

Procedures and Guidelines

A. Participants

The SEDAR Pool is comprised of individuals representing the commercial and recreational fishing communities for Atlantic HMS, the environmental community active in the conservation and management of Atlantic HMS, and the academic community that have relevant expertise either with sharks or shark-like species and/or stock assessment methodologies for marine fish species. Members of the SEDAR Pool must have demonstrated experience in the fisheries, related industries, research, teaching, writing, conservation, or management of marine organisms. The distribution of representation among the interested parties is not defined or limited.

Additional members of the SEDAR Pool may also include representatives from each of the five Atlantic Regional Fishery Management Councils, each of the 18 constituent states, both the U.S. Virgin Islands and Puerto Rico, and each of the constituent interstate commissions: The Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission.

If NMFS requires additional members to ensure a diverse pool of individuals to draw from for data or assessment workshops, NMFS may request individuals to become members of the SEDAR Pool outside of the annual nomination period.

Panel members serve at the discretion of the Secretary. Not all members will attend each SEDAR workshop. Rather, NMFS will invite certain members to participate at specific stock assessment workshops dependent on their ability to participate, discuss, and recommend scientific decisions regarding the species being assessed. If an invited SEDAR Pool member is unable to attend the workshop, the member may send a designee who may represent them and participate in the activities of the workshop. In order to ensure the designee meets the requirements of participating in the data and/or assessment workshop, the designee must receive written approval of the Deputy Director of the Office of Sustainable Fisheries at least six weeks in advance of the beginning of the relevant data and/or assessment workshop. Written notification must include the name, address, telephone, e-mail, and position of the individual designated. A designee may not name another designee.

NMFS is not obligated to fulfill any requests (e.g., requests for an assessment of a certain species) that may be made

by the SEDAR Pool or its individual members. Members of the SEDAR Pool who are invited to attend stock assessment workshops will not be compensated for their services but may be reimbursed for their travel-related expenses to attend such workshops.

B. Nomination Procedures for Appointments to the SEDAR Pool

Member tenure will be for three years. Nominations are sought for terms beginning February 2011 and expiring January 2014. Nomination packages should include:

1. The name, address, phone number, and e-mail of the applicant or nominee;
2. A description of his/her interest in Atlantic shark stock assessments or the Atlantic shark fishery;
3. A statement of background and/or qualifications; and
4. A written commitment that the applicant or nominee shall participate actively and in good faith in the tasks of the SEDAR Pool, as requested.

C. Meeting Schedule

Individual members of the SEDAR Pool meet to participate in stock assessments at the discretion of the Office of Sustainable Fisheries, NMFS. Stock assessment timing, frequency, and relevant species will vary depending on the needs determined by NMFS and SEDAR staff. Meetings and meeting logistics will be determined according to the SEDAR Guidelines. All meetings are open for observation by the public.

Dated: November 24, 2010.

Emily H. Menashes,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-BA50

Fisheries of the Northeastern United States; Monkfish Fishery; Scoping Process

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

ACTION: Notice; intent to prepare an environmental impact statement (EIS) and scoping meetings; request for comments.

SUMMARY: The New England Fishery Management Council (NEFMC) announces its intent to prepare an

amendment (Amendment 6) to the Fishery Management Plan (FMP) for monkfish (*Lophius americanus*) and an EIS to analyze the impacts of any proposed management measures. The purpose of Amendment 6 is to consider one or more catch share management approaches for the monkfish fishery, including, but not limited to, Individual Fishery Quotas (IFQs), sectors, and/or community quotas. The NEFMC is initiating a public process to determine the scope of issues and range of alternatives to be addressed in Amendment 6 and its EIS. The purpose of this notification is to alert the interested public of the commencement of the scoping process and to provide for public participation in compliance with environmental documentation requirements.

DATES: Written and electronic scoping comments must be received on or before 5 p.m., local time, February 15, 2011.

ADDRESSES: Written comments on Amendment 6 may be sent by any of the following methods:

- E-mail to the following address: monkfisha6@noaa.gov;
- Mail to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Scoping Comments on Monkfish Amendment 6;" or
- Fax to Patricia A. Kurkul, 978-281-9135.

Requests for copies of the scoping document and other information should be directed to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone 978-465-0492. The scoping document is accessible electronically via the Internet at <http://www.nefmc.org>.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, 978-465-0492.

SUPPLEMENTARY INFORMATION:

Background

The U.S. monkfish fishery is jointly managed by the New England and Mid-Atlantic Councils, with the NEFMC having the administrative lead. The Councils manage monkfish under a two-area program (northern and southern), primarily due to differences in the characteristics of the fisheries in the two areas, although no conclusive evidence exists supporting the idea that there are two biological stocks. The Monkfish FMP became effective on November 8, 1999. The Councils have modified the

management program several times since the original FMP was adopted, most recently in 2010 with the completion of Amendment 5, containing Annual Catch Limits, Annual Catch Targets (ACT) and specification of days-at-sea (DAS) allocations and trip limits for the 2011–2013 fishing years.

