

1.1 Impacts on Endangered and Other Protected Species

1.1.1 Modifications to current DAS/Trip Limit system

1.1.1.1 Requirement for vessels with groundfish permits to also use a groundfish DAS when on a monkfish DAS

1.1.1.1.1 Option 1: No Action

Under Option 1, permit Category C and D vessels with NE multispecies permits must continue to declare a NE multispecies DAS prior to leaving the dock. Any vessels that don't declare a NE multispecies DAS before leaving would be restricted to non-DAS incidental landing limits or could not take advantage of the "monkfish option" to declare a monkfish DAS while at sea in the NFMA. This would maintain the current levels of fishing opportunities for vessels. Therefore a change in effort pattern would not be expected. Additional risks to species that go above and beyond what has been considered are not expected. Therefore the status quo conditions would not be expected to result in additional takes of species that would jeopardize them.

Non-ESA Listed Species Impacts

Impacts of the No Action on non-ESA listed species, which consist of species of cetaceans and pinnipeds (marine mammals), are somewhat uncertain, as quantitative analysis has not been performed. However, we have considered, to the best of our ability, available information on marine mammal interactions with commercial fisheries, including the monkfish fishery (Waring *et al.* 2014). Aside from harbor porpoise and several stocks of bottlenose dolphin, there has been no indication that takes of non-ESA listed species of marine mammals in commercial fisheries has gone above and beyond levels which would result in the inability of each species population to sustain itself over the last 5 years (Waring *et al.* 2014). Specifically, aside from harbor porpoise and several stocks of bottlenose dolphin, potential biological removal (PBR) has not been exceeded for any of the non-ESA listed marine mammal species identified in section 6.5 (Waring *et al.* 2014). Although harbor porpoise and several stocks of bottlenose dolphin have experienced levels of take that have resulted in the exceedance of each species PBR, take reduction plans have been implemented to reduce bycatch in the fisheries affecting these species (Harbor Porpoise Take Reduction Plan (HPTRP), effective January 1, 1999 (63 FR 71041); Bottlenose Dolphin Take Reduction Plan (BDTRP), effective April 26, 2006 (71 FR 24776)). These plans are still in place and are continuing to assist in decreasing bycatch levels for these species. Although the information presented is a collective representation of commercial fisheries interactions with non-ESA listed species of marine mammals, and does not address the effects of the monkfish FMP specifically, the information does demonstrate that to date, operation of the monkfish FMP, or any other fishery, has not resulted in a collective level of take that threatens the continued existence of non-ESA listed marine mammal populations. Based on this information, and the fact that the monkfish fishery must comply with specific take reduction plans (i.e., HPTRP, the BDTRP, ALWTRP); and that voluntary measures exist that reduce serious injury and mortality to marine mammal species incidentally caught in trawl fisheries (see the Atlantic Trawl Gear Take Reduction Team), it is not expected that the No Action will result in levels of take that will affect the continued existence of non-ESA listed species of marine mammals. For these reasons, the No Action is expected to have neutral impacts on non-ESA listed species of marine mammals.

ESA Listed Species

Ascertaining the potential impacts of the No Action on ESA-listed species are difficult and somewhat uncertain, as quantitative analysis has not been performed. However, we have considered, to the best of our ability, how the fishery has operated in regards to listed species since 2013, when NMFS issued a Biological Opinion (Opinion) on the operation of seven commercial fisheries, including the monkfish FMP (NMFS 2013). Specifically, we have focused on available information on ESA-listed species interactions with commercial fisheries, of which, the monkfish FMP is a component (NMFS 2013). The Opinion issued on December 16, 2013, included an incidental take statement authorizing the take of specific numbers of ESA listed species of sea turtles, Atlantic salmon, and Atlantic sturgeon. The monkfish FMP is currently covered by the incidental take statement authorized in NMFS 2013 Opinion.

