) monkfish permits as of the beginning of fishing year 2019 (May 1, 2019) (Table 16). Dealer records indicate that 683 of these permits landed monkfish for commercial sale in calendar year 2018.

**Table 16. Monkfish permits issued by GARFO as of May 1, 2019.**

| Monkfish Permit Type | Category | Number of Permits |
|---|---|---|
| **Limited Access** | A | 19 |
| | B | 34 |
| | C | 260 |
| | D | 204 |
| | F | 16 |
| | H | 7 |
| **Total Limited Access** | **A, B, C, D, F, H** | **540** |
| **Total Open Access** | **E** | **1,333** |

Entities holding one or more of these commercial monkfish permits are the entities holding permits that are directly regulated by the proposed specifications. These include entities that could not be classified into a business type because they did not earn revenue from landing and selling fish in 2018 and so they are considered to be small.

Ownership data collected from permit holders indicate that there are 1,379 distinct business entities that hold at least one limited-access or open-access monkfish permit, and therefore are directly regulated by the proposed specifications. The number of monkfish permits held by the regulated entities ranges from 1 to 22. For entities that held one monkfish permit, 908 entities held an open access permit (a Category E permit) and 263 entities held a limited access permit (a permit in Categories A, B, C, D, F or H).

Table 17 summarizes the types of entities (fishing, for-hire and no-revenue) these 1,379 monkfish entities are categorized into. The majority of monkfish entities are fishing entities (68.7%) and all but 12 of these entities are small business entities. For-hire entities accounted for 10.7% of monkfish entities and all 148 for-hire entities are small business entities, but do not land monkfish for commercial sale. Monkfish entities that did not earn any revenues account for 20.5% of all monkfish entities, and all non-revenue earning monkfish entities are small business entities.

**Table 17. Type and small business status of monkfish entities directly regulated by the proposed action.**

| Entity Type | Number of Entities | Number of Small Business Entities |
|---|---|---|
| Fishing | 948 | 936 |
| For Hire | 148 | 148 |
| No Revenues | 283 | 283 |
| **Total** | **1,379** | **1,367** |

Directly regulated monkfish entities fall into three categories of permits ownership; some hold only limited access permits, some held only open access permits and some hold both limited access and open access monkfish permits. Table 18 provides summary information for the numbers of limited access permits held by the different types of directly regulated monkfish entities that did not hold open access permits in 2018. Note that none of the 12 fishing entities considered to be large businesses held only limited access monkfish permits; all large fishing entities held at least one open access permit (Table 19 and

Table 20). Table 19 presents the same information for numbers of open access monkfish permits held by the various types of directly regulated monkfish entities in cases where the monkfish entity held no limited access monkfish permits in 2018. Note that nearly all monkfish entities categorized as "for-hire" entities hold only open access monkfish permits. Finally,

Table 20 summarizes information on monkfish permits held by different types of monkfish entities in cases where the entity held at least one limited access and at least one open access monkfish permit in 2018.

**Table 18. Limited access monkfish permits held by monkfish entity type for entities holding no open access monkfish permits in 2018.** *

| Entity Type | Small Business | Number of Entities | Number of Limited Access MF Permits Per Entity* | | | |
|---|---|---|---|---|---|---|
| | | | Min | Median | Mean | Max |
| Fishing | Yes | 264 | 1 | 1 | 1.19 | 4 |
| | No | 0 | | | | |
| For Hire | Yes | ND** | ND | ND | ND | ND |
| No Revenues | Yes | 38 | 1 | 1 | 1.08 | 2 |

*Minimum, mean, median and maximum numbers of limited access monkfish permits per entity are identified based on permits held by the entity in 2018.

** This information is not disclosed due to confidentiality issues.

**Table 19. Open access monkfish permits held by monkfish entity type for entities holding at least one open access monkfish permits but no limited access monkfish permits in 2018.** *

| Entity Type | Small Business | Number of Entities | Number of Open Access MF Permits Per Entity* | | | |
|---|---|---|---|---|---|---|
| | | | Min | Median | Mean | Max |
| Fishing | Yes | 608 | 1 | 1 | 1.18 | 7 |
| | No | 4 | 1 | 4.5 | 6.75 | 17 |
| For Hire | Yes | 147 | 1 | 1 | 1.16 | 6 |
| No Revenues | Yes | 242 | 1 | 1 | 1.02 | 3 |

*Minimum, mean, median and maximum numbers of open access monkfish permits per entity are identified based on permits held by the entity in 2018.

