

lesson, the correction of assigned work with such suggestions or recommendation as may be necessary to instruct the student, the keeping of student achievement records, and issuance of a diploma, certificate, or other evidence to the student upon satisfactorily completing the requirements of the course.

(b) *Special services or special courses* means those services or courses that VA requests that are supplementary to those the institution customarily provides for similarly circumstanced non-Veteran students and that the contracting officer considers to be necessary for the rehabilitation of the trainee.

871.205 Proration of charges.

A contract must include the exact formula agreed on for the proration of charges in the event that the Veteran's program is interrupted or discontinued before the end of the term, semester, quarter, or other period, or the program is completed in less time than stated in the contract.

871.206 Other fees and charges.

VA may pay fees and other charges that are not prescribed by law but are required by nongovernmental organizations, such as initiation fees required to become a member of a labor union and the dues necessary to maintain membership incidental to training on the job or to obtaining employment during a period in which the Veteran is a chapter 31 participant, provided there are no facilities feasibly available where the necessary training can be feasibly accomplished or employment obtained without paying such charges. Payment for such fees must be made in accordance with part 813.

871.207 Payment of tuition or fees.

(a) Contracts, agreements, or arrangements requiring the payment of tuition or fees must provide either of the following:

(1) Payment for tuition or fees must be made in arrears and must be prorated in installments over the school year or the length of the course.

(2) An institution may be paid in accordance with paragraph (b) of this section, if the institution operates on a regular term, quarter, or semester basis and normally accepts students only at the beginning of the term, quarter, or semester and if the institution is one of the following:

(i) An institution of higher learning that uses a standard unit of credit recognized by accrediting associations. Such institutions include those that are members of recognized national or

regional educational accrediting associations, and those that, although not members of such accrediting associations, grant standard units of credit acceptable at full value without examination by collegiate institutions that are members of national or regional accrediting associations.

(ii) A public tax-supported institution.

(iii) An institution operated and controlled by a State, county, or local board of education.

(b) An institution that meets the exceptions of paragraph (a)(2) of this section and that has a refund policy providing for a graduated scale of charges for purposes of determining refunds may be paid part or all such tuitions or fees for a term, quarter, or other period of enrollment immediately following the date on which the refund expires.

(c) Proration of charges does not apply to a fee for noncontinuing service, such as a registration fee, etc.

(d) The period for which payment of charges may be made is the period of actual enrollment and is subject to the following:

(1) The effective date is the date of the trainee's entrance into training status, except that payment may be made for an entire semester, quarter, or term in institutions operating on that basis if the trainee enters no later than the final date set by the institution for enrolling for full credit.

(2) In those cases where the institution has not set a final date for enrolling for full credit or does not set a date acceptable to VA, payment may be prorated on the basis of attendance, regardless of the refund policy.

(3) If an institution customarily charges for the amount of credit or number of hours of attendance for which a trainee enrolls, payment may be made on that basis when a trainee enrolls after the final date permitted for carrying full credit for the semester or term.

871.208 Rehabilitation facilities.

Charges by rehabilitation facilities for the rehabilitation services provided under 38 U.S.C. chapter 31 are paid in the same manner as charges for educational and vocational services through contract, agreement, or other arrangement.

871.209 Records and reports.

Contracts, agreements, or arrangements must provide for the number and frequency of reports, adequate financial records to support payment for each trainee, and maintenance of attendance and progress

records. Such records must be preserved for a period of three years.

871.210 Prohibition on advertising—training of Veterans.

The training of persons under a VA contract or the fact that the United States is using the facilities of the institution for training Veterans must not be used in any way to advertise the institution. References in the advertising media or correspondence of the institution shall be limited to a list of courses under 38 U.S.C. chapter 31 and must not be directed or pointed specifically to Veterans.

871.211 Contract clauses.

(a) Contracting officers must use the following clauses, as appropriate, in solicitations and contracts for vocational rehabilitation and employment services as they pertain to training and rehabilitation services and contracts for counseling services:

(1) 852.271–72, Time Spent by Counselor in Counseling Process.