The 2013 biological opinion concluded that the seven fisheries fishery may affect, but would not jeopardize the continued existence of any ESA listed species. The No Action will retain status quo operating conditions in the monkfish FMP and therefore, changes in fishing effort or behavior are not expected. As a result, the No Action is not expected to result in the introduction of any new risks or additional takes to ESA listed species that have not already been considered and authorized by NMFS to date (NMFS 2013). Further, the monkfish FMP has not resulted in the exceedance of NMFS authorized take of any ESA listed species from 2013 to the present. The No Action Alternative, therefore, is not, as concluded in the NMFS 2013 Opinion, expected to result in levels of take that would jeopardize the continued existence of ESA listed species. For these reasons, the No Action is expected to have neutral impacts on ESA-listed species.

1.1.1.1.2 Option 2: Allow all limited access Monkfish Category C and D vessels to declare a NE multispecies DAS at sea in the Northern Fishery Management Area

Option 2 would increase flexibility for vessels by allowing the declaration of a NE multispecies DAS while at sea. This alternative would be expected to better achieve, but not exceed, the specifications set in FW8. The majority of trips do not appear to be restricted by the current trip limit, which suggests that a large increase in effort would not occur if Option 2 was implemented. Fishing effort would be restricted by the specifications set in FW8, along with AMs that account for any overage of ACLs and prevent future fishing operations from compromising the conservation objectives of the fishery. In addition, because vessels operating in the NFMA are predominantly groundfish vessels, monkfish fishing effort would likely be largely constrained by NE multispecies DAS or ACE allocations rather than monkfish DAS allocations. Thus Option 2 would not modify the expected interactions of monkfish or groundfish gear with protected resources. Based on this information, we do not expect Option 2 to introduce any new risks or additional takes to protected species that have not already been considered and/or authorized by NMFS to date (NMFS 2013; Waring *et al.* 2014) and therefore expect effects to protected species to be neutral. Compared to Options 1 and 3, Option 2 would have similar neutral impacts on protected resources.

1.1.1.1.3 Option 3: Allow only groundfish sector vessels holding limited access Monkfish Category D and D permits to declare a NE multispecies DAS at sea in the Northern Fishery Management Area

Option 3 would increase flexibility for vessels by allowing the declaration of a NE multispecies DAS while at sea. This alternative would be expected to better achieve, but not exceed, the specifications set in FW8. The majority of trips do not appear to be restricted by the current trip limit, which suggests that a large increase in effort would not occur if Option 3 was implemented. Fishing effort would be restricted by the specifications set in FW8, along with AMs that account for any overage of ACLs and prevent future fishing operations from compromising the conservation objectives of the fishery. In addition, because vessels operating in the NFMA are predominantly groundfish vessels, monkfish fishing effort would likely be largely constrained by NE multispecies DAS or ACE allocations rather than monkfish DAS allocations. Thus Option 3 would not modify the expected interactions of monkfish or groundfish gear with protected resources. Based on this information, we do not expect Option 3 to introduce any new risks or additional takes to protected species that have not already been considered and/or authorized by NMFS to date (NMFS 2013; Waring *et al.* 2014) and therefore expect effects to protected species to be neutral. Compared to Options 1 and 2, Option 3 would have similar neutral impacts on protected resources.

1.1.1.2 Southern Management Area at-sea Monkfish DAS declaration

1.1.1.2.1 Option 1: No Action

Under Option 1, there would be no change in the requirement for vessels to declare a monkfish DAS prior to leaving the dock. No change in fishing effort would be expected under Option 1, therefore the current trend of not achieving the monkfish TAL would be expected to continue. Additional risks to species that go above and beyond what has been considered are not expected. Therefore the status quo conditions would not be expected to result in additional takes of species that would jeopardize them. Compared to Option 2, Option 1 would have similar neutral impacts on protected resources.

1.1.1.2.2 Option 2: Allow at-sea Monkfish DAS declaration in the SFMA

Option 2 would increase flexibility for vessels fishing in the SFMA by allowing the declaration of a monkfish DAS while at sea. This alternative would be expected to better achieve, but not exceed, the specifications set in FW8. The majority of trips do not appear to be restricted by the current trip limit, which suggests that a large increase in effort would not occur if Option 2 was implemented. Fishing effort would be restricted by the specifications set in FW8, along with AMs that account for any overage of ACLs and prevent future fishing operations from compromising the conservation objectives of the fishery. Thus Option 2 would not modify the expected interactions of monkfish or groundfish gear with protected resources. Based on this information, we do not expect Option 3 to introduce any new risks or additional takes to protected species that have not already been considered and/or authorized by NMFS to date (NMFS 2013; Waring *et al.* 2014) and therefore expect effects to protected species to be neutral. Compared to Option 1, Option 2 would have similar neutral impacts on protected resources.

