

Supplemental Environmental Assessment

Secretarial Emergency Action to Revise Fishing Year 2023 Acceptable
Biological Catch Levels for Gulf of Maine Haddock

Supplements the Environmental Assessment for Framework Adjustment
65 to the Northeast Multispecies Fishery Management Plan

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1. Executive Summary

1.1. Purpose and Need

The purpose of this action is to revise the GOM haddock ABC for fishing year 2023. The need for this action is to prevent significant direct economic loss and community impacts, and to preserve an economic opportunity that otherwise might not be available without this action, consistent with the requirements under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act.

1.2. Proposed Action

The preferred alternative is:

Alternative 3 (Preferred)-Revised Specifications at the Catch Level Associated with 100 Percent F_{MSY}

Under Alternative 3, the 2023 GOM haddock ABC specified in Framework 65 would be revised to the projected catch level associated with 100 percent of F_{MSY} and the commercial and recreational catch limits, as well as the sector-specific allocations, would increase accordingly.

At 100 percent of F_{MSY} :

Fishing mortality (F) is estimated at 0.338;

SSB is estimated at 16,002; and

The probability of overfishing is estimated to be 50 percent.

1.3. Summary of the Impacts of the Preferred Alternatives

The following table summarizing the impacts of the preferred alternatives by valued ecosystem component (VEC).

Table 1: Direct and Indirect Impacts of Analyzed Alternatives

Actions and Preferred Alternatives/Options	Direct and indirect impacts				
	Managed Resources	Non-target species	Habitat/Essential Fish Habitat	Protected Resources	Human communities (economic and social impacts)
Alternative 1 (No Action): Acceptable Biological Catch Limit Set at 75 Percent F_{MSY}	Slight +	No Impact	Slight -	Slight – to slight +	Economic: - to + Social: - to +
Alternative 2: Acceptable Biological Catch Limit Set at 90 Percent F_{MSY}	Slight +	No Impact	Slight -	Slight – to slight +	Economic: No Impact to + Social: No Impact to +
Alternative 3 (Preferred): Acceptable Biological Catch Limit Set at 100 Percent F_{MSY}	Slight +	No Impact	Slight -	Slight – to slight +	Economic: No Impact to + Social: No Impact to +

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3. Background

Framework Adjustment 65 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) set fishing year 2023 specifications for sixteen groundfish stocks, including Gulf of Maine (GOM) haddock. The specifications adopted by the Council were recommended by the Scientific and Statistical Committee (SSC) and incorporated the best available scientific data.

In 2022, the GOM haddock stock underwent a Research Track Assessment and, subsequently, a Level-3 Management Track Assessment. The 2021 spawning stock biomass (SSB) was estimated to be at 16,528 metric tons (mt), which is 270 percent of the biomass target, and the 2021 fully selected fishing mortality was estimated to be 0.375, which is 111 percent of the overfishing threshold proxy (NEFSC 2022, in prep). This represents a roughly 50-percent reduction in biomass compared to the previous assessment. Consequently, the 2022 Peer Review Panel concluded that the stock is not overfished, but the lower biomass resulted in an increase in fishing mortality above the overfishing threshold (i.e., overfishing is occurring) (Merrick et al 2022). This was a change in overfishing determination from the 2019 groundfish operational assessments, which indicated the stock was not overfished and overfishing was not occurring (NEFSC 2019).

Episodic recruitment in the GOM haddock fishery can drive large year classes, and the 2013 year class is the highest on record (NEFSC 2022, in prep). The 2020 year class is also strong and estimated to be the second largest year-class on record. However, this estimate is uncertain because it is only based on 2020 and 2021 data. Given this, fishery managers had anticipated a decline in biomass as the 2013 year-class ages out of the fishery. Framework 65 set the 2023 GOM haddock specifications at 1,936 mt, the acceptable biological catch (ABC) level associated with 75 percent of F_{MSY} , consistent with the Council's ABC control rule established in Amendment 16 to the NE Multispecies FMP. The 2023 GOM haddock ABC included in Framework 65 represents an 83-percent decrease compared to the 2022 GOM haddock ABC.

Following the December 2022 Council meeting, during which the Council took final action on Framework 65, members of the fishing industry started reporting an unanticipated increase in interactions with GOM haddock and raising concerns that the fishery may meet or exceed its allocation of GOM haddock as early as in the summer of 2023 due to the low quota. Exceeding its GOM haddock allocation mid-fishing year would have severely negative impacts for industry, both because GOM haddock is responsible for a substantial portion of groundfish revenues--\$10.8 million out of \$51.3 million in fishing year 2021--and because industry would be prevented from targeting other co-occurring groundfish stocks if the GOM is closed to the fishery or if industry employed avoidance behavior that would, in effect, close the GOM to fishing for the commercial groundfish fishery. In other words, uncertainty about the fishery's ability to continue for the entire fishing year could result in unnecessarily constrained fishing and the failure to harvest the available GOM haddock catch limit and other stocks, too.

This culminated in a discussion at the April 2023 Council meeting, which was attended by many concerned members of the fishing industry. At that meeting, the Council used catch trajectories from recent fishing years to predict at what point the fishery may harvest the full GOM haddock quota as proposed in Framework 65; the projections ranged from late August 2022 to late December 2022 (Figure 1). The Council passed a motion to send a letter to NMFS asking them to take emergency action. On May 2, 2023, the Council submitted a letter to NMFS requesting that the agency take emergency action "to set the GOM haddock ABC for fishing year 2023 at 90 percent F_{MSY} taking into consideration the Council's Risk Policy, National Standard 1 guidelines for phasing-in changes to ABCs, and relevant, recent fishery independent and dependent information." The Council stated in its request that the extent of the potential impact of the extremely low quota for GOM haddock was not well-defined when the Council took final

action on Framework 65, and therefore meets the requirement that the situation result from recent unforeseen events or recently discovered circumstances. The Council further explained that it seeks to balance the risk of overfishing against the risk of a major fishery closure that could result in market and community losses.

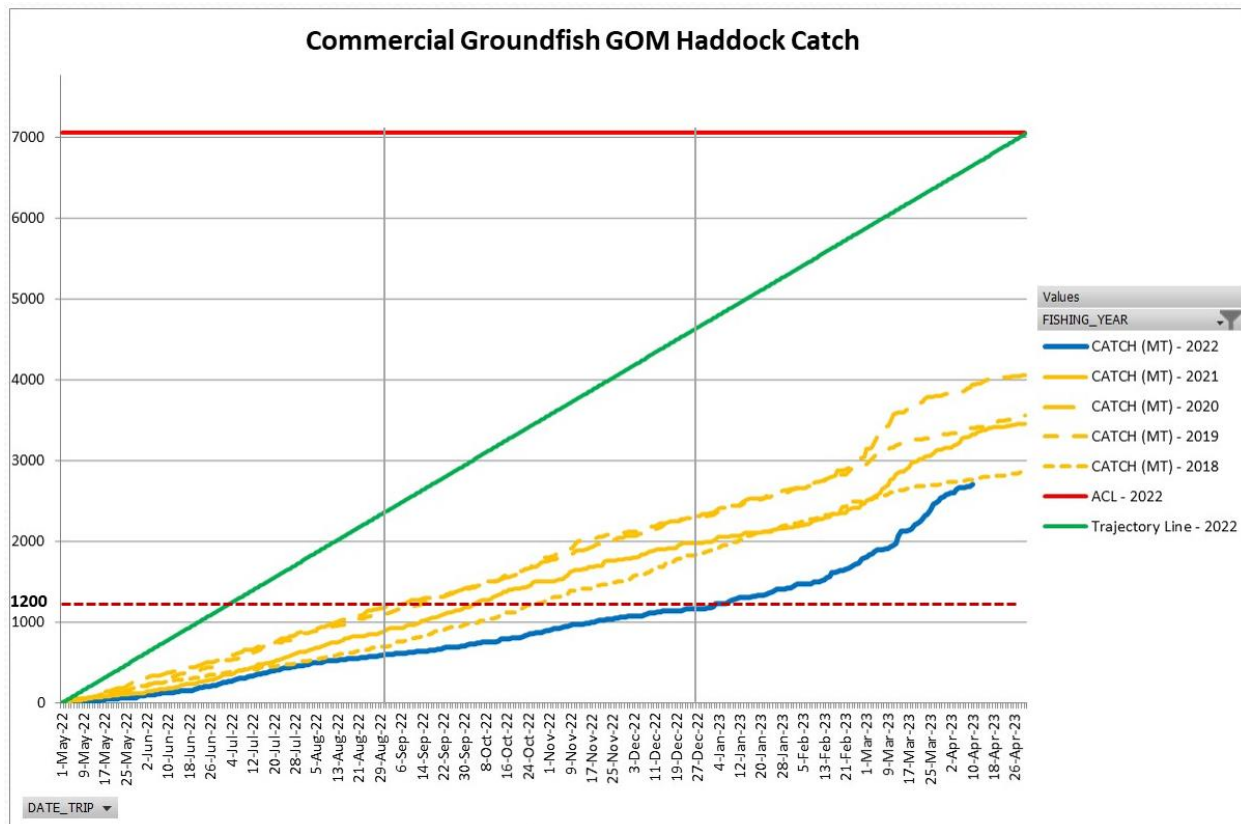


Figure 1: In-season utilization of GOM haddock by the commercial (sectors and common pool) groundfish fishery for FY2018 through FY2021 and in-season FY2022 (Source: GARFO)

Section 305(c) of the Magnuson-Stevens Fishery Management and Conservation Act (MSA) authorizes the Secretary of Commerce to promulgate emergency regulations to address an emergency for any fishery. The National Marine Fisheries Service (NMFS) last issued policy guidelines in determining whether the use of an emergency rule is justified (62 FR 44421; August 21, 1997). The guidelines state that the preparation of management actions under the emergency provisions of the MSA should be limited to special circumstances involving recently discovered circumstances that present serious conservation or management problems in the fishery where substantial harm or disruption of the resource, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures. The emergency criteria of the policy guidelines define the existence of an emergency as a situation that: “(1) Results from recent, unforeseen events or recently discovered circumstances; and (2) presents serious conservation or management problems in the fishery; and (3) can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.” The justifications described in the guidelines include the prevention of significant direct economic loss or to preserve a significant economic opportunity that otherwise might be

foregone, and the prevention of significant community impacts. The measures remain in place for 180 days, but may be extended for up to an additional 186 days if the public has had an opportunity to comment on the measures. This supplemental EA analyzes the impacts of the action for the duration of a year.

