



## New England Fishery Management Council

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## MEETING SUMMARY

### Monkfish Committee

Hilton Garden Inn, Warwick, RI

October 18, 2016

The Committee met on October 18, 2016 in Warwick, RI to: discuss the alternatives under consideration in Framework 10.

**MEETING ATTENDANCE:** Mr. Vince Balzano (Chair), Ms. Laurie Nolan (Vice Chair), Mr. Mark Alexander, Mr. Terry Alexander, Ms. Libby Etrie, Mr. Mark Gibson, Mr. Steven Heins, Mr. John Pappalardo, Mr. Mike Ruccio, Mr. Wes Townsend; Dr. Fiona Hogan (NEFMC staff); Mr. Jason Didden (MAFMC staff); Dr. Willie Whitmore (GARFO); and Mr. John Almeida (NOAA General Counsel). In addition, approximately 11 members of the public attended.

#### **KEY OUTCOMES:**

- The Committee recommended a 3% management uncertainty buffer for both management areas and also updating the discard rate.
- The Committee requested the PDT analyze an increase of 15% increase in DAS allocations and trip limits for the SFMA, and increases in incidental trip limits when on a NE multispecies DAS in the NFMA.

#### **PRESENTATION: FRAMEWORK 10**

Council Staff outlined the alternatives under consideration for Framework 10. These included specifications for FYs 2017 - 2019. The four options include no action, updating the discard rates for each management area, and options to adjust the management uncertainty buffers in each management area. The AP members in attendance of their October 12, 2016 meeting were in favor of a 6% management uncertainty buffer in both management areas because of concerns surrounding the NEFSC trawl survey and assessment. Other alternatives were for increases in DAS allocation and/or trip limits for both management areas. The AP members in attendance of their October 12, 2016 meeting recommended a 15% increase in DAS allocations and trip limits in the SFMA; no recommendation was made for the NFMA.

Dr. Hermsen updated the DAS allocation and trip limit analysis to help the Committee make an informed decision on appropriate adjustments. The analysis works by taking account of the incidental limits and then allocating the remaining quota to the directed fishery based on the pattern of fishing in the most recent complete fishing year. Key assumptions of the analysis included that landings from permit category E and state-only permitted vessels, limited access vessel landings and effort, and fishing and landing patterns will all be the same as in FY2015. These assumptions have not been violated throughout the history of using this model configuration so the PDT considered the assumptions to be valid. One

caveat of the analysis was that it doesn't include other factors, such as price, when it estimates the number of DAS or potential daily landing limits that would achieve the TAL. It was important to acknowledge that additional factors may need to be considered when selecting an appropriate DAS allocation and/or daily landing limit for both management areas. Five model runs were conducted for each management area (Table 7, Hermsen, 2016). The runs solved for maximum value for either the DAS allocation or the daily landing limit that would be needed to achieve the TAL. The runs indicated increases could be made to the DAS allocations and daily landing limits for both management areas. For the NFMA, the maximum DAS allocation was 74 DAS (status quo) or 84 (3% management uncertainty buffer); trips limits could be set higher than 1,250 tail weight per DAS. For the SFMA, the maximum DAS allocation was 56 (status quo) or 58 (3% management uncertainty buffer); trips limits could be set at 1,160 (status quo) or 1,200 (3% management uncertainty buffer) for A and C permits and 1,000 (status quo) or 1,030 (3% management uncertainty buffer) for B and D permits.

#### ***DISCUSSION ON THE PRESENTATION***

A Committee member noted that the data in the analysis seems to indicate that once a certain point is reached, the trip limit is no longer effective in increasing landings and wondered if the same could be said for allocated DAS. GARFO staff noted that it wasn't as apparent for DAS. It appears that daily landing limits are more limiting to vessels than DAS are. It was unknown whether changing the trip limit might affect the frequency distribution of DAS.

