



New England Fishery Management Council

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MEETING SUMMARY

Monkfish Committee Meeting

Four Points by Sheraton Philadelphia Airport, Philadelphia, PA

May 24, 2017

The Committee met on May 24, 2017 in Philadelphia, PA to: discuss the potential reprioritization of Amendment 6 and Research Set-Aside (RSA) research priorities.

MEETING ATTENDANCE: Mr. Vincent Balzano (Chair), Ms. Laurie Nolan (Vice Chair), Mr. Terry Alexander, Dr. Justin Davis, Ms. Libby Etrie, Mr. Steve Heins, Mr. Peter Hughes, Mr. Peter Kendall, Dr. Cate O’Keefe, Mr. John Pappalardo, Mr. Mike Ruccio, Mr. Wes Townsend; Dr. Fiona Hogan (NEFMC staff); and Mr. Brandon Muffley (MAFMC staff). In addition, approximately 2 members of the public attended.

KEY OUTCOMES:

- The Committee tasked the PDT to summarize existing monkfish regulations at the state level and provide recent landing trends and any potential data gaps by state for the most recent 10 years.
- The Committee supported the AP recommendation to not re-prioritize Amendment 6 and no longer work on that amendment.

PRESENTATION: AMENDMENT 6

Council staff provided an overview of Amendment 6. The amendment was started in 2011; initial scoping did not show strong support of Amendment 6 with 7 comments for, 28 against, and 17 conditional or other. In 2014, the Council decided to prioritize Framework 9 in order to implement any framework-able alternatives contained in Amendment 6 as soon as possible. Amendment 6 was removed from Council priorities in 2015. Following a recommendation to reprioritize Amendment 6 in 2017, the Councils corresponded with each other and agreed to hold an Advisory Panel and a Committee meeting in the Mid-Atlantic region in order to determine the level of support for the recommendation.

The Committee discussed the original qualification dates for limited access permits. The AP recommended the Councils request states implement regulations that are consistent with the most restrictive federal regulations. A Committee member explained that the AP were concerned that this was a potential loophole for states like NY where there are no monkfish possession limits when fishing in state waters. Implementation of possession limits in state waters would be an improvement. The Committee member explained that the state landings come off the top of the ACT, with the limited access/directed fleet getting the remainder. For a pending squid amendment, letters were being sent to states to request implementation of a regulation that would shut the state fishery down when closures are in place in federal waters. The Council does not have the authority to mandate inter-state commerce.

State landings by state were not available at the time of the meeting. A Committee member thought that would be useful information for decision making. The AP discussed requiring state vessels to only sell to federal dealers. A Committee member informed the Committee that some states do have regulations for monkfish, e.g. Massachusetts requires a coastal access permit and have minimum monkfish sizes and possession limits in place. Another Committee member supported having state water participants go through a federal dealer but questioned whether an ACCSP code in SAFIS to quantify these landings existed. A Committee member considered asking the PDT to look into what existing regulations are in place and state water landings by state.

Consensus Statement

Summarize existing regulations at the state level for monkfish and also provide the Councils with recent landing trends and any potential data gaps by state, from the most recent 10 years.

AGENDA ITEM #1: AMENDMENT 6

The Committee moved on to discuss the AP recommendation to stop development of A6, which would implement catch shares in the monkfish fishery. The AP were opposed to catch shares in the monkfish fishery and recommended latent effort be addressed instead. Latent effort was not considered to be part of the original scoping. A Committee member thought that sectors or IFQs might not be necessary if latent effort is addressed. Another Committee member wasn't sure why latent effort was such a concern if the TALs had not be achieved in either management area in recent years. The Committee member did not consider things to be going well in the monkfish fishery because size and price were down. Speculation on latent permits was expected by the Committee member to occur in the new few years as the 2015 year class continues to grow. The AP wanted to be guaranteed to land all the quota associated with any purchased RSA DAS and the resource to be used by current participants. Things could change if a number of vessels start utilizing their monkfish permits. If permits that hadn't been used in the last 5-10 years were removed it could make the fishery more effective. Another Committee member noted that the situation in the NFMA was different; they don't want to lose access in the NFMA but may not qualify since the incidental possession limits were higher they might not need to use a Monkfish DAS. A different approach might be needed for each management area. Vessels in the NFMA use monkfish as a component of their fishery.

