

7.4 Endangered Species Act (ESA)

Neither the Monkfish Plan measures nor the fishery is expected to jeopardize the continued existence of the threatened and endangered species found within the Northern and Southern Management Areas. As has been discussed in the Biological Assessment which the Council has prepared pursuant to Section 7 of the ESA, there are listed species or those that are proposed to be listed which interact with the monkfish fisheries to varying degrees, depending on the gear type deployed and the area and season in which it is fished. With a proposed moratorium on entrants into the monkfish limited access fishery and substantial effort reductions, the impacts of the fishery on these species can at least be expected to remain stable and possibly decrease.

7.5 Marine Mammal Protection Act (MMPA)

All U.S. commercial fishing operations are placed into one of three categories based on their levels of incidental and serious injury of marine mammals as required by section 118 of the MMPA. At a minimum, vessel owners must register for an Authorization Certificate and may also be required to carry fishery observers.

The principal gear types addressed by the Monkfish Plan include a Category I fishery, the Northeast multispecies sink gillnet fishery, and several Category III fisheries. The measures proposed in this plan are discussed relative to marine mammals and are consistent with the provisions of the MMPA as well as other actions taken by the Councils and NMFS. Further actions to reduce the likelihood of interactions between the gear types governed by this FMP and the marine mammals that inhabit the area in which these fisheries are prosecuted will be considered if deemed necessary.

7.6 Coastal Zone Management Act (CZMA)

7.6.1 States Contacted and Council Determination of Consistency with State Programs

The Councils compared the Coastal Zone management Plans of the following states with the FMP to determine the consistency with the state programs: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. The FMP documents and the following letters giving the Councils' determination were mailed to all affected states.

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Ms. Fran Rudoff
Coastal Program Manager
State Planning Office
State House Station #38
Augusta, ME 04333

RE: Monkfish FMP Consistency Determination

Dear Ms. Rudolph:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Department of Marine Resources, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis -à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. Section 6.72 (54) of Maine's Final EIS addresses *fisheries resources*. Maine's policy is to assure that activity in the coastal wetlands *conserve marine fisheries* through a permit procedure. Section 6.72 (57) requires Maine to conserve marine resources in coastal waters. Maine's coastal zone management laws and policies mostly address on-shore activity and development that are not expected to experience major impacts from the Monkfish FMP. Since the Monkfish FMP aims to conserve the stock as does Maine's policy, no inconsistencies arise.

To the best of our understanding, we believe that the FMP will be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Ms. Marcia A. Brown Thunberg, Federal Consistency
Coordinator
New Hampshire Coastal Program
Office of State Planning
2-1/2 Beacon Street
Concord, NH 03301

RE: Monkfish FMP Consistency Determination

Dear Ms. Thunberg:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Fish and Game Department, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis-à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. New Hampshire's coastal program policy #7(2) aims to: *conserve, manage, maintain, restore, and enhance the fish of the state's waters*. Also included in New Hampshire's coastal laws is Section 483-B:2 (VII) which mandates the *protection of commercial fishing*. Because the Monkfish FMP aims to protect the stock's sustainability and future fishing rights, it is consistent with the policy and laws of New Hampshire.

To the best of our understanding, we believe that the FMP will be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Ms. Peg Brady, Director
Coastal Management Program
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

RE: Monkfish FMP Consistency Determination

Dear Ms. Brady:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Division of Marine Fisheries, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis -à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. The Monkfish FMP appears to agree with the objectives in Massachusetts's 1997 Ocean Resources Policy #1 to support the development of environmentally *sustainable aquaculture, for commercial and enhancement purposes*, and to minimize adverse impacts upon the coastal and marine environment.

To the best of our understanding, we believe that the FMP will therefore be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Mr. Grover Fugate, Executive Director
Coastal Resources Management Council
Stedman Office Building
Tower Hill Road
Wakefield, RI 02879

RE: Monkfish FMP Consistency Determination

Dear Mr. Fugate:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Department of Environmental Management, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis-à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. Section 300.11 of Rhode Island's Coastal Resources Management Program is the only part of its policy that directly addresses fisheries. As a section that permits and regulates aquaculture, it does not overlap with the Monkfish FMP; thus there is no inconsistency.

To the best of our understanding, we believe that the FMP will be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Mr. Charles H. Evans, Director
Connecticut Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

RE: Monkfish FMP Consistency Determination

Dear Mr. Evans:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Department of Environmental Protection, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis-à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. The CT's Coastal Zone Management Program objective is to coordinate planning and regulatory activities of public agencies at all levels of government to insure *maximum protection of coastal resources* while minimizing conflicts and disruption of economic development (Section 22(a)(9)). In Section 22(a)(9) (15) (G) that intention includes the *prevention of degradation or destruction of finfish*. This objective is consistent with the Monkfish FMP, because the FMP will conserve the resource, optimize yield, and minimize bycatch and economic waste while preventing overfishing.

The FMP is therefore in compliance with the CT Coastal Zone Management Program. To the best of our understanding, we believe that the FMP will be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Mr. William F. Barton, Chief
Division of Coastal Resources and Waterfront Revitalization
Department of State
162 Washington Street
Albany, NY 12231

RE: Monkfish FMP Consistency Determination

Dear Mr. Barton:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your State Department of Environmental Conservation, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis-à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. Policy 9 of the New York Coastal Zone Management Program calls for efforts to *increase use of fish* in freshwater and marine areas. Among the considerations it provides are consideration as to whether an action will impede future utilization of the State's recreational fish resources; and consideration that efforts to increase access *should not lead to over-utilization of the fish resource*. Policy 10 provides for further development of commercial fish occurring within the context of *sound fishery management principles, including consideration of OSY [optimum sustainable yield] levels and harvest restrictions*. It also provides the following guidelines: whether an action will impede existing utilization of future development of the state's commercial fishing resources and ensuring that the fishery resources is renewable.