(2) 852.271–73, Use and Publication of Counseling Results.

(3) 852.271–74, Inspection of Instruction, Counseling or Testing Operations.

(b) See 837.110–70(a) for clause 852.237–74, Non-Discrimination in Service Delivery.

[FR Doc. 2020-12906 Filed 6-29-20; 8:45 am]

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SURFACE TRANSPORTATION BOARD

49 CFR Chapter X

[Docket No. EP 664 (Sub-No. 4)]

Revisions to the Board's Methodology for Determining the Railroad Industry's Cost of Capital

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking; withdrawal.

DATES: The Board is withdrawing the document published on October 4, 2019 (84 FR 53094), as corrected on October 18, 2019 (84 FR 55897), as of June 30, 2020.

ADDRESSES: The docket for this withdrawn rulemaking is available at www.stb.gov.

FOR FURTHER INFORMATION CONTACT:

Nathaniel Bawcombe at (202) 245-0376. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: On September 30, 2019, as corrected October 11, 2019, the Board issued a

notice of proposed rulemaking seeking public comment on its proposal to change its existing methodology for determining the railroad industry's cost of capital. *Revisions to the Board's Methodology for Determining the R.R. Indus.'s Cost of Capital (NPRM)*, EP 664 (Sub-No. 4) (STB served Sept. 30, 2019), corrected (STB served Oct. 11, 2019).¹ Specifically, the Board proposed incorporating an additional model, referred to as the "Step Multi-Stage Discounted Cash Flow Model" (Step MSDCF), to complement its use of Morningstar/Ibbotson Multi-Stage Discounted Cash Flow Model (Morningstar/Ibbotson MSDCF) and Capital Asset Pricing Model (CAPM) in determining the cost-of-equity component of the cost of capital. Based upon the comments and replies received in response to the *NPRM*, the Board will withdraw its proposal and discontinue this proceeding.

Background

Each year, the Board determines the railroad industry's cost of capital and then uses this figure in a variety of regulatory proceedings, including the annual determination of railroad revenue adequacy, rate reasonableness cases, feeder line applications, rail line abandonments, trackage rights cases, and rail merger reviews. The annual cost-of-capital figure is also used as an input in the Uniform Railroad Costing System, the Board's general purpose costing system.

The Board calculates the cost of capital as the weighted average of the cost of debt and the cost of equity. *See Methodology to be Employed in Determining the R.R. Indus.'s Cost of Capital*, EP 664, slip op. at 3 (STB served Jan. 17, 2008). While the cost of debt is observable and readily available, the cost of equity (the expected return that equity investors require) can only be estimated.² *Id.* Thus, estimating the cost of equity requires relying on appropriate finance models. *Id.*

In 2009, the Board began to calculate the cost of equity based on a simple average of the estimates produced by CAPM and Morningstar/Ibbotson MSDCF. *See Use of a Multi-Stage Discounted Cash Flow Model in Determining the R.R. Indus.'s Cost of*

¹ References to the *NPRM* in this decision refer to the corrected decision. The *NPRM* was published in the **Federal Register** on October 18, 2019 (84 FR 55,897). On November 22, 2019, the Board served a clarifying decision with a revised Appendix A detailing the algebraic formula for its proposal.

² The Board must make "an adequate and continuing effort to assist . . . carriers in attaining revenue levels," which should, among other objectives, "permit the raising of needed equity capital." 49 U.S.C. 10704(a)(2).

Capital, EP 664 (Sub-No. 1), slip op. at 15 (STB served Jan. 28, 2009). Since that time, the Board has consistently found that the simple average of CAPM and Morningstar/Ibbotson MSDCF has produced a reasonable estimate of the cost of equity used to gauge the financial health of the railroad industry. *See, e.g., R.R. Cost of Capital—2018*, EP 558 (Sub-No. 22) (STB served Sept. 30, 2019); *R.R. Cost of Capital—2017*, EP 558 (Sub-No. 21) (STB served Dec. 6, 2018).