Although the Council has the authority to develop a management action to modify the GOM haddock catch limits, an emergency action can be developed and implemented by NMFS more quickly than a Council action which is subject to procedural and other requirements not applicable to the Secretary. The Council requested NMFS assistance because, if the normal regulatory process were used to revise the GOM haddock catch limit, it would take substantially longer for the new limits to be implemented, and could result in overly restrictive and economically harmful catch limits that otherwise may have been avoidable.

An emergency action would address possible management problems for the fishery because the current proposed low catch limits for GOM haddock could result in substantially reduced fishing effort and decreased catch and revenue due to the multispecies nature of the fishery. When the projected catch of the ACL for GOM haddock triggers a reduction or cessation of fishing effort (as required by the FMP for commercial vessels), not only is the catch of GOM haddock affected, but the catch of numerous other stocks that are caught concurrently is also reduced.

4. Purpose and Need

The purpose of this action is to revise the GOM haddock ABC for fishing year 2023. The need for this action is to prevent significant direct economic loss and community impacts, and to preserve an economic opportunity that otherwise might not be available without this action, consistent with the requirements under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act.

5. Proposed Actions and Alternatives

The proposed action and other alternatives considered in this supplemental EA are described in the following sections and summarized in the tables below. Table 2 compares the catch limits for Alternatives 1-3. Tables 3 and 4 show how the various alternatives would increase sector-specific allocations and common pool trimester total allowable catch (TAC). Any Trimester 1 allocation that is unused by the common pool is carried over into Trimester 2, and any unused Trimester 2 allocation is carried over to Trimester 3.

5.1. Alternative 1 (No Action)-Status Quo Specifications in Framework Adjustment 65

Under Alternative 1 (No Action), there would be no change to the 2023 GOM haddock ABC (1,936 mt) established in Framework 65. The ABC is set at the projected catch level associated with 75 percent F_{MSY} and is consistent with the Council's ABC harvest control rule. Under the No Action alternative, the catch limits specified in Framework 65, including the commercial and recreational sub-ACLs, as well as the sector-specific allocations, would remain the same.

5.2. Alternative 2-Revised Specifications at the Catch Level Associated with 90 Percent F_{MSY}

Under Alternative 2, the 2023 GOM haddock ABC specified in Framework 65 would be revised to the projected catch level associated with 90 percent of F_{MSY} and the commercial and recreational catch limits, as well as the sector-specific allocations, would increase accordingly.

At 90 percent of F_{MSY} :

Fishing mortality (F) is estimated at 0.304;
SSB is estimated at 16,066; and

The probability of overfishing is estimated to be 40 percent.

Because the revised specifications would be implemented through emergency action, the duration of the action would be limited by the MSA for an initial period of 180 days, with a potential extension through the end of the fishing year of not more than 186 days.

5.3. Alternative 3 (Preferred)-Revised Specifications at the Catch Level Associated with 100 Percent F_{MSY}

Under Alternative 3, the 2023 GOM haddock ABC specified in Framework 65 would be revised to the projected catch level associated with 100 percent of F_{MSY} and the commercial and recreational catch limits, as well as the sector-specific allocations, would increase accordingly.

At 100 percent of F_{MSY} :

Fishing mortality (F) is estimated at 0.338;

SSB is estimated at 16,002; and

The probability of overfishing is estimated to be 50 percent.

Because the revised specifications would be implemented through emergency action, the duration of the action would be limited by the MSA for an initial period of 180 days, with a potential extension through the end of the fishing year of not more than 186 days.

Table 2: Fishing Year 2023 GOM Haddock Specifications (mt)

Alternative	OFL	ABC	ACL Values									Total
			State Waters	Other Sub-Components	Scallops	Groundfish	Comm Groundfish	Rec Groundfish	Sectors	Non-Sector Groundfish	MWT or Small Mesh	
Alt 1: No Action	2,515	1,936	45	6.4	-	1,818	1,207.8	610	1,183.2	24.6	18	1,887
Alt 2: 90% F _{MSY}	2,515	2,285	53	7.6	-	2,146	1425.6	720	1,396.5	29.1	21	2,228
Alt 3: 100% F _{MSY}	2,515	2,515	58	8.3	-	2,362	1,569.1	793	1,537.1	32.0	23	2,452

Table 3: Fishing Year 2023 GOM Haddock Sector Annual Catch Entitlements (1,000 lbs)

Sector	Alternative 1 (No Action): Framework 65 Allocation	Alternative 2: Revised Allocation at 90 Percent F _{MSY}	Alternative 3: Revised Allocation at 100 Percent F _{MSY}
FGS	5	6	6
MCCS	326	385	424
MPB	30	35	39
Mooncusser	101	119	131
NEFS 2	548	647	712
NEFS 4	236	279	307
NEFS 5	3	4	4
NEFS 6	117	138	152
NEFS 8	190	224	247
NEFS 10	35	42	46
NEFS 11	73	86	95
NEFS 12	29	34	37
NEFS 13	24	29	31
NHPB	1	1	1
SHS 1	338	399	439
SHS 2	118	139	153
SHS 3	435	513	565
Common Pool	54	64	71
Sector Total	2,608	3,079	3,389

Table 4: Fishing Year 2023 GOM Haddock Common Pool Trimester TAC (mt)

Trimester	Trimester Allocations (%)	Alternative 1 (No Action): Framework 65 Allocation	Alternative 2: Revised Allocation at 90 Percent F_{MSY}	Alternative 3: Revised Allocation at 100 Percent F_{MSY}
Trimester 1	27	6.6	7.9	8.6
Trimester 2	26	6.4	7.6	8.3
Trimester 3	47	11.6	13.7	15.0

6. Affected Environment

The Framework 65 EA is incorporated by reference, and includes detailed descriptions of the valued ecosystem components (VECs) which comprise the affected environment. Section 5.1 provides background data in support of these VECs. A discussion of regulated groundfish species, including species and stock status descriptions and trends is included in Section 5.2. Non-groundfish species and bycatch, such as spiny dogfish, skates and monkfish, are discussed in Section 5.3. Assemblages of fish species are discussed in Section 5.4. The physical environment is addressed in Section 5.5 of the Framework 65 EA and describes the primary geographic area affected by the alternatives (Gulf of Maine, Georges Bank, and Southern New England/Mid-Atlantic), habitat, essential fish habitat (EFH) and interactions between habitat and various gear types. Protected resources are addressed in Section 5.6, including the protected resources present in the area, protected species potentially affected, species not likely to be affected, and the interactions between gear and protected resources. Human communities are addressed in Section 5.7, and includes an overview of the New England groundfish fishery and the effort and landings in each state.

The Framework 65 specifications are expected to have slightly positive impacts for groundfish stocks. The overfishing limits (OFL) and ABCs specified in Framework 65 have been updated to reflect the best available science. Relative to 2022, some 2023 groundfish annual catch limits (ACL) increased, while others decreased, but overall fishing mortality is expected to be lower because any potential increase in effort is expected to be tempered by constraining stocks that co-occur in those stocks areas. The specifications established in Framework 65 are not expected to have direct impacts for non-groundfish and bycatch species, although there may be slightly positive indirect impacts as a result of the revised specifications and anticipated reductions in fishing mortality. Framework 65 is expected to have slight negative impacts to the physical environment and EFH, mainly due to the use of bottom trawl gears, which have an adverse short-term effect on EFH. As described above, we expect ACL increases for some groundfish stocks to be mitigated by co-occurring constraining stocks and overall fishing effort to be similar to recent years. Fishing effort is used as a proxy to estimate potential protected species interactions because the risk of interaction depends on the amount of gear in the water, the duration of time the gear is in the water (e.g., soak or tow duration), and the presence of protected species in the same area and time as the gear. Fishing effort is not expected to change and, therefore, impacts to protected species are expected to range from slightly positive to slightly negative, similar to recent years. Framework 65 is expected to have negative impacts on the sector component of the commercial fishery, as well as the recreational fishery, due to constraining stocks, particularly GOM haddock; impacts to the common pool range from negative to positive. The social impacts of Framework 65 are also expected to range from negative to positive for both the commercial and recreational fishery.

As this is a supplement to Framework 65, only new and relevant data not included in Framework 65 is discussed below.

6.1. Recent Survey Trends for GOM Haddock

Recent trends in the bottom trawl survey show a slight uptick in abundance and biomass since the 2022 stock assessment when an additional year of survey data is added, which provides further evidentiary support for the theory that the 2020 year-class is strong and will soon enter the fishery. However, we do not know what effect, and to what extent, this recent uptick would have on catch projections and the specifications-setting process if it were incorporated into the stock assessment (Figure 2).