All of the above measures have consistent goals and intended results as the Monkfish FMP. To the best of our understanding, we believe that the FMP will be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council
5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Mr. Richard Kropp, Director
Attention: Mr. Mark Fedorowycz
Land Use Regulation Program
Dept. of Environmental Protection, CN401
Trenton, NJ 08625

RE: Monkfish FMP Consistency Determination

Dear Mr. Kropp:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Department of Environmental Protection, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis -à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. New Jersey's state law N.J.S.A. 23:2B-6 regarding fish and wildlife authorizes the commissioner of fish and game to: prohibit, limit, condition, require or establish the use of specified types of fishing gear; regulate the size, number and quantity of specific [fish] species that may be taken; regulate the areas to be opened or closed to their taking, regulate the time and manner of their taking. The commissioner may also prescribe other limitations, conditions, requirements, or restrictions as is necessary and appropriate to the policy and purposes of state law; or establish and develop fisheries management areas and prescribe rules governing the use of such areas.

Two laws in NJ will be inconsistent with the Monkfish FMP, because the FMP proposes regulations that will be more conservative than existing state law. Since fisheries laws are integrated into your Coastal Zone Management Program, part of this review includes those laws and regulations that restrict possession, landings, and harvest of monkfish. At the request of the Fishery Management Councils, NJ implemented a minimum size possession limit for monkfish of 11-inches tail length and a maximum liver-to-tail possession limit of 30 percent.

The FMP, on the other hand, proposes an 11-inch minimum size (tail-length) that will increase to 14-inches on May 1, 2000 (Section 4.5.1). The Councils propose this higher size limit because of the higher proportion of directed fishing activity in the Mid-Atlantic with gillnets that seldom catch fish less than 14-inches tail-length. An analysis of impacts is given in Section 8.1.5.1.1.6 in the Environmental Impact Statement.

The FMP (Section 4.5.4) also proposes a lower liver-to-tail maximum possession ratio (25 percent) than existing state law (30 percent). NJ conducted an analysis of landings and catch data that showed that this ratio occasionally exceeded 25 percent because of natural variation and a directed fishery that targets large monkfish. The Councils believe that a 30 percent liver limit is too high and would prevent the measure from having the intended effect (preventing high-grading), since the average liver to tail ratio is 18 percent for all gears, areas, and seasons. A detailed analysis of the proposed liver to tail ratio is provided in Section 8.1.5.1.1.7 of the Environmental Impact Statement.

Except for the two measures described above, there is no evidence that the commissioner has made any regulations that are inconsistent with the Monkfish FMP. To the best of our understanding, we believe that the FMP will be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Mr. Edward R. Miller
Executive Director, Pennsylvania Fish Commission
Box 1673
Harrisburg, PA 17105

RE: Monkfish FMP Consistency Determination

Dear Mr. Miller:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Fish and Boat Commission, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis-à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. Chapter 57 of Pennsylvania Fishing & Boating Regulations addresses fisheries policy. The general policy of the state is to *protect, conserve, and enhance the quality and diversity of the fishery resources*. To achieve that objective, the State Fishing & Boating Commissioner is assigned to manage self-sustaining fish populations as a *renewable natural resource*. Since a primary objective of the Monkfish FMP is to achieve optimum yield, no inconsistency is anticipated. Although PA specifically regulates some fish stocks and fishing gear in associated fisheries, monkfish is not among them and there is therefore no conflict. The state also requires fishermen to have a license with the state and a permit to fish some species (exclusive of monkfish), but the Monkfish FMP will not interfere with this licensing provision.

To the best of our understanding, we believe that the FMP will be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Ms. Sarah Cooksey
Administrator, Delaware Coastal Management Program
Division of Soil and Water
89 Kings Highway
Dover, DE 19903

RE: Monkfish FMP Consistency Determination

Dear Ms. Cooksey:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with Division of Fish and Wildlife, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis-à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. The Coastal Waters Management Policy is Section 5.A.3 of the Delaware Coastal Program Implementation Plan (CPIP). Among the "Specific CMP Policies for Coastal Waters Management," the state maintains and protects beneficial uses of the coastal waters *including boating and fishing*. Included within this policy is the objective to maintain water quality at a level to *support the propagation of fish species*. Section 5.C.3 of the Program Implementation Plan states that a *sustainable yield of fish* should be assured by establishing harvesting quotas, equipment and seasonal limitations, and licenses and other requirements. The Section also states that the wise use and enjoyment of fish is encouraged.

Since a primary objective of the Monkfish FMP is to achieve optimum yield by implementing similar regulations as promoted by the CPIP, we anticipate no inconsistency and the Monkfish FMP is therefore consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancaleone

Executive Director
Paul J. Howard

September 14, 1998

Dr. Robert Beckett, Director
Coastal Resources Division
Department of Natural Resources
Tawes State Office Building
Annapolis, MD 21401

RE: Monkfish FMP Consistency Determination

Dear Dr. Beckett:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Department of Natural Resources which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis-à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. Maryland does not have a general fish conservation policy in its Coastal Zone Management Program, however the state has aggressive coastal zone regulations to manage fish stocks. MD law section 4-710 specifically restricts methods that can be used for finfishing (types and size of nets, when and where trawls can be used, etc.) It may be more restrictive than the proposed FMP regulations, but this does not present a conflict because federal law can be less restrictive than state law. The law also prohibits possession of fish less than specific minimum sizes, however monkfish is not one of the stocks regulated by a minimum size limit. MD is also subject to an interstate compact to manage fish stocks, however interstate agreements are usually effective only if the federal government approves them. Thus, the FMP guidelines could, if necessary, take precedence over the interstate agreement. There is no interstate agreement that manages monkfish and the Monkfish FMP is not expected to conflict with any interstate agreements in which MD participates.