Public Comment:

- Greg DiDomenico, GSSA – Everybody is making very good and articulated points. I want to recognize that because of what Libby just said is particularly important. Eric Hansen proposed a friendly motion to my original motion regarding the directed monkfish fishery. That was really an important, specific point about the difference between the 2 fisheries. We agree that there was distinct differences and the needs are different but therein lies the issue about what someone with a NE multispecies permit holder that also relies upon monkfish from time to time vs what our needs are for a fleet that has no northeast multispecies permits, no other links to groundfish and don't have the same regulatory measures because they don't have NE multispecies permits I'm all for getting to brass tacks about latent effort and if that causes us to address it in the NFMA vs the SFMA I'm all for it. We do have different needs and they're not in conflict with yours. Good for PDT to look at. The Pandora's box is more difficult if we continue with A6 than if we address the latent effort in a different amendment vs going back to A6.

A Committee member considered that given the complexity already built into the monkfish FMP that different measures could be developed for the NFMA and the SFMA. This could be further supported by the differences in how the resource is used in both areas. A Committee member informed the group that in the NFMA Monkfish could be 30-40% of their income. A number of years prior to the existing control

date, in the NFMA, there was a lot of cod resulting in low catches of monkfish. How latent effort should be addressed should be considered carefully in light of what was occurring in both management areas prior to the control date. A Committee member thought that if you used landings instead of DAS usage as a qualifying factor you would end up with a different concept of latency in the fishery. This fishery is managed with DAS and trip limits; unless the switch from effort controls to allocated pounds occurred, a certain level of uncertainty would exist as well as the question of whether a vessel could use all of its DAS. A Committee member had hoped that A6 would simplify this FMP. Currently, when specifications are set some quota is set aside for non-directed fisheries because one of the goals was for monkfish not to constrain other fisheries. The Committee member was hopeful that some of these issues could still be addressed in the future. Another Committee member agreed and suggested that there could be different control dates for the two management areas. A Committee member informed the Committee that during the qualification period there was a relatively large number of boats that qualified in NH but that level of fishing in NH was no longer occurring; the point being that effort fluctuates over time and could increase in future. Therefore, members should be careful when they say effort in the NFMA wasn't directed as it is more complicated than that.

A Committee member provided a little history on the opposition to catch shares in the SFMA; when sectors were implemented for groundfish, a number of permit holders in the Mid-Atlantic did not receive a high level of PSC. The perception in the region was that they were put at a huge disadvantage. However, now they feel like sectors were a disaster for industry and are not in favor of such a system for monkfish. The DAS and trip limits were thought to be as close to an ITQ as possible, without actually being an ITQ. Another Committee member disagreed that it wasn't sectors that were the disaster but the ACLs were too restrictive and prevented fishing. The desire to maximize RSA DAS comes from the cost of purchasing an RSA DAS. A Committee member suggested that maybe the RSA program could allocate poundage instead of DAS to help maximize landings from the RSA program. The Committee member thought that industry had been accommodated by allowing a 15 hour day to land a trip limit and if a vessel had 2 trip limits then they could stay out for 24 hours and 1 minute. These both help increase efficiency. The Committee member also thought the resource wasn't in as good condition as the assessment determined. Another Committee member disagreed and thought the landings in the NFMA were low because of landings restrictions on flounders. Any sector vessel is restricted to its allocation of groundfish and for some vessels that also fish for Monkfish in the NFMA they had insufficient allocation of flounders to land their monkfish in recent years.

A Committee member considered the points made today to fall under the goals and objectives of A6. The decision to focus A6 on catch shares had a polarizing effect. The Committee member questioned whether the issue was not should we scrap A6 but to either clarify or remove from consideration the catch share component. Scoping could be redone to address this change in focus, potentially with different measures being considered for the two management areas. There was some concern raised over the structure of treating the two areas differently; would there be catch shares up north and DAS allocated in the SFMA? Would permit holders have to relinquish DAS and just be allocated quota that could be used in the NFMA or would history be divided between the two management areas, with some being catch shares and the rest in DAS? Flexibility was preferred so vessels wouldn't have to sign on to one area only because a portion of the fishery fishes in both areas. Another Committee member was concerned about taking access away from participants. An analysis of annual landings by latent permits was considered to be useful to see where natural breaks occurred in the use of permits and landings. A Committee member was interested in looking at user groups because the need to remove latent effort might not be strong.