1.1.1.3 Modify DAS/trip limit allocation for Category F (offshore) vessels**1.1.1.3.1 Option 1: No Action**

Option 1 would not increase the trip limit or modify the allocation formula for the Category F fishery. No change in fishing effort would be expected under Option 1, because there would be no increased incentive to opt into the Category F fishery. Additional risks to species that go above and beyond what has been considered are not expected. Therefore the status quo conditions would not be expected to result in additional takes of species that would jeopardize them. Compared to Option 2, Option 1 would have similar neutral impacts on protected resources.

1.1.1.3.2 Option 2: Increase the trip limit and adjust monkfish DAS allocations accordingly

Option 2 would increase the trip limit or modify the allocation formula for the Category F fishery. This could create an incentive for more vessels to opt into the Category F fishery, which could shift effort offshore. If this shift in effort occurred, the impacts on inshore protected resources would be reduced while those offshore would be increased. However, it is difficult to predict future fishing behavior and overall fishing is restricted by specifications set in FW8. Option 2 would not modify the expected interactions of monkfish or groundfish gear with protected resources. Based on this information, we do not expect Option 3 to introduce any new risks or additional takes to protected species that have not already been considered and/or authorized by NMFS to date (NMFS 2013; Waring *et al.* 2014) and therefore expect effects to protected species to be neutral. Compared to Option 2, Option 1 would have similar neutral impacts on protected resources.

1.1.1.4 DAS requirements for RSA vessels when on a monkfish DAS**1.1.1.4.1 Option 1: No Action**

Under Option 1, there would be no change in the requirement for vessels to declare a monkfish RSA DAS prior to leaving the dock. No change in fishing effort would be expected under Option 1, therefore the current trend of not achieving the monkfish TAL would be expected to continue. Additional risks to species that go above and beyond what has been considered are not expected. Therefore the status quo conditions would not be expected to result in additional takes of species that would jeopardize them. Compared to Option 2, Option 1 would have similar neutral impacts on protected resources.

1.1.1.4.2 Option 2: Allow monkfish vessels to re-declare from a monkfish DAS to a monkfish RSA DAS while at sea

Option 2 would increase flexibility for vessels by allowing the declaration of a monkfish RSA DAS while at sea. This alternative would be expected to better achieve, but not exceed, the specifications set in FW8. The majority of trips do not appear to be restricted by the current trip limit, which suggests that a large increase in effort would not occur if Option 2 was implemented. Fishing effort would be restricted by the specifications set in FW8, along with AMs that account for any overage of ACLs and prevent future fishing operations from

compromising the conservation objectives of the fishery. Option 2 would not modify the expected interactions of monkfish or groundfish gear with protected resources. Based on this information, we do not expect Option 3 to introduce any new risks or additional takes to protected species that have not already been considered and/or authorized by NMFS to date (NMFS 2013; Waring *et al.* 2014) and therefore expect effects to protected species to be neutral. Compared to Option 1, Option 2 would have similar neutral impacts on protected resources.

1.1.2 Modifications to Monkfish Possession Limits

1.1.2.1 Northern Area Monkfish Trip Limit on a NE multispecies DAS

1.1.2.1.1 Option 1: No Action

Under Option 1, there would be no change to the monkfish possession limits in the NFMA. The No Action possession limits are consistent with the measures implemented under FW8 to achieve, but not exceed, the TAL and ACT specified in that action. The NFMA TAL and ACT would not change under Option 1, and neither fishing opportunities, nor effort would be changed by this action. Additional risks to species that go above and beyond what has been considered are not expected. Therefore the status quo conditions would not be expected to result in additional takes of species that would jeopardize them. Option 1 would have similar neutral impacts on protected resources as Option 2.