To the best of our understanding, we believe that the FMP will be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Mr. Michael McKenna
Director of Public Affairs, Council on the Environment
629 East Main St., 6th Floor
Richmond, VA 23219

RE: Monkfish FMP Consistency Determination

Dear Mr. McKenna:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Marine Resources Commission, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis -à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. As stated in the Part I of the Coastal Resources Management Program Final EIS, Virginia has implemented *its own fisheries management program* that is implemented by the Marine Resources Commission and the Commission of Game and Inland Fisheries. The fishery management policy stresses the *conservation and enhancement of fish resources and the promotion of commercial and recreational fisheries to maximize food production* and recreational opportunities, *particularly for future generations*. Also included in Part II of the EIS are the goals to *minimize damage to the productivity and diversity of the marine environment resulting from the disruption of fish population balances and to improve or maintain fisheries*. Virginia regulates the fishing of many species however monkfish is not among them. Virginia Code 1950, § 28.2-300 also requires fishermen to obtain a license from the state to fish and/or use a net, and requires fishermen to report their catch to the state as well. There appear to be no inconsistencies between VA regulations and the Monkfish FMP.

Since a primary objective of the Monkfish FMP is to achieve optimum yield and has similar goals as VA's Coastal Resources Management Program, there should be no inconsistencies. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

New England Fishery Management Council

5 Broadway, Saugus, MA 01906-1036
Tel (781) 231-0422 • Fax (617) 565-8937

Chairman
Joseph M. Brancalone

Executive Director
Paul J. Howard

September 14, 1998

Mr. Roger N. Schechter, Director
Division of Coastal Management
225 North McDowell St.
Raleigh, NC 27602

RE: Monkfish FMP Consistency Determination

Dear Mr. Schechter:

The New England and Mid-Atlantic Fishery Management Councils are submitting the Monkfish Fishery Management Plan (FMP) to the Secretary of Commerce for approval under Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act. Enclosed is a copy of the plan that proposes to stop overfishing and rebuild monkfish to a level that would produce maximum sustainable yield. The FMP is expected to achieve fishing mortality reductions through limited access, days-at-sea allocations, trip limits, a minimum size limit, liver landings restrictions, and restrictions on gillnets.

Our approach to assessing the adverse impacts on offshore resources is described in Section 8.1.5 (Anticipated Impacts of the Proposed Action - Environmental Consequences) and was developed in concert with your Marine Fisheries Commission, which is responsible for your appropriate core law. Based on information provided by your office in the past, it appears that the state reserves the responsibility to have its agencies review consistency determination vis -à-vis the appropriate core laws. By way of this letter and the enclosed documents, we believe that we have fulfilled our obligation under your procedure.

We have reviewed the FMP in light of your Coastal Zone Management Plan and applicable regulations. The Coastal Zone Management Program designates fishery management to the North Carolina Marine Fisheries Commission (Fisheries Commission). Statute 143B-289.51 provides that the Fisheries Commission has the authority to implement law relating to *coastal fishing and coastal fisheries*. Among its duties, the Fishery Commission must manage, restore, develop, *conserve and regulate the marine resources; and implement management measures regarding marine fisheries consistent with authority conferred on North Carolina by the federal government*. Statute 113-134.1 further directs the Fishery Commission to exercise regulatory authority over the conservation of marine fisheries. Statute 113-228 permits the Fishery Commission to adopt federal laws that comply with state law and *exempts* the Fishery Commission from conflicting federal law.

There appear to be no fishery regulations that will conflict with the FMP. To the best of our understanding, we believe that the FMP will be consistent with your program. We would appreciate hearing from you as soon as possible regarding our determination.

Sincerely,

Paul J. Howard
Executive Director

7.6.2 State Concurrences

No state concurrences with the Council's determinations have been received at the time of submittal of the FMP.

7.7 Paperwork Reduction Act (PRA)

The PRA submission document is under development. The information that follows is draft material and subject to change.

SUPPORTING STATEMENT

Northeast Region Monkfish Reporting Requirements

INTRODUCTION

This submission requests approval from the Office of Management and Budget (OMB) of the new collection as it pertains to Northeast Region monkfish reporting requirements.

The New England Fishery Management Council (Council) is proposing a Monkfish Fishery Management Plan (FMP) to end and prevent overfishing in this fishery. The proposed measures include moderate reporting requirements on vessel owners, operators and dealers.

A. Justification

1. Why is the information necessary?

A comprehensive information system which identifies the participants and which monitors their activity levels and landings is necessary to enforce the management measures and prevent overfishing. An information system also is needed to measure the consequences of management controls. In general, information requirements for an effective monitoring and enforcement system include:

- Identification of the participating vessels, operators and dealers
- Beginning and ending dates of the fishing activity
- Location of the fishing activity
- Activity levels
- Amount of landings and discards

Under the Monkfish Fishery Management Plan (FMP), the reporting requirements on vessel owners, operators and dealers will include the following items:

- Information requested on a permit application by vessels
- Information required when calling in and out of the days-at-sea program
- Declaration of fishing areas
- Vessel trip reports (VTR)

Information requested on a permit application by operators
Information requested on a permit application by dealers
Landings reports by dealers
Information necessary to administer running clock procedure (trip limits)
Gillnet tagging requirements
Appeal of Permit Denial
Employment Data
Good Samaritan credits
Gillnet designations.
Information requirements for transiting between areas
Declaration of blocks of time out of the fishery

a) Vessel Permits

Limited access monkfish permit:

Vessels that qualify for monkfish-only limited access will be required to submit an application and obtain a monkfish permit.