Public Comment:

- Greg DiDomenico – This is a difficult issue and everyone would like to move in some direction. Everything that we've talked about so far today, the splitting and numerous other issues, the

obvious difference between our needs and your needs. I would be absolutely supportive in supporting those issues under A6 but with a clear understanding that catch shares need to be removed from the amendment. Yesterday's vote had people from NY, NJ, Frank didn't vote for the amendment, he was opposed to stopping A6 but I think there has to be some recognition that vote was very strong for all the reasons talked about today. If we remove that possibility from A6 then I think we can probably move forward under all the other issues talked about but my motivation for bringing this issue back up, at Committee and Council, our intent was to address all these other issues except for catch shares. It's a risk but worth it but there is no reason to have this committee in any split or adversarial situation. Strength is to move something ahead minus catch shares. We don't just denigrate sectors because of the system. There are outside forces other than the management of sectors and we know what you're going through but we're going through the same thing. I'm responsible for 30 gillnetters who were removed from other fisheries who are happy with how things are. Quality fish are great, drives these guys. I don't want any misunderstanding about adversarial intent. Above all, and you've heard this for the last 6 months, we've been in opposition to more DAS and higher trip limits for the exact same reasons. We've kept status quo because we have outside forces – sturgeon, harbor porpoise and turtles, closures, gear modifications, fishing little net that's what drives this Mid Atlantic fishery. Don't think there aren't outside forces. It's not about New England. The other part of this is that in another year we're going to have a benchmark assessment – genetics, ageing monkfish wrong and reproductive function of monkfish are in question. It's the reason you're not catching your quota. We've never wanted to double things. We are preparing for dramatic change in management and changes in quota. I want you to understand our motivation. Yes I'm cynical sometimes. Everything depends on taking the first step which is understanding latent effort. We can't move forward until we understand those dynamics because with a universe that large our participation gets reduced. You know people will come out of the woodwork. Is the speculative effort showing on that graph? I do know what the speculative effort is showing at the docks, on the radio, and there are people from fresh capital from other fisheries are coming over to monkfish. My preference is we shelve A6 and start over. I don't think it's an issue of council resources. We don't have the time and money to do that. This fishery deserves it. Shelve it for this moment and the council can initiate a new amendment. I understand the Council is extremely busy. I'm willing to take the risk to shelve A6 because it will send a signal to our fishermen. Right now that action is not a priority and it's been shelved and if I have to go to NEFMC to get latent effort to be fully analyzed and to be prioritized I'll take it. The downside of A6 is too costly to us.

A Committee member supported discontinuing A6 and starting anew action to address latent effort and other issues. Another Committee noted that the AP wanted to reconfirm the control date because new entrants have joined the fishery since that date. The Committee member questioned whether history would be available to help industry make a decision on catch shares from the existing control date that was supported by the AP. Another Committee member suggested that history back to the original qualification period should be considered. It was considered to be a slippery slope when the discussion focuses on requalifying permits because investments have been made based on that original qualification. Another Committee member considered that to be a long time ago and you should have landings within a reasonable timeline for catch share qualification. A Committee member informed the group that the Agency was happy to provide history once it was clear what would be relevant and useful. Considering how complicated it is to compile individual permit histories, it would not be possible to provide that information in advance without clear direction.

Public Comment:

- Emerson Hasbrouck, Cornell Cooperative Extension – I don't want to complicate things but just to let the Committee know that as you go down this road, that based on our initial genetic study

on monkfish there is no genetic difference between the north and south areas so that line is not really based on stock differentiation so whether or not the Committee wants to move that line for management purposes but it's not based on genetics.

A Committee member questioned whether there would be an allocation battle if it is determined to be a single genetic stock. Another Committee member thought that blueline tilefish could be a good example of how this could be addressed.

1. MOTION: Nolan/Kendall

Move to shelve A6 permanently and support the AP motion

Rationale: The motion referenced the AP motion that would permanently shelve A6. The AP clearly stated that they did not want catch shares. The question is whether there really is a problem and do we need action at all. If we put this away we're saying this might not rise to the level of priority. It doesn't seem like there is a problem in the north but in the south latent effort is a problem. However, if necessary the SFMA can live without addressing latent effort at this time.

The maker of the motion did not intend to bring up a subsequent motion to address latent effort. This was supported by another Committee member who did not think the justification to address latent effort was there.

Public Comment:

- Greg DiDomenico – I appreciate the patience and indulgence. I'm committed to helping this fishery in whatever region it exists.

The motion **carried** on a show of hands (8/1/1).

A Committee member questioned whether a decision on the control date was necessary, however, given that no action to address latent effort or catch shares was being recommended at this time, it was unnecessary to consider revising the control date at this time.