#### ***PUBLIC COMMENT ON THE PRESENTATION***

- Maggie Raymond, Associated Fisheries of Maine – In Table 4 of the DAS and trip limit analysis, are the NFMA incidental limits here listed for Category C and D permits and not Category E? Is there some way that you can tell me how many landings came from the A and B and so separate out the directed monkfish from the Groundfish and scallops in the landings?

#### ***AGENDA ITEM #1: FRAMEWORK 10***

A Committee member questioned whether or not the AP knew that the conversion factor between the Albatross to the Bigelow was 7 to 1. Another Committee member thought concerns about the trawl survey and stock assessment were more applicable to a discussion on scientific uncertainty and not management uncertainty. A Committee member confirmed that there would be no difficulty in approving a measure that the analysis did not show would achieve the TAL but a detailed rationale would help. MAFMC staff noted that for spiny dogfish incremental changes, e.g. in trip limits, were frequently implemented with no issue.

#### **1. MOTION: Ms. Etrie/Mr. T. Alexander**

To select option 2 (section 1.1.1.2) to update the discard rate for Northern and Southern Fishery management Areas as the preferred alternative.

#### **MOTION #1 CARRIED/10-0-0.**

The Committee did not understand that by voting for Option 2 they were only voting to update the discard mortality rate and not also adjusting the management uncertainty buffers. Options 3 and 4 would update both the discard mortality rate and the management uncertainty buffers for both management areas.

**2. MOTION: Mr. T. Alexander/Mr. Pappalardo**

To reconsider Motion #1.

**MOTION #2 CARRIED/10-0-0.**

**2a. MOTION: Mr. T. Alexander/Mr. Pappalardo**

Motion #1 reconsidered.

**MOTION #2a FAILED/10-0-0.**

**3. MOTION: Mr. T. Alexander/Ms. Etrie**

To select Option 3 (Section 1.1.1.3) Revised annual catch limit for the NFMA as the preferred alternative.

A Committee member shared the AP's concern that the management buffer could be set too low if it was reduced to 3% and was more in favor of the 6% buffer. Although a smaller decrease in the NFMA may be acceptable. Another Committee member considered there to be less management uncertainty now that many of the loopholes have been closed and was comfortable with lowering the management uncertainty buffer. A Committee member thought that having any management uncertainty buffer, even at 3%, was a positive because the buffer was only supposed to help prevent the ACL from being exceeded. MAFMC staff relayed that PDT analysis indicated a sufficient amount of discards were being set aside suggesting a lower management uncertainty buffer may not increase the risk of exceeding the ACL.

Public comment:

- Maggie Raymond – To address the concerns on the NFMA, I'll speak for my organization. I asked where the 13.5% came from and there was no answer available. I would say there's no justification for the original number. Because we're so far away from the TAL, it could be argued that there should be no need at all for a management uncertainty buffer but I would support the 3% buffer. The fishery in the NFMA is primarily groundfish related and is heavily regulated and observed.

**MOTION #3 CARRIED/9-1-0.**

**4. MOTION: Ms. Nolan/Mr. Heins**

To select Option 4 (Section 1.1.1.4) Revised annual catch limit for the SFMA as the preferred alternative.

There was no further discussion on this motion as the major concerns were discussed under the previous motion.

**MOTION #4 CARRIED/10-0-0.**

## 5. MOTION: Ms. Etrie/Mr. T. Alexander

Analyze an alternative that would set a monkfish possession limit of 1500 lbs tail weight/DAS for category C vessels, and 1250 for category D vessels, for vessels fishing under a multispecies DAS in the NFMA.

Clarification of landings by permit category C and D vessels would help the discussion but was not available at the time of the meeting. Increasing incidental limits in the NFMA would effectively remove the need for a monkfish DAS to be used in that area. A Committee member was concerned that any DAS not used in the NFMA could then be used to fish in the SFMA. This was of particular concern if the DAS and trip limits were increased in the SFMA also, as shifting effort from the NFMA could further increase effort in the SFMA. Evidence of effort shifting from the NFMA to the SFMA has not been found to date. The 2013 emergency action removed the trip limits in the NFMA when fishing on a monkfish and NE multispecies DAS and effort was not found to have shifted to the SFMA. Historically, DAS were not needed in the NFMA so this wasn't as concerning for some Committee members. A Committee member didn't think there were many vessels left in the groundfish fishery that could move to the SFMA. Vessels would still need to use a monkfish and NE multispecies DAS to have no monkfish possession limit.