Under CAPM, the cost of equity is equal to $RF + \beta \times RP$, where RF is the risk-free rate of interest,³ RP is the market-risk premium,⁴ and β (or beta) is the measure of systematic, non-diversifiable risk. Under CAPM, the Board calculates the risk-free rate based on the average yield to maturity for a 20-year U.S. Treasury Bond. The estimate for the market-risk premium is based on returns experienced by the S&P 500 since 1926. Lastly, the industry beta is calculated by using a portfolio of weekly, merger-adjusted railroad stock returns for the previous five years.

Under Morningstar/Ibbotson MSDCF, the cost of equity is the discount rate that equates a firm's market value to the present value of the expected stream of cash flows. Morningstar/Ibbotson MSDCF calculates growth of earnings in three stages. In the first stage (years one through five), the qualifying railroad's⁵ annual earnings growth rate is assumed to be the median value of its three- to five-year growth rate estimates, as determined by railroad industry analysts and published by the Institutional Brokers Estimate System.⁶ In the second stage (years six through 10), the growth rate is the simple average of all of the qualifying railroads' median three- to five-year growth rate estimates in stage one. In the third stage (years 11 and onwards), the growth rate is the long-run nominal growth rate of the U.S. economy. This long-run

³ The risk-free rate of interest is an exogenously determined interest rate at which investors may borrow or lend without fear of default.

⁴ The market-risk premium is the predicted additional return from investing in the market (in this case, the S&P 500) instead of risk-free investments over the long term. It is calculated by subtracting the risk-free rate from that market return.

⁵ The Board determines the railroad industry's cost of capital for a "composite railroad," which is based on data from Class I carriers that meet certain criteria developed in *Railroad Cost of Capital—1984*, 1 I.C.C.2d 989 (1985), as modified by *Revisions to the Cost-of-Capital Composite Railroad Criteria*, EP 664 (Sub-No. 3) (STB served Oct. 25, 2017).

⁶ This data can be retrieved from Refinitiv (formerly Thomson ONE Investment Management). *See R.R. Cost of Capital—2018*, EP 558 (Sub-No. 22), slip op. at 10.

nominal growth rate is estimated by using the historical growth in real gross domestic product plus the long-run expected inflation rate.

Most recently, in September 2019, the Board used the simple average of CAPM and Morningstar/Ibbotson MSDCF to calculate the cost of capital in *Railroad Cost of Capital—2018*, Docket No. EP 558 (Sub-No. 22). In that proceeding, comments and supporting data from the Association of American Railroads (AAR) showed a large increase in growth rates⁷ and the cost of capital over the prior year's figures.⁸ *See generally AAR Comments*, Apr. 22, 2019, *R.R. Cost of Capital—2018*, EP 558 (Sub-No. 22). According to AAR, lower tax rates and rail operating changes, including precision scheduled railroading, among other factors, contributed to analysts' higher growth expectations in 2018. *See id.* at V.S. Gray 45–46. In *Railroad Cost of Capital—2018*, EP 558 (Sub-No. 22), slip op. at 3, the Board explained that the validity of its existing methodology was not undermined simply because the cost of capital turned out to be higher than expected. However, the high cost of capital combined with the major operating changes within the rail industry did prompt the Board to explore whether its methodology could be improved with an additional model to capture different information. In particular, the Board considered changes related to growth rates in the second stage or middle horizon (years six through 10) of Morningstar/Ibbotson MSDCF, leading to the *NPRM* in this docket.

As proposed in the *NPRM*, Step MSDCF would calculate growth of earnings in three stages. The first and third stages would be identical to those of Morningstar/Ibbotson MSDCF. Unlike Morningstar/Ibbotson MSDCF, however, the growth rate of the second stage (years six through 10) would be a gradual transition between the first and third stages. The transition would begin at year six and step down or up in equal increments each year towards the terminal growth rate (or third stage). *See NPRM*, EP 664 (Sub-No. 4), slip op. at 5, 10–11. Furthermore, the *NPRM* proposed to calculate the cost of capital pursuant to the weighted average of the

⁷ For example, the second stage growth rate estimate produced by Morningstar/Ibbotson MSDCF produced a value of 19.88%, as compared with the second stage growth rate value of 13.55% reflected in the 2017 cost of capital. *Compare R.R. Cost of Capital—2018*, EP 558 (Sub-No. 22), slip op. at 17, with *R.R. Cost of Capital—2017*, EP 558 (Sub-No. 21), slip op. at 18.