1.1.2.1.2 Option 2: Eliminate the trip limit on a NE multispecies DAS

Option 2 would eliminate the monkfish possession limits for vessels issued a Federal limited access monkfish Category C or D permit fishing under a groundfish DAS in the NFMA. However, none of the monkfish or groundfish catch limits or effort controls would be revised as part of this alternative. These measures would continue to serve as restraints on fishing effort in both fisheries, along with AMs that account for any overage of ACLs and prevent future fishing operations from compromising the conservation objectives of either fishery. Impacts to protected resources expected to Option 2 mirror those described above for Option 1 with the exception of scale. It is likely that Alternative 2 will increase monkfish landings and fishing effort beyond levels expected from Option 1. This will result in greater potential impacts to protected resources compared to those alternatives. However, as stated above for Option 1, increases in fishing effort are constrained by existing catch limits, effort controls, or AMs in both fisheries. Option 2 is not expected to create incentives that would affect gear usage in either the monkfish or groundfish fisheries. Therefore, compared to Option 1, Option 2 would result in slightly greater impacts to protected resources, although the overall impacts are expected to be negligible and neutral.

1.1.3 Modifications to gear requirements while on a Monkfish DAS

1.1.3.1 Modification to mesh size requirements on monkfish only DAS

1.1.3.1.1 Option 1: No Action

Option 1 would maintain the requirement for gillnet vessels to use 10" or greater mesh while on a monkfish DAS or NE multispecies/monkfish DAS. Additional risks to species that go above and beyond what has been considered are not expected. Therefore the status quo conditions would not be expected to

result in additional takes of species that would jeopardize them. Option 1 would have neutral impacts on protected resources because this would maintain the current level of fishing effort. Option 1 would more neutral impacts on protected compared to Option 2.

1.1.3.1.2 Option 2: Allow the use of 5-7” mesh in standup gillnet on monkfish-only DAS

Option 2 would allow the use of 5-7” stand-up gillnet mesh while on a monkfish or monkfish/NE multispecies DAS. This has already been occurring in the fishery and may not result in an increase in fishing effort. It is difficult to predict future fishing trends for a number of reasons discussed above. For example, this measure potentially would increase fishing effort if the majority of the fishery were following the original regulations. Option 2 would have low negative impacts on protected resources because the use of smaller mesh would potentially have increase negative interactions with protected resources, particularly sturgeon and turtles in the SFMA. This may be mitigated by a decrease in overall effort occurs if vessels are allowed to increase efficiency by fishing for dogfish and monkfish on the same trip instead of 2 separate trips. Option 2 would have similar low negative impacts on protected resources compared to Options 3 and 4 but more negative impacts compared to Option 1.

1.1.3.1.3 Option 3: Allow the use of 5-7” mesh in standup gillnet on monkfish DAS in NFMA

Option 3 would allow the use of 5-7” stand-up gillnet mesh while on a monkfish or monkfish/NE multispecies DAS. This has already been occurring in the fishery and may not result in an increase in fishing effort. It is difficult to predict future fishing trends for a number of reasons discussed above. For example, this measure potentially would increase fishing effort if the majority of the fishery were following the original regulations. Option 3 would have low negative impacts on protected resources because the use of smaller mesh would potentially have increase negative interactions with protected resources, particularly sturgeon and turtles in the SFMA. This may be mitigated by a decrease in overall effort occurs if vessels are allowed to increase efficiency by fishing for dogfish and monkfish on the same trip instead of 2 separate trips. Option 3 would have similar low negative impacts on protected resources compared to Options 2 and 4 but more negative impacts compared to Option 1.

1.1.3.1.4 Option 4: Allow the use of 5-7” mesh in standup gillnet on monkfish DAS in SFMA

Option 4 would allow the use of 5-7” stand-up gillnet mesh while on a monkfish or monkfish/NE multispecies DAS. This has already been occurring in the fishery and may not result in an increase in fishing effort. It is difficult to predict future fishing trends for a number of reasons discussed above. For example, this measure potentially would increase fishing effort if the majority of the fishery were following the original regulations. Option 4 would have low negative impacts on protected resources because the use of smaller mesh would potentially have increase negative interactions with protected resources, particularly sturgeon and turtles in the SFMA. This may be mitigated by a decrease in overall effort occurs if vessels are allowed to increase efficiency by fishing for dogfish and monkfish on the same trip instead of 2 separate trips. Option 4 would have similar low negative impacts on protected resources compared to Options 2 and 4 but more negative impacts compared to Option 1.

DRAFT