Public comment:

- Charlie Dodge, Chatham, MA – What they're saying is correct, if you're gillnet based you can catch monkfish without groundfish. When they're mobile gear based there's no economic incentive to come down there and target monkfish. There isn't enough fish to support what your fear is
- Greg DiDomenico, Garden State Seafood Association – A lot of what I say will apply to every other motion. We're going to support status quo in both areas particularly because we have a pending assessment and we are staring at the barrel of a single stock theory which will take place in the benchmark assessment. I don't want to impact anyone else's business but if we're talking about the health of the stock it will impact other areas.
- Rich LaRocca – The concern is you can create a loophole, boats can fish in the squid fishery in SFMA, target monkfish and go north and fish for groundfish. You can still be in an area fishing and it kind of opens up a loophole. If you could figure out a way to eliminate that. I'm not saying it will be a problem but it could be. That's a concern of mine.
- Chris Rainone – The biggest concern at this point is you guys are given your DAS and the NFMA incidental trip limit is almost 3 times of the SFMA directed limit. We were already at a disadvantage. You go use all your DAS up there and now you're left with 35 SMFA DAS to use. Why wouldn't I go south in the winter and use my monkfish DAS. It's unfair for us southern boats to be forced out of the fishery because we didn't have the landings history. Biggest thing we should worry about now is latent permits.

A Committee member clarified that if you were fishing for squid then you were declared out of the groundfish fishery and not on a groundfish DAS, which would not give the vessel access to the monkfish trip limit.

A Committee member was hesitant to support the motion for analysis in case it was recommended for implementation and could have negative impacts in the SFMA. Based on the public comments, another

Committee thought it was best to have the analysis completed. Final action on these alternatives could take concerns of effort shifts into consideration.

**MOTION #5 CARRIED/9-0-1.**

Public comment:

- Maggie Raymond – If I could I'd like to comment on option 3 to increase the trip limits in the NFMA. I have to admit it took me some time to understand this but this would actually increase the trip limit on the vessels that did not qualify for a limited access permit at the expense of people who did. We would object to that. Is there no way to fix this alternative? We're already in the NFMA the status quo is unlimited so there's no way to increase that so I think this should be rejected completely.

**6. MOTION: Mr. Pappalardo/Mr. T. Alexander**

To analyze an increase in the DAS allocation and trip limit alternatives by 15% and 25% in the SFMA.

A Committee member was opposed to the 25% increase in the SFMA and requested that the motion be split. Discussion on splitting the motion focused on the fact this was a request for analysis. However, the maker and seconder of the motion agreed to a friendly amendment to split the motion.

**6a. MOTION as Friendly Amended**

To analyze an increase in the DAS allocation and trip limit alternatives by 15% in the SFMA.

A Committee member supported the 15% increase to be analyzed because it was a compromise that the AP members present at their October 12<sup>th</sup> meeting came to. Another Committee member supported both percentages be analyzed because of the range of public comments.

Public comment:

- Rich LaRocca – I attended the AP meeting and some guys just wanted DAS, some wanted just trip limits, and we came up with the 15% as a compromise. If you're going to do 25% then just increase the DAS or just trip limit. I'd prefer more DAS than trip limits.
- Greg DiDomenico - We have between 30 and 40 gillnet guys and the important point is they've become extremely reliant on monkfish. That's why we've been so cautious. We have not gone with the large increases in the past. I don't want to impede on anyone else's needs. I keep hearing 2 separate things which is achieving fishermen's needs and idea of achieving the TAL. On this issue I feel no need to achieve the TAL. It's not important to us. The fishery is performing very well. Everything is performing well, price is good, quality is good, discards are low. I want to decouple from achieving the TAL right now it's kind of irrelevant. What is driving our conservative view on this fishery is the idea of the stock assessment will leave us with 1 stock so until that happens I want to remain very conservative. I don't want to harm anyone else but until that's concluded I want to be cautious. I want to manage our expectations about this fishery in regards to one other thing which is the issue of protected resources. It is an ongoing very serious topic. I'm not willing to take the risk because benefits don't increase with the risk.