To renew or apply for a limited access monkfish permit, the Regional Administrator must receive a completed application by the first day of the fishing year for which the permit is required.

Failure to renew a limited access monkfish permit in any year bars the renewal of the permit in subsequent years.

Changes in information supplied for the permit must be reported to the Regional Administrator within 15 calendar days of the change.

The vessels under reconstruction or change ownership will be required to submit supplementary data with a limited permit application to prove that

The vessel was under written agreement for construction or under reconstruction between February 28, and February 27, 1995 (and meets the qualification criteria for limited access permit between February 28, 1991 and February 27, 1996).

The vessel was under written agreement for purchase as of February 27, 1995 (and meets the qualification criteria for limited access permit between February 28, 1991 and February 27, 1996.)

Those vessels that meet the qualification criteria for limited access monkfish permit but were replaced or upgraded after February 27, 1995 in excess of the replacement and upgrade criteria may receive a category E limited access permit. A vessel with a category E permit can not receive an allocation of monkfish DAS, but will be eligible to receive such allocation in the future if information is submitted showing that the vessel complies with the replacement and upgrade criteria.

A person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has sunk, been destroyed, or transferred to another person may apply for and receive a Confirmation of permit history.

General Category Permit:

Any vessel that lands monkfish and does not have a limited access permit will be required to obtain a general category monkfish permit.

Justification:

Vessel permits are necessary to administer and enforce the days-at-sea restrictions and trip limits.

b) Days-at-sea monitoring and reporting requirements

Vessels that intend to target monkfish or exceed the bycatch allowances must declare that it will be on a monkfish trip prior to leaving port and upon returning port.

The vessels are required to notify NMFS through the call-in system and supply the following information about their vessels:

Owner and caller name and address

Vessel name and permit number

Beginning and ending dates and time of their fishing activity.

Vessels that qualify for monkfish limited access permit may choose to use VMS equipment to report monkfish days at sea.

Days-at-sea, collected and monitored by a certified VMS or call-in program, will be deducted from each vessel's annual allotment.

Justification:

The call-in requirement is needed to keep an accounting of DAS usage for directed monkfish trips.

The procedure described above uses existing systems and mechanisms for monitoring days-at-sea in the multispecies and scallop fisheries.

Reporting of DAS is necessary to reduce fishing mortality by limiting total fishing activity, fairly divided among qualifying vessels.

c) Area declaration

Prior to making a trip, vessels with multispecies, scallops, or monkfish days-at-sea permits will be required to declare, for a 30 days or longer period of time, into the Northern Fishery Management Area (NFMA) to fish under the less restrictive size limit (11-inches tail-length) and trip limits. Vessels do not have to declare if they choose to fish with the more restrictive 14-inches minimum size limit.

This declaration will require that the vessel fish only in the NFMA Area during the 30-day period beginning with the date of declaration.

If the vessel has not made a NFMA declaration, it will be presumed that the vessel fished in the Southern Fishery Management Area (SFMA) during the trip and the more conservative restrictions will apply to the entire trip.

A vessel that has declared its intent to fish only in the NFMA may transit the SFMA provided that it complies with the transiting provisions described in Section 5.4 of Monkfish FMP.

Justification:

The area declaration is needed to ensure that vessels do not fish in the SFMA and transit the NFMA to land monkfish under the less restrictive measures that apply in the northern area.

The minimum 30-day declaration period is necessary to improve enforceability. Otherwise, vessels could rapidly switch fishing areas leading to confusion and poor compliance with the more restrictive SFMA.

d) Vessel trip reports

Vessels must submit a VTR (logbook) [50 CFR, 648.7(b)] for each trip taken by the vessel.

Justification:

Vessel trip reports are needed to monitor fishing effort and discards.

These data are crucial to assessing the future status of monkfish and monitoring the effectiveness of management to reduce fishing mortality while keeping discards to a minimum.

e) Operator Permits

Any operator of a vessel fishing for monkfish must have an operator's permit issued by the NMFS Regional Administrator.

An operator is defined as the master or other individual on board a vessel who is in charge of that vessel. (Note: a general definition of an operator is specified in the Code of Federal Regulations, CFR 50 part 648.2.)

The operator will be required to submit an application supplied by the Regional Administrator, and a photograph for an Operator's Permit. No experience or income requirements would need to be met. Any applicant may receive a permit providing they do not have sanctions placed against another fisheries permit issued to them.

Permit holders would be required to carry their permit aboard the fishing vessel during fishing and off-loading operations and must have it available for inspection upon request by an authorized officer.

The Regional Administrator may, after publication in the *Federal Register*, charge a permit fee. Other than providing any required or optional information on the operator permit application, and a photograph, there are no reporting requirements associated with the permit.

Justification:

An operators permit is necessary to identify the responsible person(s) for a fishery violation. The permit reduces enforcement costs and increases compliance because an operator's permit can be sanctioned for egregious or repeated violations.

f) Dealer Permits

Any dealer of monkfish must have a permit issued by the Regional Administrator.

A dealer is defined as the person who first receives fish by way of purchase, barter, or trade.

(Note: a general definition of a dealer is specified in CFR 50 part 648.2.)

The dealer would be required to submit an application, supplied by the Regional Administrator, for a Processor/Dealer Permit, which would be issued for the period from January 1 to December 31 of each year.