⁸ The 2018 cost of capital (12.22%) was 2.18 percentage points higher than the 2017 cost of capital (10.04%).

three models, with CAPM weighted at 50%, Morningstar/Ibbotson MSDCF weighted at 25%, and Step MSDCF weighted at 25%. *Id.* at 3.

In response to the *NPRM*, the Board received comments and replies from AAR and Western Coal Traffic League (WCTL), as well as comments from Roger J. Grabowski, Managing Director of Duff & Phelps. AAR's primary argument is that incorporation of Step MSDCF is unwarranted because the 2018 cost-of-capital figure was a "data anomaly" caused by an unusual combination of market factors that affected the inputs used in Morningstar/Ibbotson MSDCF. (AAR Comments 1–2.) According to AAR, Step MSDCF would neither remedy what caused the 2018 anomaly in the first place nor prevent future anomalies of the same kind. (*Id.* at 3.) AAR also identifies problems in Step MSDCF that it argues would need to be corrected before the Board could adopt it. (*Id.* at 23–25.) As an alternative to Step MSDCF, AAR encourages the Board to move the observation date (the date upon which the data for the cost of capital is drawn) from the last Friday in December to the last Friday in January to prevent a future anomaly "should that rare event reoccur." (*Id.* at 3.) WCTL also opposes the Board's Step MSDCF proposal, although for different reasons. WCTL states that Step MSDCF represents, at best, a modest improvement to the Board's cost-of-capital methodology and argues instead that both Step MSDCF and Morningstar/Ibbotson MSDCF should be eliminated from the Board's cost-of-capital methodology completely. (WCTL Comments 2, 19–20.) According to WCTL, the Board should reconfigure its cost-of-capital methodology to rely on CAPM alone, with some additional modifications. (*Id.* at 5–8.) Dr. Grabowski suggests that the third-stage growth rate of MSDCF may be incorrectly estimating the railroads' cost of equity and proposes a modification to it. (Grabowski Comments 1, 4.)

Discussion

Although the Board found that its current cost-of-capital methodology remained reasonable, the Board proposed including Step MSDCF in its cost-of-equity calculation in an attempt to improve its methodology in light of the 2018 cost of capital and recent operating changes within the rail industry. However, the comments in response to the *NPRM* indicate that adding Step MSDCF may not be a necessary change to the Board's cost-of-capital methodology at this time. AAR persuasively argues that the 2018 cost-of-capital figure was an anomaly caused

by a mismatch between declining stock prices and lagging growth rate estimates in December, that the Board's approach does not effectively address the anomaly, and that Step MSDCF has technical issues. (See AAR Comments 8–13, 20–22, V.S. Villadsen 5–15.) Although WCTL criticizes aspects of AAR's analysis, (WCTL Reply 3–5), it does not dispute AAR's demonstration of the cause of the anomaly. AAR and WCTL agree that adding Step MSDCF to the Board's cost-of-capital methodology would provide little to no meaningful benefit. (See AAR Comments 29; WCTL Reply 2.) Given this record, the Board will withdraw its proposal to add Step MSDCF to its cost-of-equity calculation.

The Board will not pursue AAR's suggestion that, in lieu of the proposal, the Board permanently move the observation date for stock price and growth rate inputs from the end of December to the end of the following January. (See AAR Comments 26.) The events that occurred in 2018 are by AAR's own account "unusual," (AAR Comments 3), and using a January date raises other issues, such as whether a January data point includes information not available at the end of the prior year. See *Railroad Cost of Capital—2008*, EP 558 (Sub-No. 12), slip op. at 9 (STB served Sept. 25, 2009).⁹