- Ted Platz, Newport, RI – We have an obsession with the TAL. We've been under-harvesting the TAL in the last 5 years but exceeding it in some years before that. The TAL is a number based on survey data, which has been historically poor. We fishermen always knew the TAL was too low in earlier years because we knew it was off. We knew the stock was healthier. Now we're using the Bigelow and for the last 4 years we've been told we're not harvesting the TAL and they offered us a 3x increase 3 years ago and if we took that we'd been having a different conversation now. Fishermen are telling you based on our perspective that we should consider a 15% or 25% or no increase at all. We're debating between 75% and 90% of what we should be harvesting and that's why the conversation is going between status quo and at most 25%. If the fishermen are right and the TAL is really 75% or 85% of the TAL proposed here, would you be hell bent on catching the TAL? We're saying we're catching between 75% and 100% of the TAL and we've been the ones who have been right in the past. I can support a 15% and am totally opposed to 25%. I'd like to see a split in DAS allocation and trip limits because of skate issues. I would prefer to change landings limits as opposed to DAS.
- Charlie Dodge – DAS leasing and permit stacking are the biggest problems in the fishery but we're getting ahead of ourselves until we see the analysis. Until we start freezing effort in the fishery all of a sudden the latent permits start becoming valuable. We've all been squeezed into a small box including Groundfish and squid. I'd like to see the analysis of both the 15% and 25%. I prefer changing trip limits to DAS. This is just to analyze the data but I'd like to see both.
- Claire Fitz-Gerald, CCCFA – I'm here representing 17 gillnetters out of Cape Cod, MA. We support this motion. I was here for the AP meeting and it is very evident that different parts of the fishery have different needs and our primary concern is the increase in the trip limits. We only get out about once a week and are limited by trip limit more than DAS. If we look at them separately then we prefer trip limit. Greatly appreciate the efforts from everyone at the AP to look at both.
- Bill McCann – fishing in NC since 1989. One of the first. It's just an analysis.
- Chris Rainone – The uncertainty is what scares us. We're not hitting the TAL. I don't think it's a bad thing to not hit the TAL. There's been stability in the landings. What about sturgeon, is that going to come and bite us too? You're talking 7 DAS soak. You're going to see a lot more interactions with seals and porpoises. I think we have to be cautious about this and stick with status quo at this point.

It was unclear during the meeting whether or not the PDT had the resources to complete the analyses before the November 2016 Council meeting as the PDT member in question was also charged with working on the discard methodology review.

A Committee member was surprised that fishermen were willing to go with status quo when analyses supported increases in trip limits and DAS and thought that provided a clear signal on how to vote on the motion.

**MOTION #6a CARRIED/10-0-0.**

**6b. MOTION as Friendly Amended**

To analyze an increase in the DAS allocation and trip limit alternatives by 25% in the SFMA.

**MOTION #6b FAILED/4-6-0.**

## **7. MOTION: Mr. T. Alexander/Ms. Etrie**

Analyze an alternative that would set a monkfish possession limit of 900 lbs tail weight/DAS for category C vessels, and 750 for category D vessels, for vessels fishing under a multispecies DAS in the NFMA.

The analysis was expanded so that a lower range of possession limits in the NFMA would be available to vote on. The Committee did not want to specify any increases in DAS or trip limits for the NFMA for the “directed” fishery.

### **MOTION #7 CARRIED/9-0-1.**

A Committee member brought up an issue regarding sturgeon possession limits in winter mentioned in correspondence. The Committee member was wondering if seasonal possession limits for sturgeon would help.