**Table 20. Limited an open access monkfish permits held by monkfish entity type for entities holding at least one limited access monkfish permit and at least one open access monkfish permit in 2018.** *

| Entity Type | Small Business | Number of Entities | Number of Limited Access MF Permits Per Entity* | | | | Number of Open Access MF Permits Per Entity* | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Min | Median | Mean | Max | Min | Median | Mean | Max |
| Fishing | Yes | 64 | 1 | 1 | 1.63 | 8 | 1 | 1 | 1.58 | 7 |
| | No | 8 | 2 | 8.5 | 9.13 | 18 | 2 | 7 | 7.38 | 14 |
| For Hire | Yes | 0 | | | | | | | | |
| No Revenues | Yes | 3 | 1 | 2 | 2 | 3 | 1 | 1 | 3.67 | 9 |

*Mean, median and maximum numbers of limited and open access monkfish permits per entity are identified based on permits held by the entity in 2018.

Summary information about the level of dependency directly regulated monkfish entities had on monkfish revenue as a portion of the entity's total revenue in 2018 is presented in Table 21and Table 22. A total of 283 monkfish entities had no revenues from sale of any commercial fish and thus no dependency on monkfish in 2018 (Table 21). For fishing, small business entities that held only limited access permits, 62 entities had no commercial monkfish sales and thus no dependency on monkfish revenues; this group accounts for 23.5% of all small business, fishing entities holding only limited access permits. The majority of fishing, small business entities that held at least one open access monkfish permits (*n*=430, 70.7%), but no limited access monkfish permits, had no commercial monkfish sales and therefore no dependency on monkfish revenue. Eight entities of the small business fishing entities (12.5%) that held both limited access and open access monkfish permits had no commercial monkfish sales and thus no dependency on monkfish revenue. No fishing entities considered to be large businesses hold only open access permits. The number of large fishing entities that have at least one open access monkfish permit,

but no limited access monkfish permits, is small (*n*=4, Table 19). The number of these entities with no dependence on monkfish revenue in 2018 is not disclosed due to confidentiality concerns. All eight of the fishing entities considered to be large businesses that hold both open and limited access monkfish permits have some level of dependence on monkfish revenue, but monkfish revenues as a percentage of total revenues are very modest in all cases, and do not exceed 0.4% (Table 22). This suggest that fishing entities considered to be large entities will not be absolutely or disproportionately affected by the proposed specifications. All "for-hire" entities are considered to be small businesses, but do not land monkfish for sale, and have no dependence on monkfish revenue. For-hire entities are not expected to be impacted by the proposed specifications.

**Table 21. Monkfish entities with no dependence on monkfish revenues in 2018.**

| Entity Type | Small Business | Type of MF Permits Held by Entity | Number of Entities |
|---|---|---|---|
| No Revenues | Yes | LA Only | 38 |
| | | OA Only | 242 |
| | | Both LA and OA | 3 |
| Fishing | Yes | LA Only | 62 |
| | | OA Only | 430 |
| | | Both LA and OA | 8 |
| Fishing | No | OA only | ND |
| | | Both LA and OA | 0 |
| For Hire | Yes | LA only | ND |
| | | OA only | 147 |
| | | Both LA and OA | 0 |

Fishing entities are the type of entity most likely to be affected by the proposed specifications; information about levels of monkfish revenue dependency for fishing entities, by business size and type of permits held, is presented in Table 22. Note that Table 22 includes the 2 large fishing entities and 500 small fishing entities (62 entities with limited access permits only, 430 entities with open access permits only, and 8 entities with at least one open access and one limited access monkfish permit) that did not have any dependence on monkfish revenue in 2018, but could potentially land monkfish in the future.

**Table 22. Monkfish revenue dependency in 2018 by monkfish entity type.**

| Entity Type | Small Business | Type of MF Permits Held by Entity* | Number of Entities | Portion of Total Revenue from 2018 Commercial Fish Sales Attributed to Monkfish Sales (%) | | | |
|---|---|---|---|---|---|---|---|
| | | | | Min | Median | Mean | Max |
| Fishing | Yes | LA Only | 264 | 0% | 0.76% | 12.53% | 88.89% |
| | | OA Only | 608 | 0% | 0% | 0.21% | 15.42% |
| | | Both LA and OA | 64 | 0% | 0.53% | 7.19% | 70.2% |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Fishing | No | LA Only | 0 | | | | |
| | | OA Only | 4 | 0% | 0% | 0.005% | 0.02% |
| | | Both LA and OA | 8 | 0.02% | 0.08% | 0.14% | 0.4% |