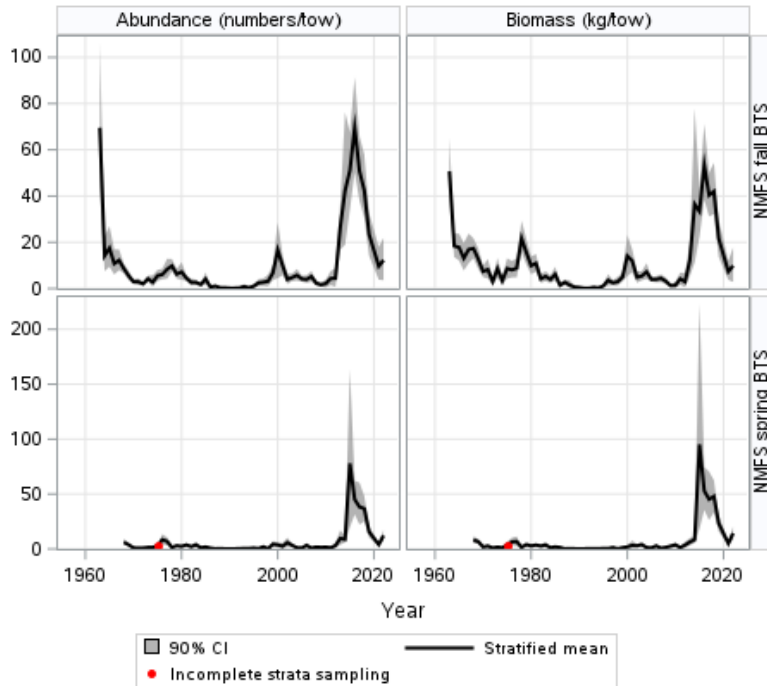


Figure 2: Stratified mean survey indices of abundance and biomass for GOM haddock in the NMFS fall and spring bottom trawl surveys (Source: NEFSC)

6.2. Recent Fishery Dependent Data Trends for GOM Haddock

An analysis of recent catch and discards for the commercial groundfish fishery (i.e., fishing years 2021-2022) completed by NMFS supported industry’s reports to the Council of increased interactions with GOM haddock, particularly for sublegal fish. The ratio of discards to total catch in the spring of 2023 reveals an increasing trend, out of proportion with what has been seen in recent fishing years. GOM haddock discards were low in fall 2022—approximately 1 percent of total catch—and began to increase abruptly in January 2023, to a high of 3.5 percent in March 2023 (See Figure 3). Although spikes such as this can occur, such as in April and June of 2022, they are difficult to predict with regards to timing and magnitude. This unanticipated increase in the level of fishery interactions was not apparent until after the Council took final action on Framework 65 and thus prevented the Council from considering the unexpected impacts of the low GOM haddock catch limit included in Framework 65 in response to changing conditions for the fishery.

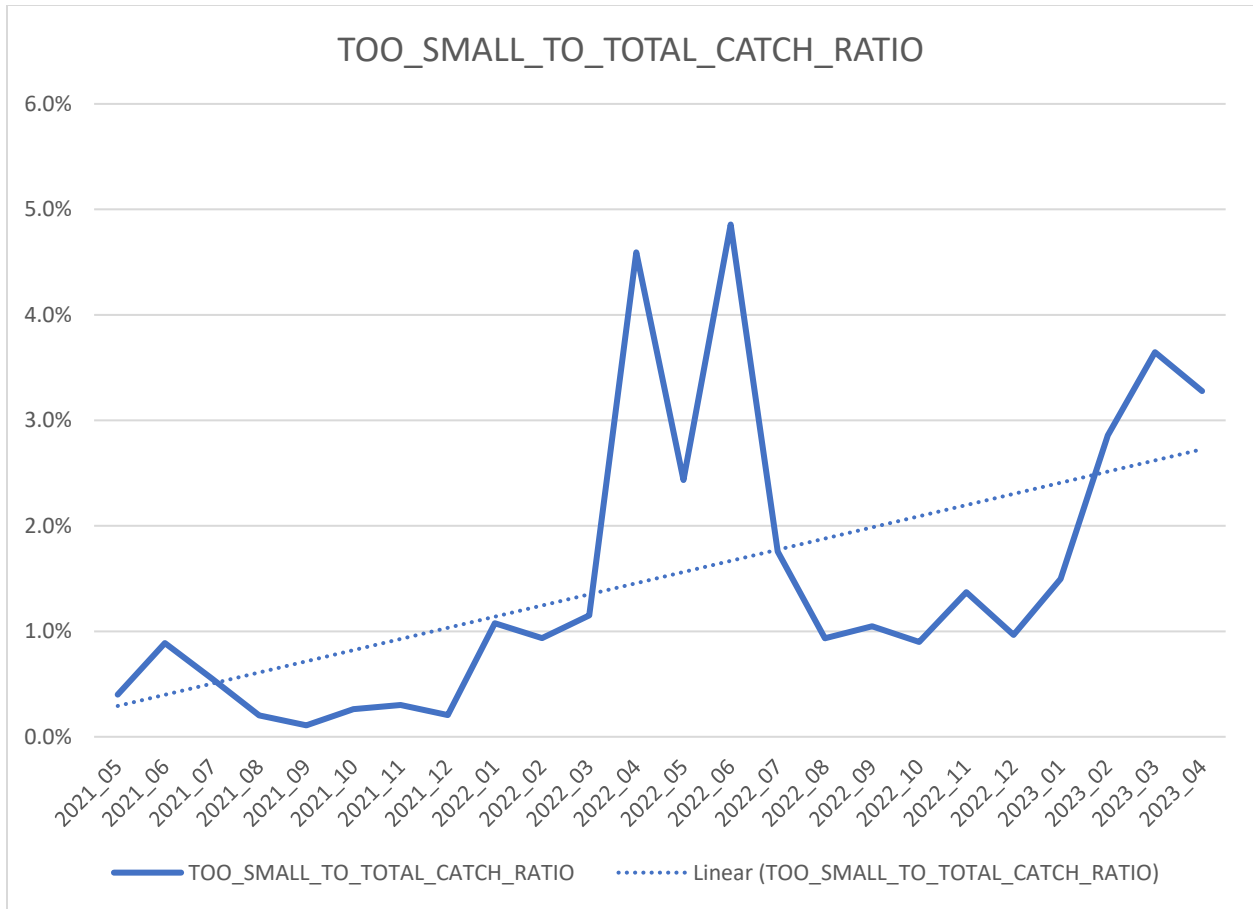


Figure 3: Ratio of sub-legal GOM haddock discards compared to total catch for 2021-2022 fishing years (Source: GARFO APSD)

6.3. Commercial Landings and Estimated Revenues

In FY2021, GOM haddock landings provided \$10.8 million (M) out of \$51.3M in total groundfish revenues, or about 21 percent; the largest source of revenue from a single stock (Table 5). Data shows that the proportion of commercial revenue derived from GOM haddock has increased from fishing year 2017 to 2021. Other co-occurring species caught primarily in the GOM (e.g., redfish, pollock, American plaice) provided an additional \$17.7M. Together with the GOM haddock landings, they are responsible for roughly half the fishery’s revenues. According to the Quota Change Model, GOM haddock revenues are expected to decline to \$4.4M under the Framework 65 specifications, which is a \$6.4M decrease from 2021 (Table 6). Other GOM stocks might increase slightly to \$18.7M, but this will only be the case if the fishery is able to remain open in the GOM broad stock area. In summary, GOM haddock and co-occurring stocks found in the GOM were responsible for \$28.5M of \$51.3M in revenues in 2021. The proposed Framework 65 specifications are expected to decrease GOM haddock revenues by more than half. While revenue for other GOM stocks may increase slightly (\$1M) as a result of industry shifting effort to other stocks, this increase will not fully compensate for the decrease in GOM haddock revenues nor will it be realized if an early closure prevents industry from fishing in the GOM.

Total predicted gross revenues for 2023 for groundfish trips under the Framework 65 specifications is \$74.2M and the predicted operating profit is \$51.0M. NMFS completed a Quota Change Model (QCM)

analysis in support of this action (See Section 5.7.11.2 for information on the QCM methodology). Based on the results of the QCM analysis, predicted gross revenues for 2023 for groundfish trips under the preferred alternative are \$73.5M and the predicted operating profit is \$50.1M (Table 7). The slight decrease predicted by the QCM is because white hake is expected to become the most constraining stock in the event that the GOM haddock quota is increased under emergency action and, as such, is predicted to constrain fishing effort and revenues across all BSAs. However, actual fishing behavior is likely to differ from the model output in that industry will likely employ avoidance behavior to limit catch of constraining stocks (i.e., white hake) while harvesting other co-occurring stocks. Specific to GOM haddock, the QCM analysis found that increasing the GOM haddock quota would raise revenues for that stock by \$1.3M. In addition, revenues from other groundfish stocks found in the GOM would also increase by \$0.8M (Pers. comms, NEFSC SSB).

Table 5: Stock-level commercial (sector and common pool) revenue (millions of 2021\$), FY2017-2021 (Source: NEFSC SSB)

Stock	2017	2018	2019	2020	2021	Avg.
GB Cod East	0.2	0.5	0.3	0.2	0.2	0.3
GB Cod West	2.2	3.4	2.5	1.8	1.7	2.3
GOM Cod	1.5	1.7	1.7	1.2	1.2	1.5
GB Winter Flounder	2.9	3.2	2.1	1.4	1.6	2.2
GOM Winter Flounder	0.7	0.6	0.3	0.3	0.4	0.4
SNE Winter Flounder	2.9	1.6	0.9	0.5	0.4	1.2
GB Haddock East	0.6	1.1	1.3	1.1	1.2	1.1
GB Haddock West	6.8	8.3	9.6	13.0	7.5	9.0
GOM Haddock	5.6	6.7	8.7	10.0	10.8	8.4
Atlantic Halibut	0.4	0.4	0.4	0.4	0.3	0.4
White Hake	4.9	4.7	4.4	4.5	5.7	4.8
American Plaice	6.0	5.2	3.2	2.2	2.5	3.8
Pollock	6.1	5.8	5.8	8.8	8.8	7.1
Redfish	6.0	6.3	6.1	8.3	5.6	6.5
Witch Flounder	2.4	3.0	3.0	3.1	3.0	2.9
CC/GOM Yellowtail Flounder	0.7	0.4	0.4	0.3	0.5	0.5
GB Yellowtail Flounder	0.1	0.1	0.0	0.0	0.0	0.1
SNE Yellowtail Flounder	0.1	0.0	0.0	0.0	0.0	0.0
Total	50.2	52.9	50.6	56.9	51.3	52.4

Table 6: Results from the Quota-Change Model. Fishing year 2023 stock-level catch and revenue predictions with 5 percent and 95 percent confidence intervals, nominal dollars (millions) under Framework 65. Stocks presented in order of fishing year 2023 predicted ex-vessel value. Sub-ACLs for GB Cod East/West based on proportion of catch over fishing years 2021-2022