While a significant portion of the monkfish catch in both areas is incidental to other fishing activities, a directed fishery also exists. The Councils have adopted incidental catch possession limits for all non-directed fisheries, and currently manages the directed fishery through a combination of DAS allocations and trip limits designed to achieve the ACT.

Measures Under Consideration

The Councils are considering catch shares for the monkfish fishery as a way to improve the economic performance of the fishery by increasing flexibility, maintaining catch within set limits, achieving optimum yield, promoting safety, and reducing the regulatory burden on vessel operators. Additionally, nearly 75-percent of limited access monkfish permit holders also hold a limited access permit in the Northeast multispecies fishery, where a catch share program (in the form of sector management) has been implemented. As a consequence, many monkfish permit holders have requested that the Councils consider a catch share program in the monkfish fishery to coordinate the management and improve the performance of both fisheries.

“Catch shares” is a generic term for a fishery management program that allocates a specific portion of a total fishery catch to individuals, communities, or cooperatives (including sectors). In contrast to managing through effort or input controls such as DAS and trip limits, catch shares management focuses on allocating and monitoring the catch or output controls. Specific catch share approaches include, but are not limited to, IFQs, Individual Transferrable Quotas (ITQs), Community Quotas, Harvest Cooperatives (including “sectors” such as those as recently adopted in the Northeast Multispecies FMP), area-based fishing rights, and non-vessel allocations (e.g., dealer or processor shares). At this stage in the amendment process, the Councils have not eliminated any of the various types of catch share management approaches from consideration. Rather, they intend to collect early comments from stakeholders and interested parties to guide them in the development of appropriate catch-share alternatives.

The Councils are also interested in hearing from stakeholders what their concerns might be with various catch share elements, including, but not limited to, limits on accumulation of shares, costs of monitoring individual catch, barriers or incentives for new entrants, and the effect of consolidation on fishing communities.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) authorizes and provides a regulatory framework for Councils to establish Limited Access Privilege Programs (LAPPs), of which ITQs are one type. In addition to the requirements and standards for all LAPPs, the MSA requires the NEFMC specifically to hold a referendum and gain approval of more than two-thirds of the voters for an IFQ program prior to submitting the plan to NMFS. The Councils will determine who is eligible to participate in the referendum from among the potential pool that includes permit holders and crew members who derive a significant part of their total income from the fishery. If an IFQ system is adopted, the Council would allocate individual proportions of the available catch to qualified participants who may then be allowed, under yet-unspecified terms and restrictions, to buy, sell, trade or otherwise transfer their shares to other entities or participants.

Scoping Process

All persons affected by or otherwise interested in monkfish fishery management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (*see* ADDRESSES) or by attending one of the meetings where scoping comments will be taken. Scoping consists of identifying the range of actions, alternatives (including taking no action), and impacts to be considered in developing an amendment that addresses the purposes and goals discussed in this notice. Impacts may be direct, indirect, or cumulative. This scoping process will also identify and eliminate from detailed analysis issues that are not significant, as well as alternatives that do not achieve the goals of the FMP or this amendment.

The scoping process for Amendment 5 to the Monkfish FMP (74 FR 7880; February 20, 2009) also considered the development of a catch share program for the monkfish fishery in the range of issues to be considered in that amendment. However, by September 2009, the Councils recognized that, due to their complexity, development of catch share alternatives would likely delay Amendment 5, and risk not

meeting the statutory deadline for annual catch limits and accountability measures under the MSA. At that time, the Councils agreed to separate the catch shares portion of the amendment to focus on the remaining elements, and consider catch shares in the next management action. Any comments concerning the development of a catch share program for the monkfish fishery that were received in conjunction with the scoping process for Amendment 5 will be carried forward in the development of Amendment 6.

After the scoping process is completed, the NEFMC will identify the range of alternatives to be considered in the Amendment 6, and to be analyzed in the EIS. Once a draft amendment document, including a draft EIS, is completed, the NEFMC will hold public hearings to receive comments on the alternatives and the analysis of its impacts presented in the draft EIS. Following that public comment period, the NEFMC will identify its proposed action and complete a final amendment document that includes a final EIS, as well as documentation and analysis required by all other applicable laws. The NEFMC will then submit the amendment to NMFS for review, approval and implementation.

Scoping Hearing Schedule

At this time, only one scoping meeting is scheduled. The Councils will schedule additional meetings in the near future, and announce those meetings in the **Federal Register**, as well as on the Councils' Web site and through other channels. The first scheduled meeting is to be held in conjunction with the Mid-Atlantic Fishery Management Council meeting:

1. Wednesday, December 15, 2010, 4:30 p.m.; Hilton Beach Oceanfront, 3001 Atlantic Avenue, Virginia Beach, VA 23451, telephone: (757) 213-3000.

Special Accommodations

The meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (*see* ADDRESSES) at least 5 days prior to this meeting date.

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

Dated: November 24, 2010.

Emily H. Menashes,

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

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