The proposed action, which updates specifications but does not change possession limits or DAS allocations, is not expected to impact monkfish fishermen negatively. Recent data (2014-2018) on monkfish landings in the NFMA show that monkfish landings have reached 58%-107% of the target TAL (Table 11). The proposed specifications are expected to have a neutral or slightly positive impact on fishermen that target monkfish in the NFMA, with a 4.4% increase in the TAL. An increase of 4.4% in the TAL in the NFMA may provide monkfish fishermen that fish in the NFMA with slight increases in catch per unit effort. To the extent that monkfish fishermen fishing in the NFMA are able to increase their landings due to the slight increase in TAL, we would expect their profits to increase slightly, assuming their effort levels and the price of monkfish remains constant. Under the prosed action, the TAL for the SFMA would fall by 42%, from 9,011 metric tons to 5,882 metric tons. However, this is not expected to adversely affect monkfish fishermen in the SFMA because in recent years, SFMA landings have been below the proposed TAL for the SFMA. From 2014-2018, SFMA landings ranged from 3,723 metric tons in 2017 to 5,415 metric tons in 2014. In 2018, the SFMA had 4,581 metric tons of monkfish landings (Table 6). Thus, the proposed SFMA TAL is not expected to present a landings constraint for SFMA monkfish fishermen, and profits are not expected to change. In addition, Table 9 shows that while active monkfish vessels (vessels with monkfish DAS usage greater than zero) were assigned a total of 5,363 DAS in 2018, only 2,834 of these DAS were used (52.8%). For all permit categories, DAS usage was below the DAS allocated to that permit category. We can reasonably conclude that allocated DAS, which will remain the same under the proposed action, would not be a constraining factor for monkfish fishermen.

The proposed action is expected to have a neutral to small positive economic impact on both large and small entities. In the NFMA, the proposed action could result in modest increases in catch per unit effort; well accepted economic theory holds that this will result in increased profitability, all else held constant. In the SFMA, the proposed action will have a neutral economic impact.

The proposed action is not expected to have a significant or substantial impact on small entities. Table 17 shows that nearly all monkfish entities (99%) are considered small entities. The impacts on the regulated small entities identified in this analysis are expected to be neutral to slightly positive relative to the no action alternative. The impacts on the 12 regulated large entities are expected to be neutral, as they have little dependence on monkfish revenue (Table 22). Under the proposed action, small entities would not be placed at a competitive disadvantage relative to large entities, and the regulations would not reduce the profit for any small entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

### 8.12.2 E.O. 12866 (Regulatory Planning and Review)

The purpose of E.O. 12866 is to enhance planning and coordination with respect to new and existing regulations. This E.O. requires the Office of Management and Budget (OMB) to review regulatory programs that are "significant."

E.O. 12866 requires a review of proposed regulations to determine whether the expected effects would be significant, where a significant action is any regulatory action that may:

1. Have an annual effect on the economy of $100M or more, or adversely affect in a material way the economy, a sector of the economy, productivity, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
4. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, include the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures, to the fullest extent that these can be usefully estimated, and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider.

### 8.12.5.1 Statement of the Problem/Goals and Objectives

Problem, goals, and objectives are explained in Sections 2.0 and 3.0.

### 8.12.5.2 Management Alternative and Rationale

The alternative under consideration in this Framework are explained in Section 3.0.

### 8.12.5.3 Description of the Fishery

A description of the fishery is in Section 3.0 and in more detail in Framework Adjustment 10 (NEFMC 2017) to the Monkfish FMP.

### 8.12.5.4 Summary of Impacts

A detailed description of the alternative and impacts of the alternative can be found in Section 3 and Section 5, respectively.

## 8.12.6 EO 12866 Criteria

1. *Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.*

The proposed action is not expected to substantially change the profits or revenue from fishing for monkfish and would not have an annual effect on the economy of $100 million, and would not adversely affect the economy of any other governmental or non-governmental entities or communities.

2. *Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.*

The proposed action does not create an inconsistency or otherwise interfere with an action taken or planned by another agency. The activity allowed under this action is commercial fishing for monkfish in

the exclusive economic zone (EEZ), for which NMFS is the sole agency responsible for regulation. Therefore, there is no interference with actions taken by another agency. Furthermore, this action would create no inconsistencies in the management and regulation of commercial fisheries in the waters off the coast of the northeast region.

3. *Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof.*

This action will not materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients of these programs. The management of the monkfish fishery has no bearing on these programs.

4. *Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.*

This action does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in EO 12866. All fishery management measures in the proposed action are commonly used in fishery management plans for federally managed fisheries.

## 8.12.7 Determination of Significance

The Council has determined that, based on the evaluation of the criteria (Section 8.12.6), this action is expected to have no material economic effect. Because none of the factors defining "significant regulatory action" are triggered by this action, the action has been determined to be not significant for the purposes of EO 12866.

# 9.0 REFERENCES

New England Fishery Management Council (NEFMC). 2017. Framework Adjustment 10 to the Monkfish Fishery Management Plan. Available from: New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950, or online at: http://www.nefmc.org

Northeast Fisheries Science Center (NEFSC). 2016. 2016 Monkfish Operational Assessment. Available online at: https://www.nefsc.noaa.gov/saw/monkfish/

Northeast Fisheries Science Center (NEFSC). 2019. An Excerpt from "Operational Assessment of the Black Sea Bass, Scup, Bluefish, and Monkfish Stocks, Updated Through 2018." Available online at: https://www.nefsc.noaa.gov/saw/

# 10.0 INDEX