Stock	Sub-ACL (mt)	Predicted Catch (mt)	Predicted Utilization	FY2023 Prediction	<i>p</i> (5%) Revenue	<i>p</i> (95%) Revenue	FY2022 Predicted Revenue	FY2021 Realized Revenue
GB Haddock West	9,432	3,120	33.1%	10.8	8.7	13	7.7	7.6
Pollock	13,018	3,242	24.9%	8.7	8	9.4	7.2	8.9
Redfish	9,370	4,027	43.0%	6.1	5.3	6.9	6.4	5.7
White Hake	1,808	1,719	95.1%	5.5	5.1	5.9	5.5	5.8
GOM Haddock	1,185	1,183	99.9%	4.4	4.3	4.5	12.0	11.1
Witch Flounder	1,111	824	74.1%	3.1	2.8	3.5	3.4	3
American Plaice	5,230	741	14.2%	2.7	2.3	3.2	2.6	2.5
GB Haddock East	1,500	533	35.5%	1.5	0.9	2.2	0.9	1.2
GB Cod West	332	331	99.8%	1.4	1.2	1.4	1.0	1.7
GB Winter Flounder	1,599	232	14.5%	1.2	0.7	1.8	1.5	1.6
SNE/MA Winter Flounder	383	168	43.9%	0.8	0.5	1.2	0.7	0.4
GOM Cod	269	137	50.9%	0.7	0.7	0.8	1.4	1.2
CC/GOM Yellowtail Flounder	941	165	17.6%	0.3	0.3	0.4	0.6	0.5
Halibut	N/A	35	N/A	0.3	0.3	0.3	0.3	0.3
GOM Winter Flounder	561	41	7.3%	0.2	0.2	0.2	0.4	0.3
GB Cod East	34	23	67.7%	0.1	0.1	0.1	0.1	0.2
SNE/MA Yellowtail Flounder	26	1	2.0%	<0.1	<0.1	<0.1	<0.1	<0.1
GB Yellowtail Flounder	82	<0.1	0.5%	<0.1	<0.1	<0.1	<0.1	<0.1

Table 7: Median QCM values (millions) from 250 model runs for the sector groundfish fishery (Source: NEFSC SSB)

	Groundfish Gross Revenues	Total Gross Revenues	Operating Cost	Sector Cost	Quota Cost	Operating Profit	Days Absent
Framework 65	47.9	74.2	19.1	1.5	4.3	51.0	8,894
Emergency Action	48.7	73.5	18.6	1.5	4.4	50.1	8,860

7. Impacts of Alternatives

This supplemental EA evaluates the potential biological, physical, protected resources, and economic and social impacts using the criteria outlined in Table 8. Impacts from all alternatives are compared individually and judged relative to the baseline conditions, as described in Section 6.0 of the Framework 65 EA and incorporated by reference here (Table 9).

Table 8: General definitions for impacts and qualifiers relative to resource condition (i.e., baseline)

VEC	Resource Condition	Impact of Action		
		Positive (+)	Negative (-)	No Impact (0)
Target and Non-target Species	Overfished status defined by the MSA	Alternatives that would maintain or are projected to result in a stock status above an overfished condition*	Alternatives that would maintain or are projected to result in a stock status below an overfished condition*	Alternatives that do not impact stock / populations
ESA-listed Protected Species (endangered or threatened)	Populations at risk of extinction (endangered) or endangerment (threatened)	Alternatives that contain specific measures to ensure no interactions with protected species (e.g., no take)	Alternatives that result in interactions/take of listed resources, including actions that reduce interactions	Alternatives that do not impact ESA listed species
MMPA Protected Species (not also ESA listed)	Stock health may vary but populations remain impacted	Alternatives that will maintain takes below PBR and approaching the Zero Mortality Rate Goal	Alternatives that result in interactions with/take of marine mammal species that could result in takes above PBR	Alternatives that do not impact MMPA Protected Species
Physical Environment / Habitat / EFH	Many habitats degraded from historical effort and slow recovery time (see condition of the resources table for details)	Alternatives that improve the quality or quantity of habitat	Alternatives that degrade the quality, quantity or increase disturbance of habitat	Alternatives that do not impact habitat quality
Human Communities (Socioeconomic)	Highly variable but generally stable in recent years (see condition of the resources table for details)	Alternatives that increase revenue and social well-being of fishermen and/or communities	Alternatives that decrease revenue and social well-being of fishermen and/or communities	Alternatives that do not impact revenue and social well-being of fishermen and/or communities

Impact Qualifiers		
A range of impact qualifiers is used to indicate any existing uncertainty	Negligible	To such a small degree to be indistinguishable from no impact
	Slight (sl) or low (L), as in slight/low positive or slight negative	To a lesser degree / minor
	Moderately (M) positive or negative	To an average degree (i.e., more than “slight”, but not “high”)
	High (H), as in high positive or high negative	To a substantial degree (not significant unless stated)
	Significant (in the case of an EIS)	Affecting the resource condition to a great degree, see 40 CFR 1508.27.
	Likely	Some degree of uncertainty associated with the impact
*Actions that will substantially increase or decrease stock size, but do not change a stock status may have different impacts depending on the particular action and stock. Meaningful differences between alternatives may be illustrated by using another resource attribute aside from the MSA status, but this must be justified within the impact analysis.		

Table 9: Direct and Indirect Impacts of Analyzed Alternatives

Actions and Preferred Alternatives/Options	Direct and indirect impacts				
	Managed Resources	Non-target species	Habitat/Essential Fish Habitat	Protected Resources	Human communities (economic and social impacts)
Alternative 1 (No Action): Acceptable Biological Catch Limit Set at 75 Percent F_{MSY}	Slight +	No Impact	Slight -	Slight – to slight +	Economic: - to + Social: - to +
Alternative 2: Acceptable Biological Catch Limit Set at 90 Percent F_{MSY}	Slight +	No Impact	Slight -	Slight – to slight +	Economic: No Impact to + Social: No Impact to +
Alternative 3 (Preferred): Acceptable Biological Catch Limit Set at 100 Percent F_{MSY}	Slight +	No Impact	Slight -	Slight – to slight +	Economic: No Impact to + Social: No Impact to +

7.1. Biological Impacts

7.1.1. Alternative 1-No Action

7.1.1.1. *Impacts on Regulated Groundfish*

Under the No Action Alternative described in Section 5.1, the 2023 GOM haddock ABC recommended by the SSC and adopted by the Council in Framework 65 would remain unchanged (1,936 mt). The GOM haddock ABC would be based on the results of the 2022 management track assessment for the stock and 75 percent of F_{MSY} , consistent with the Council's ABC control rule for stocks that are not in a rebuilding plan. It is likely that the No Action Alternative will constrain the catch of other stocks in addition to Gulf of Maine haddock, due to the relatively low catch limit and the constraining management measures that are triggered when catch limits are reached in either the common pool or sectors.

The No Action Alternative can be represented by the Preferred Alternative described in the EA for Framework 65. The GOM haddock stock is not overfished and is currently estimated to be at 270 percent of its SSB. Although the 2022 stock assessments found that overfishing is occurring for this stock, the ABC recommended in Framework 65 incorporates this new information and has a 27 percent risk of overfishing. As such, this alternative is expected to have a slight positive impact on groundfish stocks. Compared to Alternatives 2 and 3, this alternative would likely result in lower mortality of GOM haddock.

7.1.1.2. *Impacts on Other Species*

Adopting this option would not be expected to have direct impacts on non-groundfish species such as monkfish, dogfish, skates, and sea scallops. It does, however, determine the maximum fishing mortality rates that are permissible. Since the allowed catches could influence the level of fishing effort it may indirectly affect catches of monkfish, skates, and dogfish that are made while targeting groundfish stocks, but these effects are believed to be minimal. Other regulated species have their own catch limits and, under the No Action Alternative, additional directed fishing pressure that would increase the rate of fishing on these species is not expected. The No Action alternative is expected to have negligible biological impacts on other species.

7.1.2. Alternative 2-Revised Specifications at the Catch Level Associated with 90 Percent F_{MSY}

7.1.2.1. *Impacts on Regulated Groundfish*

This revision to the 2023 GOM haddock catch limits would set the ABC to the level associated with 90 percent of F_{MSY} . The resulting value would be 2,285 mt, an 18-percent increase from the No Action ABC of 1,936 mt. Scientific uncertainty has been accounted for in this catch level because the probability of overfishing is significantly below the allowable 50 percent threshold, and the resulting SSB estimate at the 2,285 mt catch level is 16,066 mt, well above the SSB_{msy} value of 6,123 mt. The probability of overfishing is 40 percent. While this represents an increase in the risk of overfishing from the No Action Alternative, it is not unreasonable given several factors, including: (1) the probability of overfishing is significantly below the 50 percent threshold required by law; (2) the status of the stock is robust, as described above; and (3) the temporary nature of this action, which would continue for 180 days and could be extended an additional amount, the total of which would be less than one year at most. This alternative is not expected to result in an overfished status for GOM haddock.

Under the No Action Alternative, GOM haddock is expected to be constraining, particularly if the fishing industry fully utilizes the stock and triggers a closure of the GOM BSA. In comparison, the fishery would be allocated a higher catch limit under Alternative 1, which would result in more GOM haddock being caught (landings and discards). The management uncertainty buffer has been removed from the ABC proposed in this alternative as recommended by the Council and proposed in Framework 65. Removal of

the management uncertainty buffer is consistent with the intent of this emergency action, which is to minimize the potential economic consequences of these significant quota reductions compared to the previous fishing year for a stock that remains at a very high level of biomass. The measure recommended by the Council and that we are implementing removes the management uncertainty buffer for sectors only; the management uncertainty buffers for the common pool and the recreational fishery will remain in place for the 2023 fishing year. This would allow industry to fish in the GOM BSA and harvest more haddock before full utilization of the quota, which would trigger a closure of the GOM BSA and prevent the fishing industry from harvesting other species found in the GOM.

The intent of this alternative is to mitigate economic harm and unexpected impacts to industry resulting from low GOM haddock quotas and increased fishery interactions. However, due to the multispecies nature of the fishery, other constraining stocks may keep the commercial groundfish fishery—both sectors and the common pool—from harvesting the full GOM haddock allocation. In particular, white hake, is expected to be constraining for 2023. An increase to the GOM haddock catch limits could result in white hake becoming the most constraining stock, and it may be constraining to the degree of preventing the commercial fishery from fully harvesting the entirety of the additional GOM haddock quota. Despite this, and for the other reasons explained above, this alternative is expected to have a slight positive impact on groundfish stocks and the expected differences between this alternative and Alternatives 1 and 3 are negligible.

