

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. ]

RIN

Fisheries of the Northeastern United States; Monkfish Fishery; Notice of a Control Date for the Purpose of Limiting Excessive Accumulation of Control, Qualifying Landings History, and Referendum Eligibility in the Monkfish Fishery; Monkfish Fishery Management Plan (FMP)

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

ACTION: Advance notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: This action establishes a control date that would be applicable to, but not limited to, limits on the accumulation of excessive control or ownership of fishing privileges, qualifying landings history for an allocation-based management program, and referendum qualification, should one be required in the monkfish fishery. This notification is intended to promote awareness of possible rulemaking; provide notice to the public that any future accumulation of fishing privilege interests in the monkfish fishery may be affected, restricted, or even nullified; and to discourage speculative behavior in the market for fishing privileges while the New England and Mid-Atlantic Fishery Management Councils consider whether and how such limitations on accumulation of fishing privileges should be developed. This notification also gives the public notice that interested participants should locate and preserve records that

substantiate and verify their ownership or control of monkfish permits and other fishing privileges, as well as monkfish landings history in Federal waters.

DATES: [Insert date of publication in the FEDERAL REGISTER], shall be known as the “control date” and may be used as a reference date for future management measures related to the maintenance of a fishery with characteristics consistent with the Councils’ objectives and applicable Federal laws. Written comments must be received on or before 5 p.m., local time, [insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by XXX, by any one of the following methods:

- Written comments (paper, disk, or CD-ROM) should be sent to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. Mark the outside of the envelope, “Comments on Monkfish 2012 Control Date.”
- Comments also may be sent via facsimile (fax) to (978) 465-3116.
- Submit all electronic public comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>.

Instructions: Comments will be posted for public viewing as they are received. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Douglas Christel, Fishery Policy Analyst, 978–281–9141.

SUPPLEMENTARY INFORMATION: The Monkfish FMP is jointly managed by the New England and Mid-Atlantic Fishery Management Councils, with the New England Council having the administrative lead. The Councils have managed the fishery since 1999 primarily through the allocation of days-at-sea (DAS) and establishment of trip limits for both the directed (DAS) and incidental fisheries. While scientific evidence for stock structure remains equivocal, the fishery has been managed as two stocks divided by a boundary that bisects Georges Bank. Since 2007, both stock components have been determined by stock assessments to be rebuilt (above their respective biomass targets) and not subject to overfishing.

On November 30, 2010, the Councils published a Notice of Intent to prepare an amendment (Amendment 6) to the FMP to consider adopting modifications to the management program that may include one of several catch shares management alternatives, including sectors or Limited Access Privilege Programs (LAPPs, for example, individual fishery quotas or community development quotas). Sectors are voluntary, self-selected groups of fishermen that are allocated a portion of the available catch. Sector management has already been adopted in the NE Multispecies FMP, and a substantial number of vessels that have limited access permits in the monkfish fishery also participate in groundfish sectors. LAPPs are a category of management approaches that provides a person or entity (for example, a community) the exclusive privilege to harvest a specific portion of a fishery's total allowable catch. Section 303A of the Magnuson-Stevens Act specified general requirements for LAPPs, including for New England fisheries, the requirement that such programs be approved in a referendum of eligible participants (as defined by the Councils, including potentially crew and captains).

The Councils are exploring adopting catch shares management in the monkfish fishery consistent with NOAA's 2011 Catch Shares Policy, and to address some operational

considerations of vessels that participate in the monkfish fishery and who also are members of groundfish sectors. NOAA's Catch Share Policy promotes catch shares management and encourages Councils to consider such programs where appropriate to achieve the conservation, social, and economic goals of sustainable fishery management.

Since some elements of catch share programs involve allocation of privileges based on historical performance in the fishery, the Councils want to discourage speculative activity including, but not limited to increasing landings history, accumulation of fishing permits. If the Councils decide to propose a LAPP for the monkfish fishery, this control date may be used in determining eligibility for referendum voters. This control date may also be used as a reference date for other provisions that might be considered in Amendment 6, even if catch shares are not adopted.

The date of publication of this notification, [insert date of publication in the FEDERAL REGISTER], shall be known as the "control date," and may be used as a reference date for future management measures in determining how to treat fishing privileges or landings history acquired before this date and those acquired after this date, depending on the Councils' determinations on limiting control and ownership of such privileges and landings. The establishment of a control date, however, does not obligate the Councils to use this control date or take any action, nor does it prevent the Councils from picking another control date or imposing limits on permits acquired prior to the control date.

Accordingly, this notification is intended to promote awareness that the Councils may be developing management measures to address these concerns, to provide notice to the public that any current or future accumulation of fishing privilege interests in the monkfish fishery may be affected, restricted, or even nullified, and discourage speculative behavior in the market for fishing privileges while the Councils consider whether and how such limitations on accumulation of fishing privileges should be developed. Any measures the Councils are considering may

require changes to the Monkfish FMP. Such measures may be adopted in a future amendment to the FMP, which would include opportunity for further public participation and comment.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their ownership or control of monkfish permits and other fishing privileges in the monkfish fishery, as well as monkfish landings in Federal waters. Fishing privileges include, but are not limited to, vessels, fishing permits, DAS, and any other type of catch share.

This notification and control date do not impose any legal obligations, requirements, or expectation. This ANPR has been determined to be not significant for purposes of Executive Order 12866.

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

Dated:

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