The Board also declines to adopt WCTL's alternative proposals. The Board has explicitly rejected some, such as WCTL's requests to either move to a CAPM-only approach or to change the Morningstar/Ibbotson MSDCF regarding cashflows and growth rates, (WCTL Comments 2), in prior decisions.¹⁰ WCTL's other suggestion, that Morningstar/Ibbotson MSDCF's "variability" is a reason to abandon it, (WCTL Comments 16–17), has been implicitly rejected in the Board's decisions finding that Morningstar/Ibbotson MSDCF and CAPM each have their own strengths and weaknesses that, when averaged together, lead to a

⁹ As WCTL points out, in *Railroad Cost of Capital—2008*, EP 558 (Sub-No. 12), slip op. at 10, the Board rejected AAR's similar proposal to use March 31, 2009 data, in favor of WCTL's data that was drawn from the end of the year. (WCTL Reply 5.)

¹⁰ Pet. of the W. Coal Traffic League to Inst. a Rulemaking Proceeding to Abolish the Use of the Multi Stage Discounted Cash Flow Model in Determining the R.R. Indus.'s Cost of Equity Capital, EP 664 (Sub-No. 2), slip op. at 1–2 (STB served Sept. 28, 2018); Pet. of the W. Coal Traffic League, EP 664 (Sub-No. 2), slip op. at 2 (STB served Aug. 14, 2017); Pet. of the W. Coal Traffic League, EP 664 (Sub-No. 2), slip op. at 2, 5, 9, 11–13 (STB served Apr. 28, 2017); Pet. of the W. Coal Traffic League, EP 664 (Sub-No. 2), slip op. at 11, 14, 17–18, 20 (STB served Oct. 31, 2016); Use of a Multi-Stage Discounted Cash Flow Model, EP 664 (Sub-No. 1), slip op. at 12–13.

more robust result.¹¹ And all of WCTL's arguments, including that the Board should address the generally accepted accounting principles treatment of operating leases as debt for purposes of the cost of capital, (WCTL Comments 29–30),¹² go beyond the scope of this proceeding exploring whether the Board's methodology could be improved with an additional model to capture different information, addressing the types of results that occurred in 2018.¹³

Conclusion

For the reasons discussed above, the Board will withdraw its proposal to incorporate Step MSDCF into its methodology for determining the railroad industry's cost of capital and discontinue this proceeding.

It is ordered:

1. The Board's proposal to modify its existing cost-of-capital methodology by incorporating Step MSDCF is withdrawn. This proceeding is discontinued.

2. Notice of the Board's action will be published in the **Federal Register**.

3. This decision is effective on the date of service.

Decided: June 23, 2020.

By the Board, Board Members Begeman, Fuchs, and Oberman. Board Member Oberman commented with a separate expression.

Board Member Oberman, commenting:

While I concur in the Board's decision for the reasons stated therein, I write separately to emphasize my conviction that the Board should continue to closely scrutinize the extent to which equity markets are incentivizing railroads to reduce operating ratios and whether and how such efforts might result in changes to the Board's cost-of-capital figure.

It must be emphasized that the annual cost-of-capital determination directly impacts important aspects of the Board's oversight duties. For example, the Board uses its cost-of-capital determination in a variety of regulatory proceedings, including railroad revenue adequacy determinations, feeder-line applications, rail line abandonments, trackage rights cases, and rail merger reviews. The

¹¹ See Pet. of the W. Coal Traffic League, EP 664 (Sub-No. 2), slip op. at 11 (STB served Oct. 31, 2016).

¹² WCTL raised this argument previously in *Railroad Cost of Capital—2015*, EP 558 (Sub-No. 19), slip op. at 4–5 (STB served Aug. 5, 2016), and the Board declined to adopt it.

¹³ Dr. Grabowski's suggestion that the third-stage growth rate of Morningstar/Ibbotson MSDCF may incorrectly estimate the railroads' cost of equity, and his proposed new approach to estimating the long-run nominal growth rate, (Grabowski Comments 1, 4), is similarly beyond the scope of the question raised in this proceeding.

annual cost-of-capital figure is also an input into the Uniform Railroad Costing System and therefore has a direct bearing on rate reasonableness cases.