Applications must contain at least the following information: Company name, place(s) of business, mailing address(es) and telephone number(s), owner's name, dealer permit number (if a renewal), name and signature of the person responsible for the truth and accuracy of the application, a copy of the certificate of incorporation if the business is a corporation, and a copy of the Partnership Agreement and the names and addresses of all partners if the business is a partnership.

The permit would not be transferable and would expire upon change in ownership of the business. The permit must be maintained at the place of business and be available for inspection upon request by an authorized officer.

The Regional Administrator may, after publication in the *Federal Register*, charge a permit fee.

The Regional Administrator may require that all permitted dealers, including restaurants buying directly from boats, comply with any data reporting requirements as a provision of dealer permitting.

Only dealers that do not already have a dealer permit to buy other federally managed species will be required to obtain a new permit to buy monkfish.

Justification:

Dealer permits are necessary to effectively administer the mandatory reporting requirements.

Without dealer permits, enforcement and monitoring costs would be substantially higher to ensure that every dealer that processes monkfish would report every landing of monkfish.

g) Dealer Reports

Dealers must make weekly reports of all fish landed and received on reports supplied by and sent to the Regional Administrator according to 50 CFR, §648.7.

Justification:

Dealer reports are necessary to accurately monitor monkfish landings. Other methods of reporting landings are either inaccurate or ineffective.

h) Running clock reporting procedure

Upon entering port, and before offloading, the vessel operator must notify the Regional Administrator and provide the following information:

Vessel name
permit number,
owner
caller name,
phone number
the hail weight of monkfish on board
trip identification number from item (b)
the amount of monkfish to be offloaded, if any.

A vessel that has not exceeded the landing limit and is offloading and ending its trip by calling out of the monkfish day-at-sea program does not have to report the landings of monkfish via this call-in system.

A vessel that has exceeded the monkfish landing limits described in Section 5.6.1 of the Monkfish FMP, and that is offloading some or all of its catch is subject to the call-in requirement.

Justification

This procedure is necessary to account for the vagaries of fishing and avoiding situations when vessels must discard catch to return to port or sit in the ocean during bad weather to avoid discarding fish.

Even though the vessels would probably be targeting monkfish while on a monkfish day-at-sea, catches are unpredictable.

A vessel that has a few good hauls early in the trip or an unexpected good haul late in the trip can return to port early due to bad weather or equipment problems without violating the directed fishery trip limits or discarding valuable monkfish.

i) Tagging requirements:

Beginning May 1, 1999 or the date of implementation of the monkfish days-at-sea program, whichever comes first, all monkfish gillnets fished, hauled, possessed, or deployed must have one tag per net, with one tag secured to every other bridle of every net within a string of nets.

Tags must be obtained as described in 50 CFR, §648.4.

The vessel operator must produce all net tags upon request by an authorized officer.

Vessel owners or operators seeking replacement of lost, destroyed, or missing tags must request replacement of tags by letter or fax to the Regional Administrator.

A check for the cost of the replacement tags must be received before tags will be re-issued.

A vessel owner or operator must report lost, destroyed, and missing tag numbers by letter or fax to the Regional Administrator as soon as feasible after tags have been discovered lost, destroyed or missing.

Rationale:

Tagging requirements are necessary to enforce the restrictions on the number of nets.

Restrictions on the number of nets is necessary to ensure that vessels using gillnets do not increase the amount of gear fished to compensate for the restrictions on fishing effort and landings.

If the number of nets increases, the Councils would have to prohibit leaving nets untended at sea between trips or reducing the number of day-at-sea or trip limits to contain total fishing effort.

Some vessels will need to reduce the number of monkfish gillnets they deploy, if they currently fish more than 160 nets.

j) Appeal of permit denial

In cases where applicants for limited access permits initially are denied permits, they will have to appeal the denial. They will have to provide information corroborating their claims that they landed sufficient amounts during the qualifying period.

Rationale:

Provides opportunity for respondents to correct an incorrect adverse decision.

Employment Data

All monkfish dealers must complete the "Employment Data" section of the Annual Processed Products report.

Rationale:

This information requirement is necessary to identify the participants and to monitor the level of activity in the fishing industry.

Good Samaritan Credits

Limited access vessels fishing under the DAS program and spend time at sea assisting in a USCG search and rescue operation or assisting the USCG in towing a disabled vessel, and that can document the occurrence through the USCG, will not accrue DAS for the time documented.

Rationale:

Provides incentives to assist USCG in towing a disabled vessel or in a search and rescue operation.

Prevents the vessel from being negatively affected by assisting USCG in a rescue operation.

Gillnet designations.

Vessels that will fish with gillnets during a monkfish day-at-sea must declare into one of two permit categories, day gillnet or trip gillnet, prior to the beginning of the fishing year.

Day gillnet category: If the vessel declares into a day gillnet category, each trip under a monkfish day-at-sea lasting between 3 and 15 hours will be counted as a minimum of 15 hours against the annual monkfish day-at-sea allocation. Trips lasting more than 15 hours will be counted in hours from the time the vessel called into a day-at-sea until it has returned to port and called out of a day-at-sea.

Trip gillnet category: If the vessel declares into a trip gillnet category, each trip under a monkfish day-at-sea will be counted in hours from the time the vessel called into a day-at-sea until it has returned to port and called out of a day-at-sea.

A vessel must have written confirmation issued by the Regional Administrator on board indicating that the vessel is a Day or Trip gillnet vessel.

Rationale:

The two methods of accounting for day-at-sea accommodate different fishing strategies, without unfairly penalizing some fishermen.

Vessels that usually make short day-trips to tend gear may do so, but trips that are greater than 3 hours and less than 15 hours will be counted as if the vessel remained at sea for the entire day.