7.1.2.2. Impacts on Other Species

A larger catch limit for GOM haddock may result in greater catch of other stocks (monkfish, skates, and dogfish) in addition to GOM haddock, as compared to the No Action Alternative, because it could increase groundfish fishing effort, which could increase bycatch of other non-target stocks. Because all stocks have catch limits and, in some cases, management measures designed to constrain catch, the additional fishing effort that could result from a larger GOM haddock catch limit is not likely to negatively impact other groundfish stocks, or result in catch exceeding catch limits for other stocks. The revised GOM haddock annual catch limits are expected to have little impact on the rate of bycatch, but could increase the net amount of bycatch slightly, if the increased catch limit enables vessels to increase their fishing effort. Alternatively, an increase in GOM haddock could result in slightly lower impacts to other stocks if vessels shift their effort off other stocks, such as monkfish, dogfish, and skates, to target groundfish. Regardless of whether this alternative results in a slight increase or slight decrease, we expect Alternative 2 to have negligible impacts overall on other species.

7.1.3. Alternative 3 (Preferred)-Revised Specifications at the Catch Level Associated with 100 Percent F_{MSY}

7.1.3.1. Impacts on Regulated Groundfish

This revision to the 2023 GOM haddock catch limits would set the ABC to the level associated with 100 percent of F_{MSY} . The resulting value would be 2,515 mt, a 29-percent increase from the No Action ABC of 1,936 mt. The resulting SSB estimate at the 2,515 mt catch level is 16,002 mt, well above the SSB_{msy} value of 6,123 mt. The probability of preventing overfishing is 50 percent. Like Alternative 2, this represents an increase in the risk of overfishing from the No Action Alternative. However, like Alternative 2, it is reasonable given several factors, including: (1) the probability of overfishing does not exceed 50 percent, as required by law; (2) the healthy status of the stock, as described above; and (3) the temporary nature of this action, which would continue for the remainder of the fishing year (i.e., less than one year at most). This alternative is not expected to result in an overfished status for GOM haddock.

Further, similar to Alternative 2, this alternative would allocate more quota to the fishing industry and would allow them to harvest more haddock, as well as other groundfish stocks and non-groundfish species, in the GOM while avoiding or before triggering a BSA closure. Like Alternative 2, the management uncertainty buffer would be removed for sectors under Alternative 3, while maintaining it for the common pool and the recreational fishery. This alternative is expected to have a slight positive impact on groundfish stocks and is not expected to result in significantly different impacts than Alternatives 1 or 2.

7.1.3.2. Impacts on Other Species

A larger catch limit for GOM haddock may result in greater catch of other stocks (monkfish, skates, and dogfish) in addition to GOM haddock, as compared to Alternatives 1 and 2, because it could increase groundfish fishing effort, which could increase bycatch of other non-target stocks. Because all stocks have catch limits and, in some cases, management measures designed to constrain catch, the additional fishing effort that could result from a larger GOM haddock catch limit is not likely to negatively impact other groundfish stocks, or result in catch exceeding catch limits for other stocks. The revised GOM haddock annual catch limits are expected to have little impact on the rate of bycatch, but could increase the net amount of bycatch slightly, if the increased catch limit enables vessels to increase their fishing effort. Alternatively, an increase in GOM haddock could result in slightly lower impacts to other stocks if vessels shift their effort off other stocks, such as monkfish, dogfish, and skates, to target groundfish. Regardless of whether this alternative results in a slight increase or slight decrease, we expect Alternative 3 to have negligible impacts overall on other species.

7.2. Habitat Impacts

7.2.1. Alternative 1-No Action

Under the No Action alternative, there would be no change in fishing effort relative to what was analyzed in Framework 65. It is expected that Framework 65 will have slightly negative impacts to the physical environment. As compared to Alternatives 2 and 3, the No Action Alternative may result in less effort and, thus, less benthic impacts. However, as a result of the factors described above in the biological impacts section and the modest nature of the increases, Alternatives 2 and 3 are not likely to result in a significant increase in impacts to the benthic environment.

7.2.2. Alternative 2-Revised Specifications at the Catch Level Associated with 90 Percent F_{MSY}

Alternative 2 may result in a slight increase in fishing effort due to the increased GOM haddock quota, which would increase habitat impacts. As described in the biological impacts section, this alternative would increase the GOM haddock quota by 349 mt relative to No Action, or 18 percent. This represents a 1-percent increase in the overall groundfish quota that can be harvested in the GOM, from 38,189 mt to 38,538 mt, and includes the following stocks: GOM cod, GOM haddock, Cape Cod/GOM yellowtail flounder, American plaice, Witch flounder, GOM winter flounder, Acadian redfish, White hake, and pollock. Compared to GOM haddock catch limits in recent years (2020-2022), which averaged 16,005 mt, an allocation of 2,285 mt for fishing year 2023, combined with low quotas for other groundfish stocks found in the GOM, will still result in relatively low fishing effort. Furthermore, this alternative would not provide any new or additional access to year-round closed areas or habitat closed areas. Any effort increases would occur in areas that are already subject to fishing by mobile tending bottom gear. Given the small increase in overall quota available in the GOM under Alternative 2 and other factors described above, it is expected to have slightly negative impacts on benthic habitat, and negligible impacts relative to Alternatives 1 and 3.

7.2.3. Alternative 3 (Preferred)-Revised Specifications at the Catch Level Associated with 100 Percent F_{MSY}

Alternative 3 would increase the GOM haddock quota by 579 mt relative to No Action, or 28 percent. This represents a 2-percent increase in the overall groundfish quota that can be harvested in the GOM, from 38,189 mt to 38,768 mt. Similar to Alternative 2, this represents a small increase in the overall quota available in the GOM and does not provide new access to year-round closed areas or habitat closures. Therefore, it is expected to have slightly negative impacts on benthic habitat, and negligible impacts relative to Alternatives 1 and 2.

7.3. Protected Resources Impacts

7.3.1. Alternative 1-No Action

Section 5.6 of the Framework 65 EA describes the protected species (i.e., ESA-listed and/or MMPA protected) found in the GOM, as well as potential interaction risks associated with predominant gear types used to prosecute the commercial Northeast multispecies fishery that operates in the GOM (i.e., gillnet and bottom trawl gear). Under Alternative 1, no action would be taken and the impacts to protected species would be consistent with those analyzed under the Framework 65 EA. There would not be an increase in the ABC and there would not be an increase in fishing effort or a corresponding increase in the potential for protected species interactions. Therefore, as described in section 6.4.2 of Framework 65, Alternative 1 is likely to have slight negative to slight positive impacts on protected species, with slight negative to slight positive impacts likely on MMPA (non-ESA listed) protected species, and negligible to slight negative impacts likely for ESA-listed species.

This alternative has the potential to result in slightly less fishing effort relative to Alternatives 2 and 3, but any potential increase in fishing effort associated with the other alternatives would be small, as described in Section 7.1, and so the difference is expected to be negligible. Given this, relative to Alternative 2 and 3, impacts to protected species are expected to be negligible.

7.3.2. Alternative 2-Revised Specifications at the Catch Level Associated with 90 Percent F_{MSY}

Gear interaction risks to protected species are associated with the gear type, amount of gear in the water, the duration of time the gear is in the water (e.g., soak or tow duration), and the presence of protected species in the same area and at the same time as the gear. Catch limits can be used to predict levels of fishing effort (e.g., amount of gear set or towed) and behavioral changes (e.g., area fished) and, thus, inform interaction risks to protected species as a result of a given action.

Alternative 2 would increase the GOM haddock ABC by 349 mt, from 1,936 mt to 2,285 mt. While this represents an 18-percent increase in the GOM haddock ABC, it is still a small increase in the overall quota allotment for groundfish stocks found in the GOM (1 percent) and a significant decline from the 2022 GOM haddock ABC (11,526 mt). This catch limit may result in an increase in fishing effort in the GOM because industry would be able to harvest more fish before achieving full utilization of the GOM haddock quota, if industry is able to harvest the quota without being constrained by white hake. However, catch projections for 2023 predict that white hake will be one of the most constraining stocks for the fishery and, thus, may prevent industry from fully harvesting GOM haddock quota. If white hake does not prevent industry from harvesting the GOM haddock quota, this alternative still represents a very small increase in the overall quota available. Given this, increases in effort under Alternative 2 are not expected.

Given the above, relative to the catch limits analyzed in Framework 65, it is expected that this alternative would result in minimal, if any, changes in fishing effort. Further, due to constraining stocks, such as white hake, this small increase in the ABC is not expected to create an incentive for effort to increase substantially in the fishery or for fishing to occur in areas of the BSA that haven't already been fished.

Given this, relative to current operating conditions in the fishery, commercial fishing effort (e.g., number of trips, amount of gear fished, gear soak or tow duration) and/or behavior (e.g., area fished, time fishing) are not expected to be substantially affected by this action; and therefore, are consistent with what was considered in the Framework 65 EA.

Given this information, and the fact that interaction risks with protected species are strongly associated with gear type, the amount of gear in the water, gear soak or tow duration and the area of overlap of the gear and a protected species, relative to what was considered in Framework 65, Alternative 2 is not expected to introduce new or elevated interaction risks to protected species. Based on this, as described in Section 6.4.2.2 of the Framework 65 EA, impacts to protected species are expected to range from slight negative to slight positive, with slight negative to slight positive impacts expected for MMPA-protected species, and negligible to slight negative impacts expected for ESA-listed species.

Overall, none of the alternatives will introduce changes in fishing effort and behavior that differ greatly from current operating conditions in the fishery. Given this, changes in fishing effort and behavior between alternatives are expected to be negligible and, as a result, any differences in impacts to protected species between Alternatives 2 and Alternatives 1 and 3 are expected to be negligible.