Equity markets' incentivizing railroads to lower operating ratios could translate into increases in the cost-of-capital figure. My concern is that, as a result, a railroad might be found to be revenue inadequate even when, in reality, it is financially healthy. Likewise, a higher cost-of-capital figure can affect whether a particular commodity shipment is above or below the 180% R/VC threshold and is therefore eligible for rate review by the Board.

Separately and in addition to the above matters, the need for continued scrutiny arises from my increasing concern that there is a point beyond which the demands of equity markets for a return of capital may impact the ability of the railroads to meet their common carrier obligations and may deprive the network of the capital it requires to support the needs of the public and the national defense.

Finally, given that the United States and the entire world are presently facing health and economic crises, and that these crises have adversely affected the railroad industry along with the other parts of the economy, I recognize that my above stated concerns are not as immediate as they might otherwise be. Nevertheless, as the economy recovers and the railroad industry regains its full strength, the concerns outlined above may well reoccur and warrant the continued scrutiny I have urged.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2020-14061 Filed 6-29-20; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200617-0163]

RIN 0648-BJ79

Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 12

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

ACTION: Proposed rule; request for comments.

SUMMARY: We are proposing to approve and implement specifications submitted by the New England and Mid-Atlantic Fishery Management Councils in Framework Adjustment 12 to the Monkfish Fishery Management Plan. This action would set monkfish specifications for fishing year 2020 and project specifications for the 2021 and 2022 fishing years. This action is needed to establish allowable monkfish harvest levels that will prevent overfishing.

DATES: Public comments must be received by July 30, 2020.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2020-0064, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0064, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). If you are unable to submit your comment through www.regulations.gov, contact Allison Murphy, Fishery Policy Analyst, allison.murphy@noaa.gov.

Copies of the Framework 12 document, including the Regulatory Flexibility Act Analysis and other supporting documents for the specifications, are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The specifications document is also accessible via the internet at: <https://www.nefmc.org/management-plans/monkfish>.

FOR FURTHER INFORMATION CONTACT:
Allison Murphy, Fishery Policy Analyst, (978) 281-9122.

SUPPLEMENTARY INFORMATION:

Background

The monkfish fishery is jointly managed under the Monkfish Fishery Management Plan (FMP) by the New England and the Mid-Atlantic Fishery Management Councils. The fishery extends from Maine to North Carolina from the coast out to the end of the continental shelf. The Councils manage the fishery as two management units, with the Northern Fishery Management Area (NFMA) covering the Gulf of Maine and northern part of Georges Bank, and the Southern Fishery Management Area (SFMA) extending from the southern flank of Georges Bank through Southern New England and into the Mid-Atlantic Bight to North Carolina.

The monkfish fishery is primarily managed by landing limits and a yearly allocation of monkfish days-at-sea calculated to enable vessels participating in the fishery to catch, but not exceed, the target total allowable landings (TAL) and the annual catch target (ACT), which is the TAL plus an estimate of expected discards, for each management area. Both the ACT and the TAL are calculated to maximize yield in the fishery over the long term.

Proposed Measures

1. Specifications

We are proposing to adjust the NFMA and SFMA quotas for fishing year 2020 (Table 1), based on the Councils’ recommendations. We are also projecting these quotas for fishing years 2021 and 2022. On August 21, 2019, the New England Council’s Scientific and Statistical Committee (SSC) recommended acceptable biological catch levels in the NFMA and SFMA for fishing years 2020–2022. The New England Council approved the specifications on September 24, 2019. The Mid-Atlantic Council approved the specifications on October 7, 2019. Both Councils’ recommendations for the 2020–2022 monkfish specifications are based on the results of the 2019 assessment update and the recommendations of the SSC.

The Councils recommended a 10-percent increase in the acceptable biological catch and annual catch limit in the NFMA and status quo acceptable biological catch and annual catch limit in the SFMA, when compared to the 2017–2019 specifications. Discards, calculated using a moving average of the most recent three years of data, increased in both areas, but more significantly in the SFMA. Data indicate that this substantial increase is due to the large 2015 monkfish year class being discarded by scallop dredge gear. After