This procedure prevents vessels from gaining an unfair advantage by fishing 4 to 8 hours per trip and allowing the net to fish for double or triple the time that other vessels can fish.

Transiting

A vessel may transit between the NFMA and SFMA for the purpose of fishing for monkfish, provided that the vessel's fishing gear is properly stowed and not available for immediate use.

A vessel that has exceeded the monkfish landing limit, and is, therefore, subject to remain in port, may transit to another port provided that the vessel operator notifies the Regional Administrator either at the time the vessel reports its hailed tail-weight or whole weight of monkfish or at a later time prior to transiting, and provides the following information:

Vessel name and permit number

Destination port

Time of departure

Estimated time of arrival

Rationale:

The transit provision for vessels otherwise required to remain port under the Monkfish landing limit will enable those vessels to shift to their home port or to another port, for example, to obtain repairs after offloading monkfish in excess of the trip limit.

The information being collected will enable enforcement agents to monitor the movement of a vessel that is prohibited from fishing until sufficient time has elapsed for any monkfish catch in excess of the landing limit.

Declaration of Blocks of time out of the fishery

Vessels with monkfish-only days-at-sea will be required to declare out of the monkfish fishery

And cannot use a monkfish day-at-sea for a continuous 20-day block during the months of April, May and June. The vessels may engage in other fisheries that they can legally participate in, but may possess no monkfish during this 20-day block.

Rationale:

The 20-day block out of the fishery is necessary to limit fishing mortality during known spawning periods. Reasons for this action would be to protect spawning, to avoid catching immature monkfish, and to enhance economic value.

Blocks of time out of the fishery may also be required to avoid captures of marine mammals and endangered species.

2. How, and by whom, will the information be used?

The information will be used by several offices of NMFS and the U.S. Coast Guard.

The data collected through these programs will be incorporated into the NMFS's databases. Aggregated summaries of the collected information will be used to evaluate the management program and future

management proposals. Individual permit information will be required, however, for law enforcement or for notification programs.

3. Can improved technology reduce the burden?

There are no new requirements with improved technology. The vessels can use, however, VMS/VTS system on a voluntary basis as a substitute for call-in call-out requirement. VTS represents the most advanced technology currently available to monitor and enforce the Multispecies and Sea Scallop FMPs DAS programs. VMS is expected to reduce the burden to the public, measured in hours of reporting-time, by replacing the call-in notification required at the beginning and end of each trip under the DAS and exemption programs. In addition, if authorized in writing by the Regional Administrator, the dealers may submit reports electronically. Also, for the other permit renewal processes a computer-generated form is sent to the applicants that applied and initially qualified. This form contains the data previously submitted, so that an applicant just has to make any corrections needed, sign it, and submit it. The availability of these options is expected to reduce the burden.

4. Describe any duplication of effort.

No information will be collected that is already collected through another means. Vessels that currently make vessel trip reports will be able to use the same system to report monkfish fishing effort.

5. How are the impacts on small businesses minimized?

Only the minimum data needed to monitor compliance with regulations are requested from all respondents. Since most of the respondents are small businesses, separate requirements based on the size of business have not been developed.

6. Could the collection be conducted less frequently?

No. Longer reporting frequencies reduce compliance and increase the complexity of enforcement.

7. Explain if request is not consistent with OMB guidelines.

The new requirements may not be consistent with OMB guidelines with regard to the reporting frequency. While OMB does not allow requirements for more than a quarterly reporting frequency, the dealer reports, call-in/call-outs, and area declaration requested with this submission will require more frequent reports.

As stated in answer #1(g) above, to accurately monitor monkfish landings, dealers must make weekly reports of all fish landed and received on reports supplied by and sent to the Regional Administrator according to 50 CFR, §648.7. Other methods of reporting landings are either inaccurate or ineffective.

Vessels that intend to target monkfish or exceed the bycatch allowances must declare that they will be on a monkfish trip prior to leaving port and upon returning port. The call-in requirement is needed to keep an accounting of DAS usage for directed monkfish trips and thus, is necessary to reduce fishing mortality by limiting total fishing activity (answer #1 (b)). Similarly, the area declaration is needed to ensure that vessels do not fish in the Southern Fishery Management Area and transit the Northern Fishery Management Area to land monkfish under the less restrictive measures that apply in the northern area (answer #1(c)).

8. Describe efforts to get comments from outside the agency.

The New England Fishery Management Council held many Council and committee meetings at which there was a public discussion of the monitoring requirements. The proposed rule implementing the Monkfish FMP will also solicit additional public comment.

Experience with the various programs, some of which have been operating since 1981, provides continual feedback to NMFS on issues and concerns of the applicants.

9. Explain any decision to provide payment to respondents.

No payment or gift will be made to respondents, however, respondents may use tax-exempt Capital Construction Fund monies to purchase VTS devices because of their safety benefits.

10. Describe any assurances of confidentiality.

All data will be kept confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.)

11. Provide justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

Table 1 shows the burden in hours, number of respondents, and total burden for each category of reporting requirement under Monkfish FMP as detailed below.

a) Limited Access Monkfish Permits, Applications and Renewals:

There are 431 vessels with Multispecies DAS permits and 104 vessels with scallop permits which also qualify for limited access monkfish permit. There are also at least 65 vessels, which qualify for monkfish but do not have existing DAS (multispecies or scallop) permits. With appeals, the number of these vessels may increase to 130. All of these participants, totaling at least 665 vessels, will be affected by the limited access monkfish permit requirements.