Public comments:

- Greg DiDomenico– There are 3 species we encounter, harbor porpoise, turtles, and sturgeon. All very difficult considering the numbers that we see. We have done a good job of staying away from all of them really but there’s no more time and area changes that we can make anymore to reduce risk other than what we’re doing and it’s working, which is why we’re concerned about impacts of changing trip limits etc. We don’t see higher or lower distribution of those species during winter.

A Committee member asked the Committee whether there was interest in allowing a trip gillnet vessel, enrolled in a sector in the trip category, to leave 10” or larger gillnets in the water to catch monkfish when the vessel returns to port as part of Framework 10. This was submitted as a sector exemption but if this wasn’t allowed then regulatory action may be required. Another Committee member noted that this was contained within the groundfish regulations and while it may not be inappropriate to include it in FW10, it would require a joint action with groundfish. Sector exemptions were currently being reviewed so it was not possible at the time of the meeting to determine whether regulatory action was necessary. The Committee member decided to bring it up at the next groundfish Committee meeting.

### ***AGENDA ITEM #2: RESEARCH PRIORITIES***

Staff explained that the Council is currently working on updating its research priority needs for the Research Steering Committee. The Committee was asked to provide any additional items for inclusion in the document. The AP recommended discard mortality rate estimates for monkfish across gear types. Resolution of age and growth issues for monkfish, as described in the 2016 operational assessment, was also recommended.

Public comments:

- Ted Platz – Aging is important. We could use monkfish RSA money to see if the illicium would work to age them. Scallop dredge has 100% discard mortality right now and we could also use monkfish RSA to figure out a more appropriate number.

A Committee member told the Committee about a study at VIMS that uses computer software to help count the rings inside ocean quahogs. It was also suggested that requests be made to current RSA participants to look into these issues.

### ***AGENDA ITEM #3: OTHER BUSINESS***

A Committee member requested to discuss 2017 priorities in order to initiate an amendment to address latent effort and DAS leasing. Staff reminded the Committee that they had passed a motion at their September 1, 2016 meeting that prioritized a future action to address strategies for better utilization of the TAL for NFMA and SFMA, respectively. The two issues in question were contained within Amendment 6, which was suspended in 2016. Depending on whether A6 was revisited by the Council and what was included in it, scoping might need to be revisited. If scoping is not required again then A6 could be picked up again as the length of time A6 had not been worked on would not be an issue. A6 also could have implemented catch shares in the monkfish fishery, which is what caused development to stop. Committee members were in favor of revisiting A6 in order to address these issues and to look into catch shares.

#### Public comment

- Greg DiDomenico – Quite frankly there’s a lot of things that could be addressed and would support this amendment except I would prefer to see monkfish sector integration into groundfish to be removed from the document. It was a diversion from the bigger issues. If you remove catch shares then we’d support that. The concern is that the overall cloud that hangs over sector catch shares is a diversion. You said IFQs, that’s the start of a productive discussion. We’re very critical of integration regarding connection to Groundfish that’s what we see as the major stumbling block. I will tell you that we could probably move ahead intellectually in a much better way if that part was removed from the document.
- Ted Platz – I want to move forward on IFQs. I have Groundfish permits in a sector, my monkfish permits are out of sectors. I live in 2 different worlds. My concern is that everyone you’ve heard from wants DAS leasing and permit stacking. I’d love to look into that and if we have to hold off on ITQs then it might help efficiency.

A Committee member clarified that catch share is a term that covers quota based systems including IFQs. It puts everything on the table including IFQs and sectors. After the scoping hearings, the Amendment didn’t progress very far. If IFQs were developed then integration into sectors would not be needed. A Committee member thought that if sectors were removed from the document then nothing would be left that would be of interest to the NFMA.

### **8. MOTION: Mr. Pappalardo/Ms. Nolan**

Committee recommends to the Executive Committee that we reinstate Amendment 6 to the monkfish FMP.

**MOTION #8 CARRIED/9-0-1.**