7.3.3. Alternative 3 (Preferred)-Revised Specifications at the Catch Level Associated with 100 Percent F_{MSY}

Alternative 3 would increase the GOM haddock ABC by 579 mt, from 1,936 mt to 2,515 mt. While this represents a 29-percent increase in the GOM haddock ABC from the amount proposed in Framework 65, it is still a small increase in the overall quota allotment for groundfish stocks found in the GOM (2 percent) and a substantial decline from the 2022 GOM haddock ABC (11,526 mt). Similar to Alternative 2, this catch limit may result in an increase in fishing effort in the GOM because industry would be able to harvest more fish before achieving or while avoiding full utilization of the GOM haddock quota, assuming industry is able to harvest the quota without being constrained by white hake. However, it is expected that this alternative would result in minimal, if any, changes in fishing effort compared to the catch limits analyzed in Framework 65. Further, due to constraining stocks (i.e., white hake), this small increase in the ABC is not expected to create an incentive for effort to increase substantially in the fishery or for fishing to occur in areas of the BSA that haven't already been fished. Given this, relative to current operating conditions in the fishery, commercial fishing effort (e.g., number of trips, amount of gear fished, gear soak or tow duration) and/or behavior (e.g., area fished, time fishing) are not expected to be substantially affected by this action and are consistent with what was considered in the Framework 65 EA.

Given the small increase in quota relative to the overall available quota in the GOM, this alternative is expected to have similar impacts to Alternative 2, which is to say that changes in effort or fishing behavior are not expected and the overall impacts to protected species are expected to be slightly positive to slightly negative, and any differences in impacts to protected species between Alternatives 3 and Alternatives 1 and 2 are expected to be negligible.

7.4. Human Communities

7.4.1. Alternative 1-No Action

7.4.1.1. *Economic Impacts*

The No Action Alternative would leave the 2023 GOM haddock ABC unchanged from what was analyzed in Framework 65. Section 6.5 of Framework 65 includes a detailed description of the economic impacts expected under these conditions. Framework 65 estimated fishing year 2023 groundfish revenue to be \$47.9M, which is a \$4.0M (7.7 percent) decrease from the realized fishing year 2021 value of

\$51.9M. Total gross revenues from groundfish trips is predicted to be \$74.2M for fishing year 2023, which is a \$0.9M (1.2 percent) decrease from the realized fishing year 2021 value (\$75.1M). The predicted operating profit for fishing year 2023 is \$51.0M, representing a \$2.1M (4.0 percent) decrease from the realized fishing year 2021 value of \$53.1M. The QCM for Framework 65 was completed during the development of Framework 65 and did not consider the spike in GOM haddock catch and discards beginning in January 2023. Once new information became available following the Council's final action on Framework 65, the Council determined that the low GOM haddock quotas could have negative impacts to industry based on recent trends in survey and fishery-dependent data, which indicated that industry could catch its entire allocation early in the fishing year and emergency action was necessary to mitigate economic harm.

Framework 65 predicted GOM haddock, GB cod west, and white hake to be the most constraining stocks under the recommended 2023 catch limits, although witch flounder was also predicted to have a high rate of utilization. GOM haddock is expected to have a much higher utilization rate in 2023 compared to recent fishing years, and groundfish vessels will experience the most impacts. For sector vessels, quota lease prices are expected to increase and higher sector quota prices may further lower fishery operating profits at a time when operating costs greatly exceed prior fishing years, due to increased fuel costs. The common pool and recreational groundfish fishery would also experience reductions in their allocations compared to recent fishing years.

Framework 65 predicted that GOM haddock catch rates may decline in 2023 given the decrease in estimated biomass. No matter the catch rate for GOM haddock, revenue generated from that stock in particular will decline sharply from fishing year 2021 levels. Realized fishing year 2021 revenues from GOM haddock were \$11.1M, while predicted FY2023 revenues by the QCM total \$4.4M assuming the fishery is not shut down early and is able to fully harvest its available catch.

New Bedford, Gloucester, Portland, and Boston are predicted to be the top-grossing homeports, with smaller amounts of revenue in New Hampshire, Rhode Island, and other Northeast ports. By trip port, the vast majority of groundfish revenue is predicted for New Bedford, Gloucester, and Boston. This is consistent with recent fishing years. Because their revenue relies in part on groundfish landings and they are located in the GOM, both Boston and Gloucester are predicted to be negatively impacted in particular from the lower GOM haddock quota. Framework 65 determined that the No Action Alternative had negative to positive economic impacts overall.

7.4.1.2. Social Impacts

Framework 65 is expected to have positive social impacts for the commercial fishery, particularly among fishing communities in New Bedford, Boston, and Gloucester, MA, where catch and revenues are the highest. These positive impacts will be particularly beneficial in New Bedford and Boston, where indicators suggest that community social vulnerability and environmental justice concerns are the highest. Framework 65 is expected to have negative social impacts for the recreational fishery because of the reduced catch limit (See Section 6.6.2.2 of the Framework 65 EA).

7.4.2. Alternative 2-Revised Specifications at the Catch Level Associated with 90 Percent F_{MSY}

7.4.2.1. Economic Impacts

NMFS had limited time and resources to conduct an economic analysis in support of a GOM haddock emergency action. As such, the economic impacts associated with an increased ABC to 90 percent F_{MSY} (2,285 mt) was not analyzed. Instead, an economic analysis was conducted for Alternative 3, which is the preferred alternative and represents the upper boundary of the alternatives considered in this document. See Section 7.4.3 of this document for further details. Based on past experience with setting catch limits, NMFS expects that the economic impacts associated with Alternative 2 most likely would fall somewhere

between Alternatives 1 and 3. Alternative 2 would likely result in higher revenues of stocks found in the GOM than Alternative 1, but less so than Alternative 3.

7.4.2.2. Social Impacts

The social impacts associated with Alternative 2 are expected to be similar to those described below under Alternative 3. Alternative 2, which would increase the 2023 GOM haddock by 349 mt, from 1,936 mt to 2,285 mt, is expected to have positive social impacts for fishing communities--particularly those that operate in the GOM—compared to Alternative 1, but to a lesser extent than Alternative 3.

Overall, Alternative 2 is expected to have negligible to positive impacts for the commercial groundfish fishery.

7.4.3. Alternative 3 (Preferred)-Revised Specifications at the Catch Level Associated with 100 Percent F_{MSY}

7.4.3.1. Economic Impacts

Alternative 3 would increase the 2023 GOM haddock ABC to 100 percent of F_{MSY} , from 1,936 mt to 2,515 mt. NMFS conducted an analysis using the QCM to evaluate the impacts of the higher GOM haddock catch limit should it be implemented through emergency action. The model predicted an overall increase in groundfish revenues to \$48.7M, a \$0.8M increase (Table 10). Specific to GOM haddock, the analysis found that increasing the GOM haddock quota would raise revenues for that stock by \$1.3M. In addition, revenues from other groundfish stocks found in the GOM would also increase by \$0.8M (Pers. comms, NEFSC SSB). GOM haddock is expected to be fully utilized for 2023. Catch in the 2023 fishing year to date has been low in relation to recent fishing years (See Figure 4). This is likely due to seasonal fishing patterns (i.e., fishing effort historically is low in May and June) along with concerns about the substantially lower catch limits, and we anticipate an increase in catch rates beginning in July based on data from past fishing years. Historic effort and seasonal trends in the fishery demonstrate lower catch and effort at the start of the fishing year followed by a substantial increase (i.e., potentially double or more effort and catch in October through April) in catch and effort and, thus, a substantial likelihood of early closure under the severely reduced quota. For example, fishing at last year's catch rate would have resulted in full utilization of the GOM haddock quota proposed in Framework 65 by December 2022. Alternatively, if the fishery takes measures to constrain its overall catch in response to the low quota and in an effort to remain under the GOM haddock quotas for the entire fishing year, industry may fail to harvest the quota which will result in foregone economic opportunities, both for catching haddock but also other fish stocks. A catch limit increase is expected to benefit industry by mitigating the unexpected impacts resulting from the low quotas proposed in Framework 65 and high levels of catch by providing additional fishing opportunities and revenues and delaying, or preventing, a fishery closure of the GOM BSA.

However, the model also predicted a decrease in total revenues from groundfish trips to \$73.5M, a \$0.7M decrease, and a decrease in operating profit to \$50.1M, a \$0.9M decrease (Table 10). Revenue from GB and SNE groundfish stocks is projected to decrease by \$1.4M. In summary, increasing the annual catch limits for GOM haddock is likely to provide some relief in terms of operational flexibility for commercial groundfish vessels, and increased allocations will reduce the likelihood that GOM haddock would become a constraining stock. As the GOM haddock catch limit increases, white hake is expected to become more constraining for groundfish vessels. Because white hake is a single-unit stock, any constraining impacts experienced by industry as a result of full utilization will apply to all BSAs and could theoretically limit fishing on GB and SNE. In actuality, raising the GOM haddock ABC is not expected to decrease revenues or limit fishing activities in other BSAs. Although the increase in revenues projected under Alternative 3

are insignificant in the aggregate, it is expected to mitigate negative local impacts expected to affect some ports more than others (i.e., Boston, Gloucester) under the No Action Alternative.