The burden of the permit application is estimated at 30 minutes per respondent. The burden of renewals will be less, about 15 minutes. There will be no additional burden from permit renewals for those vessels who already have multispecies and scallop DAS permits, since they can use the same renewal form for the monkfish renewal, thus, the extra time needed to check a box for monkfish would be insignificant. Therefore, the burden for renewals is calculated only for those 130 vessels that do not have multispecies or scallop DAS permits. The total burden from permit applications and renewals is estimated by averaging the annual burden over the first three years. The burden in the first year is estimated to be 332.5 hours corresponding to the burden from monkfish limited access permit applications of 665 vessels. In the second and the third years, the estimated burden from the permit renewals will be 32.5 hours. The average burden will be 132.5 hours over the three years (Table 1).

b) Monkfish Bycatch Permits, Applications and Renewals :

About 1412 boats that landed monkfish will be required to apply for a general category monkfish permit to be able to land monkfish in the future. Most of these applicants already have other regional permits that would be renewed on the same form and at the same time. For a conservative estimate of burden, however, a 10 percent of the applicants are assumed to have no other permits and therefore, incur the cost of renewing their monkfish bycatch permits each year. The burden of the permit application is estimated at 30 minutes per respondent, and renewals at 15 minutes. Again, a total burden is estimated by averaging the annual burden over the first three years (Table 1).

c) Permit Appeals:

The burden of appeals is estimated to be 3 hours per applicant.

d) Replacement, Upgrade and Retention of Vessel History:

The submission of supplementary data with a limited entry permit application, such as the information regarding change of ownership, vessel replacement and upgrade is estimated to affect an additional 5 percent of all applicants, i.e., 34 vessels, whereas another 5 percent —34 vessels—are expected to apply for vessel history retention. The reporting burden for vessel replacement and upgrade information is estimated at 3 hours and history retention at 30 minutes.

e) Operator Permits:

Operator permit requirement will only affect operators of vessels that qualify for monkfish limited access and do not have a multispecies or scallop DAS permits. The burden is estimated as an hour per applicant.

f) Dealer's Permit, Landings and Employment Report by Dealers:

About a hundred dealers are estimated to apply for a dealer's permit under the Monkfish FMP at a burden of about 5 minutes per applicant. The burden of landings reporting by dealers is calculated at 2 minutes per trip. It is estimated that there will be about 1518 such trips based on the 1995-96 dealer's data that will need to be reported by dealers. The burden of employment report is estimated to be 20 minutes per dealer.

g) Gillnet Designations:

The declaration into gillnet trip or day boat categories can be made by phone, fax machine or mail and is not estimated to exceed 10 minutes. This requirement is estimated to affect about 85 gillnet vessels.

h) DAS Reporting:

Any vessel that intends to take a trip to target monkfish or exceed the bycatch allowances is required to call-in to notify NMFS of start and end dates and times of directed fishing trips. The burden of the call-in notification is estimated to be 2 minutes per notification. It is estimated that there are about 1518 such trips in total based on the 1995-96 dealer's data. Given that there are 665 qualifiers for limited access monkfish permits, the average number of trips per vessel is estimated as approximately 2.3 trips per year (1518 divided by 665). The two notifications associated with these trips amount to about 4.6 items per entity and approximately 3036 notifications in total.

i) Area Declaration:

Prior to making a trip, vessels with multispecies, scallops, and monkfish days-at-sea permits will be required to declare, for up to 30 days or longer period of time, into the Northern Fishery Management Area to fish under the less restrictive size limit (11-inches tail-length) and trip limits. Area declaration requirement is estimated to affect 302 vessels. The maximum number of trips by these vessels is 12 per year, and it is estimated in one third of these trips (4 trips each) the vessels may be required to declare into the Northern Fishery Management Area. In total, the area declaration requirement will impact 1,208 trips (302*4) at a burden of 2 minutes per trip.

j) Transiting:

The indication of intent to transit to another port will be made by telephone either at the time of reporting the monkfish landed or at in a separate call. About 302 vessels are estimated to make transit calls 3 times a year at the time of landing reporting, and another 3 times a year at in a separate call. In the first case, the reporting burden is estimated to be 1 minute per transit, in the second case 3 minutes for each call. Total burdens from transit are shown in Table 1.

k) VTR Reports:

All vessels with DAS permits are required to submit a vessel trip report (VTR), and this requirement will affect about 130 vessels that qualify for monkfish limited access permit but do not already have another DAS (Multispecies or Scallop) permit. The burden of VTR is estimated to be 5 minutes per trip for total 315 monkfish trips by new (130) DAS permit qualifiers.

l) Hail weight Report for Running Clock:

Running clock procedure will impact about 150 vessels at a burden of 2 minutes per trip. Total number of monkfish trips is estimated to be 350 a year on the base of 1995-96 dealers data.

m) Tagging Requirements:

Beginning May 1, 1999 or the date of implementation of the monkfish days-at-sea program, whichever comes first, all monkfish gillnets fished, hauled, possessed, or deployed must have one tag per net, with one tag secured to every other bridle of every net within a string of nets. Total number of nets is estimated to be 160 per vessel, and the total number of tags is 13600 for 85 gillnet vessels. The burden is 1 minute per tag for attachment. The reporting frequency of the lost tags and request for replacement gillnets is estimated to be 6 times per vessel in a year and the burden is estimated at 2 minutes each time.

n) Good Samaritan Credits:

Finally, it is estimated that 10 out of 665 vessels will earn Good Samaritan credits at a burden of 30 minutes per applicant.

o) Declaration of Blocks of Time out of the Fishery:

This requirement will affect 130 vessels with monkfish-only days-at-sea permits. Those vessels will make only one declaration and they would not have to call back into the fishery after the 20-day period. Declaration can be made through the call-in system, and each call is estimated to take no more than 3 minutes.