AGENDA ITEM #2: RESEARCH SET-ASIDE RESEARCH PRIORITIES

Staff summarized the list of RSA research priorities for the Committee. The list was not in order of priority. The Committee did not have any edits to make to the RSA research priorities and did not recommend any prioritization of the list. A Committee member questioned whether there would be a performance report or review as to how these priorities had been addressed by RSA projects.

Public Comment:

- Emerson Hasbrouck– We still have 100 2016 DAS that are still not sold to industry. At that time the other research project at SMAST also had not fully allocated their allocation along with that was the fact that we are getting an additional 50 DAS for 2017 at Cornell. One of our collaborative partners who brought 40 DAS in 2016 had already told us that they were not going to buy any DAS in 2017 but were willing to continue paying short-term. That prompted some uncertainty on our part about being able to fully utilize the DAS. We did have interest from Category E vessels to use RSA DAS; currently they are not allowed to do that. That prompted me to write a letter to GARFO requesting that we explore that possibility. The response was to take it up with the AP and Committee but the letter from Bullard further went on to mention that it is

difficult to use all the RSA DAS and there could be ways to increase participation. How can we better utilize Monkfish RSA DAS, how can we increase demand on part of the industry for utilization of RSA DAS? That's a little of the background. Yesterday there seemed to be no support for Category E vessels to have access to RSA DAS. There weren't any motions that came out of the AP but there was no support for Category E vessels to utilize DAS or the trip limit that comes with each RSA DAS. Several AP members who committed to purchasing additional RSA DAS and other said if you don't think you'll sell them all then let us know. There was industry support to do that. The discussion of raising the issue about some of the difficulties in allocating some of the RSA DAS heightened the need. I'm hoping that there is going to be increased participation by the industry. Several people on the AP and in the audience who have already purchased RSA DAS from us and provided us with samples. This is our second project. In 2012 we had no problem allocating our DAS. That's what got us concerned. We were basing this project on our previous one. Since December though we have allocated most of our 2016 DAS with the additional DAS one AP member said he would purchase. That brings us to almost fully allocating our 2016 DAS. SMAST were able to allocated 2016 DAS. Again we're going to have more DAS in 2017 and there's the issue of the block of 40 DAS that won't be purchased. In 2017 there's going to be an increase in the DAS that each limited access permit holder will be allocated and the trip limit will also increase by 15%. We do have participants who buy 5 -15 DAS. If people are going to get a 15% increase that may decrease demand by those guys. Does the Committee have any additional suggestions? The AP also discussed the cost of a DAS if the cost was lower then people might pay more. We charge 50% of the cost up front and then as the fishermen harvests he pays as he uses. If the price drops a lot interest will go up say down to \$100 but we couldn't run our project. Cost is determined by NMFS. If monkfish price was higher then they would want to buy more RSA DAS. There are people who buy large lots like around 20 RSA DAS and can use them over a 2 year period.

A Committee member considered an allocation of 32 DAS combined with 30 RSA DAS, vessels could fish for an entire year on monkfish. Another Committee member informed the Committee that any landings from an RSA DAS would not contribute to history. The AP was opposed to RSA DAS being sold to Category E vessels but this discussion was considered beneficial as it would raise awareness of the problem. A Committee member wasn't sure how RSA landings were tracked in relation to permit history.

- Emerson Hasbrouck – To expand on the issue on use of draggers and trawlers utilizing DAS – they will use a DAS or more just steaming to where they are going to fish and steaming home again and if they don't catch enough on DAS that they're actually fishing, it doesn't work out for them either. I didn't hear a solution yesterday to address that. Also for Category F if they go out and catch quite a bit of monkfish they have to float for time until the clock catches up. Category F vessels have to use the large mesh in order to fish for monkfish and there really isn't anything else they can catch with that mesh. I was hoping someone might have another idea on using DAS. I just want to thank the Committee in allowing me to bring this up.

A Committee member suggested providing informational packets at various meetings to help advertise the RSA projects.

AGENDA ITEM #3: OTHER BUSINESS

A Committee member informed the Committee that the AP raised an issue where an individual can own multiple boats and monkfish caught can collectively be put on one boat, then the other boat(s) don't need to declare or burn a Monkfish DAS and come in with skate or incidental monkfish. This has apparently been occurring. It was suggested that maybe GARFO could send out a letter reminding permit holders

that it is illegal to transfer at sea. Another Committee member suggested that the individuals who suspect this is occurring directly contact the GARFO enforcement liaison so that he can reach out directly to the vessels involved. This approach has proven to be more effective in the past for other issues.