Table 10: Median QCM values (millions) from 250 model runs for the sector groundfish fishery (Source: NEFSC SSB)

	Groundfish Gross Revenues	Total Gross Revenues	Operating Cost	Sector Cost	Quota Cost	Operating Profit	Days Absent
Framework 65	47.9	74.2	19.1	1.5	4.3	51.0	8,894
Emergency Action	48.7	73.5	18.6	1.5	4.4	50.1	8,860

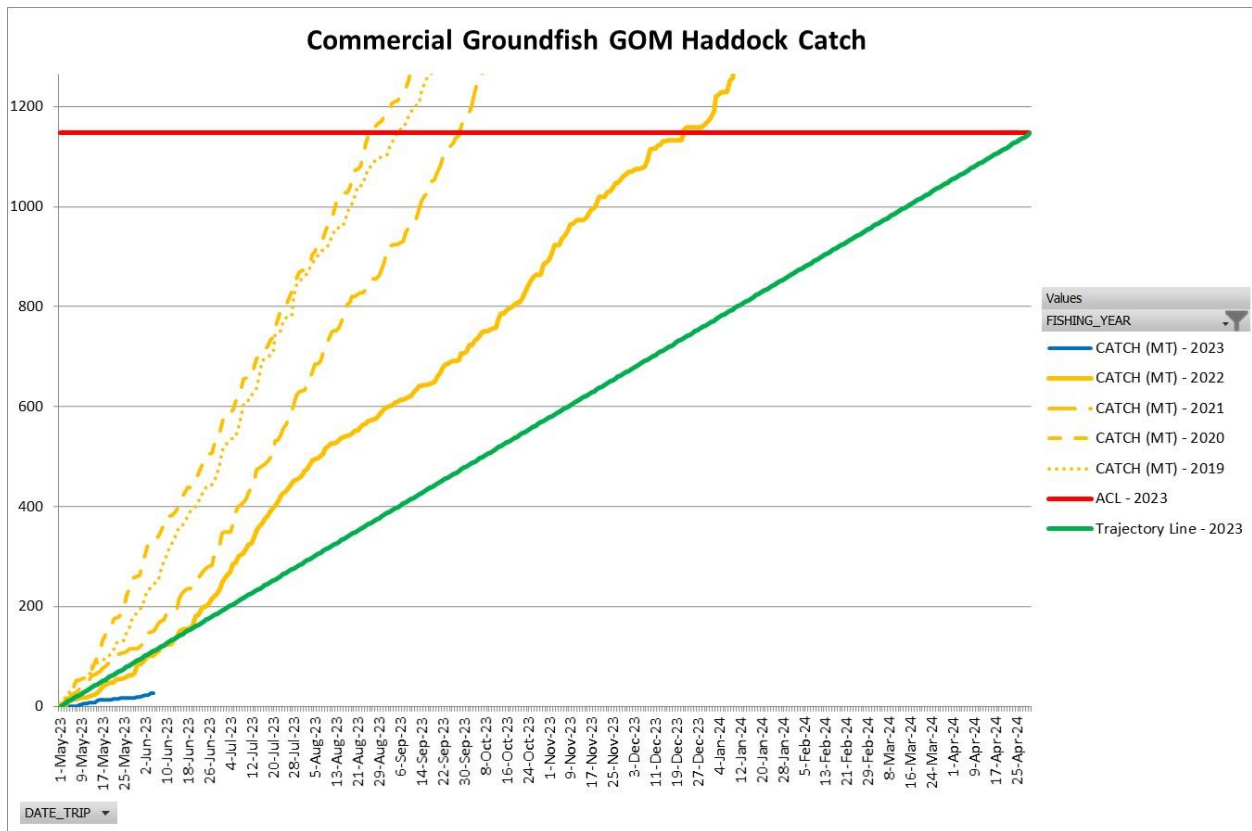


Figure 4: GOM Haddock Catch in the Commercial Groundfish Fishery as of June 9, 2023 (Source: GARFO APSD)

7.4.3.2. Social Impacts

The primary social benefits resulting from increasing the GOM haddock quota are (1) providing fishermen with additional quota to harvest a stock that is currently healthy and estimated at 270 percent of its SSB, and (2) additional flexibility for industry to be able to adjust to the large decrease in quota compared to the previous fishing year by taking advantage of seasonal variations, as well as avoidance of GOM haddock and greater ability to pursue other stocks in the GOM longer if GOM haddock is a less constraining stock. The greater flexibility and ability to adjust is expected to help avoid or mitigate the potentially harsh economic and social impacts that would occur from an early fishery closure in the GOM. The fishery will likely still need to adjust its fishing behavior to remain within the catch limits in

Alternative 3, but the additional catch will provide greater operational flexibility than otherwise. The additional flexibility, along with a potential revenue increase, would result in a positive social impact for GOM-based fishermen when compared to the No Action Alternative. The positive social impacts are expected to be particularly beneficial in smaller fishing ports (e.g., Scituate) with fewer active vessels and less robust shoreside infrastructure. These communities are particularly vulnerable to changes in fishing effort and landings due to fluctuations in annual catch limits and, therefore, may experience the unexpected impacts of the No Action Alternative disproportionately compared to larger, more robust communities. This alternative would also have positive social impacts for the recreational fishery, compared to the No Action Alternative.

Based on the results of the QCM analysis and the projected socioeconomic impacts, Alternative 3 is expected to have negligible to slight positive impacts for the groundfish fishery.

8. Cumulative Effects

The information presented in Section 6.7 of the Framework 65 EA, which described the affected environment, geographic and temporal scope of the VECs, and past, present, and reasonably foreseeable future actions, is supplemented by the following information. The action described in the EA, when considered in conjunction with all the other pressures placed on fisheries by past, present, and reasonably foreseeable future actions, is expected to yield non-significant slight negative impacts to slight positive impacts.

8.1. Past, Present and Reasonably Foreseeable Future Action

At its June meeting, the Council initiated Framework 66 to the NE multispecies FMP. The action includes an evaluation of GOM haddock specifications for 2024 and 2025, among other measures. An increase in the 2023 ABC through this action may result in changed ABC projections for future fishing years compared to those set in Framework 65. For example, under the preferred alternative for 2023 (i.e., 100 percent $F_{MSY} = 2,515\text{mt}$) included in this document, the 2024 and 2025 ABC at 75 percent F_{MSY} would be 1,962 mt and 1,955 mt, respectively. This is a decrease from the 2024 and 2025 values proposed in Framework 65: 2,038 mt and 2,017 mt, respectively (NEFSC SSB). In Framework 66, the Council is expected to consider new information relevant to the 2024 and 2025 GOM haddock ABCs and develop measures necessary to prevent overfishing.

8.2. Summary of the Impacts from the Preferred Alternatives

8.2.1. Biological Impacts

As described in the Cumulative Effects Section (Section 6.7) of the Framework 65 EA, the long-term trend in the groundfish fishery has been positive for cumulative impacts to target species. While several groundfish species remain overfished or overfishing is occurring, substantial effort reductions since implementation of the NE multispecies FMP have allowed several stocks to rebuild and the rebuilding process for others is underway.

As described in this document, the 2022 stock assessment showed that overfishing was occurring for GOM haddock. The stock assessment showed that the SSB had been overestimated and, as such, the 2022 catch limits were not set at a sustainable level. However, the stock assessment also found that the GOM haddock SSB was still well above SSB_{msy} —16,528 mt compared to 6,123 mt—and the stock is not overfished. The preferred alternative analyzed in this action (i.e., 2023 GOM haddock ABC of 2,515 mt) set the ABC at 100 percent F_{MSY} . Although this ABC represents an increased risk of overfishing compared to the ABC recommended in Framework 65 (i.e., 2023 GOM haddock ABC of 1,936 mt based on 75 percent F_{MSY}), it is still set at a level projected to prevent overfishing and is not expected to result in an overfished status. In addition, recent survey trends indicate that the stock may have experienced

another episodic recruitment event in 2020, which, if true, would result in an increase in numbers as those fish start to enter the fishery. Thus, the cumulative effect of this action is not expected to negatively impact the stock status of the GOM haddock resource, or cause significant long-term effects.

Given the current status of the stock and recruitment projections, the management measures proposed in this action are not expected to compromise the continued sustainability of the GOM haddock resource. Changes in fishing effort in response to the quota increase could increase interaction with protected resources, but impacts would be expected to be slight negative to slight positive because the increase is relatively small compared to the fishery as a whole. The preferred alternative would have slight negative impacts on benthic habitats and EFH because it is not creating any effort in previously closed areas and effort will be restricted by quotas. Thus, the proposed action is expected to have insignificant impacts relative to the measures adopted by the Council in the Framework 65 EA, and slight negative to slight positive impacts for target and non-target species, habitat, and protected species overall.

8.2.2. Socioeconomic Impacts

All management actions taken under the NE multispecies FMP have had effects on human communities. Framework 65, in particular, is expected to have negative impacts in the short-term as maintaining or increasing catch and effort controls result in declining revenues, but positive impacts long-term as more stocks are fully rebuilt.

The proposed action analyzed in this document would be expected to result in an increase in operational flexibility, and therefore, catch in the commercial fishery, which may result in an increase in revenue for associated businesses. By increasing the GOM haddock catch limits, this action would allow fishermen to better target GOM haddock, or other stocks they were previously unable to target due to low GOM haddock quotas. However, these increases may be minimal if GOM haddock harvest, or fishing in the GOM BSA altogether, are restricted by other constraining stocks, such as white hake.

Because of this, the cumulative impact of this action in conjunction with other past, present and reasonably foreseen future actions is expected to be negative to positive economically and negligible to slightly positive socially, compared to the trend of significant negative impacts on communities until additional future stock rebuilding occurs.

9. List of Preparers and Persons/Agencies Consulted

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10. Compliance with Applicable Laws and Executive Orders

10.1. Magnuson-Stevens Fishery Conservation and Management Act: National Standards

Section 301 of the Magnuson-Stevens Act requires that FMPs contain conservation and management measures that are consistent with the ten National Standards. Changes to the FMP implemented through Amendment 16 address how the proposed management actions comply with the National Standards. Under Amendment 16, the NEFMC adopted conservation and management measures that would end

overfishing and rebuild NE multispecies stocks to achieve, on a continuing basis, the optimum yield for NE multispecies stocks and the U.S. fishing industry using the best scientific information available consistent with National Standards 1 and 2. The NE Multispecies FMP and implementing regulations manage all 20 groundfish stocks (13 species) throughout their entire range, as required by National Standard 3. Section 9.1.1 of Amendment 16 describes how the sector measures implemented under that action do not discriminate among residents of different states consistent with National Standard 4, do not have economic allocation as their sole purpose (National Standard 5), account for variations in these fisheries (National Standard 6), avoid unnecessary duplication (National Standard 7), take into account fishing communities (National Standard 8), addresses bycatch in fisheries (National Standard 9), and promote safety at sea (National Standard 10). By proposing to meet the National Standards requirements of the Magnuson-Stevens Act through future FMP amendments and framework actions, the NEFMC will ensure that overfishing is prevented, overfished stocks are rebuilt, and the maximum benefits possible accrue to the ports and communities that depend on these fisheries and the Nation as a whole.