Total Burden:

Table 1 shows that total burden of these reporting requirements will be 1,511 hours to the public. The estimated total cost for the public is \$22,673 evaluated at \$15 per hour of burden.

13. Provide estimates of the burden of the collection on the public.

The information collection require that all monkfish gillnets fished, hauled, possessed, or deployed must have one tag per net, with one tag secured to every other bridle of every net within a string of nets. The tags cost \$1.10 per gillnet and it is estimated that 13,600 nets will need to be purchased in the first year by 85 gillnet vessel owners at a total cost of \$14,960. In addition, the vessels will have to buy replacement tags each year for the ones that are lost or destroyed. It is estimated to be 2.5 percent of the total tags issued in the first year will need to be replaced each year at a total cost of \$374 ($\$1.1 * 0.025 * 13600$). Applying a three year average to these costs, it is estimated that the annualized cost of gillnet tags will be \$5,236.

14. Provide estimates of annualized costs to the Federal Government.

The costs for the reporting requirements under Monkfish FMP are estimated at \$25/hour to the government and summarized in Table 1. The costs from permit applications and renewals are annualized using a three-year average as in estimating the total burdens for the public. The total costs to the federal government from Monkfish FMP implementation is estimated to be \$37,788 a year.

15. Explain potential changes in burden.

There is a new program increase due to new requirements. All burden figures are based on the estimated number of individuals affected. The actual number of vessels, vessel operators and dealers may differ from these estimates.

16. Describe any plans for any statistical use of the information.

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

17. Explain the reasons why display would be inappropriate.

There are no reasons why display would be inappropriate.

18. Explain exceptions.

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures; the requirements are mandatory for participants in the indicated fisheries, i.e., for limited access Monkfish DAS permits.

APPENDIX: TABLES

Table 1: Burden and Cost Estimates for the Public and the Government

	Number of Entities	Items Per Entity	Total Number of Items	Response Time	Total Burden	Cost to Public (4)	Cost to Government (5)
a) Limited Access Monkfish Permits							
Year 1: Permit Application							
a. Qualify for Monkfish and have Multispecies DAS permits	431	1	431	0.5	215.50	3232.50	5387.50
b. Qualify for Monkfish and have scallop DAS permits (1)	104	1	104	0.5	52.00	780.00	1300.00
c. Qualify for Monkfish but have no Multispecies or Scallop DAS permits (2)	130	1	130	0.5	65.00	975.00	1625.00
Total	665	1	665	0.5	332.50	4987.50	8312.50
Year 2: Permit Renewal							
Renewal of limited entry permit	130	1	130	0.25	32.50	487.50	812.50
Year 3: Permit Renewal							
Renewal of limited entry permit	130	1	130	0.25	32.50	487.50	812.50
Three-year average of burden for limited access permit application and renewals			0		132.50	1987.50	3312.50
b) Monkfish Bycatch Permits							
Year 1: Application	1412	1	1412	0.5	706.00	10590.00	17650.00
Year 2: Renewal	141	1	141	0.25	35.25	528.75	881.25
Year 3: Renewal	141	1	141	0.25	35.25	528.75	881.25
Three-year average of burden for general category permit application and renewals					258.83	3882.50	6470.83
c) Permit Appeals							
	65	1	65	3	195.00	2925.00	4875.00
d) Replacement, upgrade and retention of vessel history							
Replacement, and upgrade	34	1	34	3	102.00	1530.00	2550.00
Retention of vessel history	34	1	34	0.5	17.00	255.00	425.00
Total					119.00	1785.00	2975.00
e) Operator Permit							
	130	1	130	1	130.00	1950.00	3250.00
f) Dealers Permit and Reports							
Dealer permit	100	1	100	0.083	8.30	124.50	207.50
Landings reports by Dealers	100	NA	1518	0.083	125.99	1889.91	3149.85
Employment Report by Dealers	100	1	100	0.03	3.00	45.00	75.00
Total					137.29	2059.41	3432.35

Continues on the next page

Table 1 continues

	Number of Entities	Items Per Entity	Total Number of Items	Response Time	Total Burden	Cost to Public (4)	Cost to Government (5)
g) Gillnet Designations - Declaration into the day boat category	85	1	85	0.17	14.45	216.75	361.25
h) Call-in, Call-out (DAS reporting)	665	⁽⁶⁾ 4.6	3036	0.033	100.19	1502.82	2504.70
i) Area Declaration (3)	302	1	1208	0.05	60.40	906.00	1510.00
j) Transiting							
Notification for transiting (during monkfish hail call)	302	3	906	0.017	15.40	231.03	385.05
Notification for transiting (separate call)	302	3	906	0.05	45.30	679.50	1132.50
Total					60.70	910.53	2428.08
k) VTR Reports	130	NA	315	0.083	26.15	392.18	653.63
l) Hail weight report for running clock	150	NA	350	0.05	17.50	262.50	437.50
m) Tagging requirements							
Attachment of net tags for gillnet vessels	85	160	13600	0.017	231.20	3468.00	5780.00
Notification of lost tags and requests for replacement tag numbers	85	6	510	0.033	16.83	252.45	420.75
Total					248.03	3720.45	99.21.20
n) Good Samaritan Credits	10	1	10	0.5	5.00	75.00	125.00
o) Declaration of Blocks of time out of fishery	130	1	130	0.05	6.50	97.50	162.50
TOTAL					1510.54	22673.14	37788.56

(1) Plus 45 scallop limited access vessels with combination permits, counted as a Multispecies vessel.

(2) This is the maximum estimate.

(3) 302 vessels are assumed to make 4 declarations a year on the average.

(4) Assumed to be \$15 per hour.

(5) Assumed to be \$25 per hour.

(6) The number is 4.5654 to be exact.