This action complies with all elements of the Magnuson-Stevens Act, including the National Standards, and the NE Multispecies FMP. The measures proposed in this action would continue to prevent overfishing for GOM haddock, and would not result in the stock being overfished. This action is based on best scientific information available, including stock assessments, surveys, and catch data from the commercial fishery. This action would provide additional operational flexibility for the groundfish fishery, and would allow for additional harvest prior to harvesting up to the GOM haddock ABC.

10.2. National Environmental Policy Act

This EA is being prepared using the 2020 CEQ NEPA Regulations as modified by the Phase I 2022 revisions. The effective date of the 2022 revisions was May 20, 2022 and reviews begun after this date are required to apply the 2020 regulations as modified by the Phase I revisions unless there is a clear and fundamental conflict with an applicable statute. This EA began on May 2, 2023, and accordingly proceeds under the 2020 regulations as modified by the Phase I revisions.

10.3. Endangered Species Act

Pursuant to section 7 of the Endangered Species Act (ESA), NOAA's National Marine Fisheries Service (NMFS) issued a Biological Opinion (Opinion) on May 27, 2021, that considered the effects of the NMFS' authorization of ten FMPs, NMFS' North Atlantic Right Whale Conservation Framework, and the NEFMC's Omnibus Essential Fish Habitat Amendment 2, on ESA-listed species and designated critical habitat. The ten FMPs considered in the Opinion include the: (1) American Lobster; (2) Atlantic Bluefish; (3) Atlantic Deep-Sea Red Crab; (4) Mackerel/Squid/Butterfish; (5) Monkfish; (6) Northeast Multispecies; (7) Northeast Skate Complex; (8) Spiny Dogfish; (9) Summer Flounder/Scup/Black Sea Bass; and (10) Jonah Crab FMPs. The American Lobster and Jonah Crab FMPs are permitted and operated through implementing regulations compatible with the interstate fishery management plans (ISFMP) issued under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (ACA), the other eight FMPs are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

The 2021 Opinion determined that the NMFS' authorization of ten FMPs, NMFS' North Atlantic Right Whale Conservation Framework, and the NEFMC's Omnibus Essential Fish Habitat Amendment 2: (1) may adversely affect, but is not likely to jeopardize, the continued existence of North Atlantic right, fin, sei, or sperm whales; the Northwest Atlantic Ocean distinct population segment (DPS) of loggerhead, leatherback, Kemp's ridley, or North Atlantic DPS of green sea turtles; any of the five DPSs of Atlantic sturgeon; Gulf of Maine DPS Atlantic salmon; or giant manta rays; and (2) is not likely to adversely affect designated critical habitat for North Atlantic right whales, the Northwest Atlantic Ocean DPS of loggerhead sea turtles, U.S. DPS of smalltooth sawfish, Johnson's seagrass, or elkhorn and staghorn

corals. An Incidental Take Statement (ITS) was issued in the Opinion. The ITS includes reasonable and prudent measures and their implementing terms and conditions, which NMFS determined are necessary or appropriate to minimize impacts of the incidental take in the fisheries assessed in this Opinion.

NMFS has recently received information that the estimated incidental bycatch rate of Atlantic sturgeon in gillnet gear through 2021 may be higher than what was expected and authorized in the Opinion. NMFS is reviewing this information in order to fully understand the implications on Atlantic sturgeon and is considering if reinitiation of consultation is required. However, based on the information described above, NMFS does not anticipate that this action would be likely to jeopardize the continued existence of any ESA-listed species or adversely modify their designated critical habitat. The proposed action does not entail making any changes to the fishery that would cause an increase in interactions with or effects to ESA-listed species or their critical habitat.

10.4. Marine Mammal Protection Act

Section 7.3 of this Supplemental EA and Section 6.4 of the Framework 65 EA describe the impacts of the proposed action on marine mammals. The proposed action is not expected to alter fishing effort or behavior. Therefore, this action is not expected to affect marine mammals or critical habitat in any manner not considered in previous consultations on the fisheries.

10.5. Coastal Zone Management Act

Section 307(c)(1) of the Federal CZMA of 1972 requires that all Federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. Pursuant to Section 930.36(c) of the regulations implementing the CZMA, NMFS made a general consistency determination that the NE Multispecies FMP is consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. This general consistency determination applies to the current NE Multispecies FMP, and all subsequent routine Federal actions carried out in accordance with the FMP. A general consistency determination is warranted because catch specifications are repeated activities that adjust the use of management tools previously implemented in the FMP. A general consistency determination avoids the necessity of issuing separate consistency determinations for each incremental action. NMFS submitted this determination to the above states on October 21, 2009. North Carolina, Rhode Island, Virginia, Connecticut, New Hampshire, and New Jersey, Delaware, and Pennsylvania concurred with the general consistency determination; consistency was inferred for those states that did not respond.

10.6. Administrative Procedure Act

Section 553 of the Administrative Procedure Act establishes procedural requirements applicable to rulemaking by Federal agencies. The purpose of these requirements is to ensure public access to the Federal rulemaking process, and to give the public adequate notice and opportunity for comment. Pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(1) and (3), there is good cause to waive prior notice and opportunity for public comment for the action revising the fishing year 2023 GOM haddock acceptable biological catch (ABC); as well as the delayed effectiveness for this action and Framework 65. Prior notice and opportunity for comment has been provided on Framework 65. Prior notice and opportunity to comment on the emergency action measures would be impracticable and contrary to the public interest, and the emergency action relieves restrictions. There is an opportunity to comment on the emergency action to revise the GOM haddock ABC after its implementation.

The Framework 65 measures contain catch limits that are necessary to put in place as soon as practicable so that the fishery can operate consistent with those limits. This emergency action adjusts the GOM haddock ABC implemented by Framework 65. Catch limits are regularly implemented each fishing year around the time that corresponds with the beginning of the fishing year. They are prepared through the Fishery Management Council with robust and extensive public opportunity to comment and participate. Fishing industry participants anticipate and rely on a quick implementation of these catch limits to provide certainty to their operations.

The emergency action relieves a restriction by raising potentially constraining catch limits. Delay in the implementation of this action may require the fishery to take measures to unnecessarily constrain its overall catch to a degree that results in reduced revenues and lost fishing opportunities, as well as the cessation of fishing by sector vessels in the GOM BSA and implementation of inseason restrictions for vessels fishing in the common pool, if the current, unrevised low catch levels are reached. The revised catch limits are based on the most recent scientific information for the GOM haddock stock, as well as recent harvest trends reported by industry that are supported by survey data and fishery dependent data. The increased catch of GOM haddock, which began in January 2023 after the Council had taken final action on Framework 65, would have unexpected negative impacts for the fishery. Therefore, the time necessary to provide for prior notice, opportunity for public comment, and delayed effectiveness for this action may prevent some vessels from targeting GOM haddock, or could severely curtail fishing operations if the current annual catch limit is reached prior to implementation of the revised, larger catch limit. A swift implementation of the revised catch limits will minimize the chances of negative economic impacts resulting from the current GOM haddock catch limit.

10.7. Section 515 (Data Quality Act)

Pursuant to NOAA guidelines implementing Section 515 of Public Law 106-554 (the Data Quality Act), all information products released to the public must first undergo a Pre-Dissemination Review to ensure and maximize the quality, objectivity, utility, and integrity of the information (including statistical information) disseminated by or for federal agencies. The following section addresses these requirements.

10.7.1. Utility

The information presented in this document is helpful to the intended users (the affected public) by presenting a clear description of the purpose and need of the proposed action, the measures proposed, and the impacts of those measures. A discussion of the reasons for selecting the proposed action is included so that intended users may have a full understanding of the proposed action and its implications.

10.7.2. Integrity

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

10.7.3. Objectivity

For the purpose of the Pre-Dissemination Review, this document is considered to be a “Natural Resource Plan.” Accordingly, the document adheres to the published standards of the Magnuson-Stevens Act; the Operational Guidelines, Fishery Management Plan Process; the Essential Fish Habitat Guidelines; the National Standard Guidelines; and NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act.

The catch levels analyzed in the supplemental EA are based on analyses conducted by experts and specialists familiar with the core data sets, life history of the species, population dynamics, and statistical modeling as well as having extensive knowledge of the fishery. As such, the information used to develop the catch levels represents the best available, most recent information for the GOM haddock populations.

Clear distinctions have been drawn between policy choices and the supporting science upon which they are based. Supporting materials, information, data and analyses used for the management measures in this action are properly referenced. Many of these supporting documents are readily available on the Council or GARFO web sites. All supporting materials, information, data, and analyses within this document have been, to the maximum extent practicable, properly referenced according to commonly accepted standards for scientific literature to ensure transparency.

The review process for development of this action and associated documents involves staff from NMFS’ Regional Office (GARFO), the Northeast Fisheries Science Center, and NMFS headquarters. The Center’s technical review is conducted by senior level scientists with specialties in fisheries ecology, population dynamics, and biology, as well as economics and social anthropology. Review by GARFO is conducted by those with expertise in fisheries management and policy, habitat conservation, protected resources, and compliance with the applicable law. Final approval of the documents and clearance of the rule is conducted by staff at NMFS Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget.

10.8. Paperwork Reduction Act (PRA)

The purpose of the PRA is to control and, to the extent possible, minimize the paperwork burden for individuals, small businesses, nonprofit institutions, and other persons resulting from the collection of information by, or for, the Federal Government. This action contains no new information collection requirements and, as such, no review under the PRA is necessary.

10.9. Impacts of the Plan Relative to Federalism/EO 13132

This specifications document does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order (EO) 13132.

10.10. Regulatory Flexibility Act Analysis

This emergency/interim rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment.

11. References

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Dogfish, Summer Flounder/Scup/Black Sea Bass, and Jonah Crab Fisheries and (b) Implementation of the New England Fishery Management Council's Omnibus Essential Fish Habitat Amendment 2. National Marine Fisheries Service, Greater Atlantic Regional Fisheries Office, Gloucester, Massachusetts; May 2021.

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