

Monkfish FMP

Amendment 6

Draft Range of Alternatives

Sector Management and ITQs

May 24, 2013

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1.0 Sectors

Rationale: Addresses public comment that the current monkfish DAS system is an inefficient and costly approach to utilization of the resource and infrastructure, and creates an administrative and operational burden on vessels already participating in groundfish sectors.

Discussion: Because the Monkfish FMP currently prioritizes incidental catch of monkfish in other fisheries over the directed monkfish fishery, monkfish incidental catch, including that resulting from both limited access and open access monkfish permits, will affect several sector provisions outlined below. Affected provisions include the calculation of potential sector contribution (PSC) and annual catch entitlement (ACE) in Sections 1.2.3 and 1.2.4, catch monitoring in Section 1.2.8, sector exemptions (e.g., incidental catch limits), in Section 1.2.12, and accountability measures in Section 1.2.13. The PDT will continue to explore how to effectively integrate monkfish incidental catch into sectors, including the ideas presented in the October 12 memo, “Amendment 6 Development of a hybrid sector-DAS system” to only incorporate directed monkfish effort/landings into the sector program.

The referenced memo also identifies approaches to the idea that sector management might only be adopted for the northern area, while the southern area would remain under DAS/trip limits. A third element in the memo relevant to this section of the document is to base the allocation and management of sector shares on landings, rather than total catch, in which case PSC would be converted into Annual Landings Entitlement (ALE), rather than ACE. If this approach is adopted by the Committee, the references to ACE in this document will be converted to ALE.

1.1 No Action

Limited access monkfish permit holders are not allocated monkfish PSC when they participate in groundfish sectors and must use a monkfish DAS when monkfish landings exceed the incidental monkfish limit.

1.2 Integrate monkfish vessels into groundfish sectors

1.2.1 Eligibility based on permit type

(Sub-goal 4 and Objectives 1, 3, 4, 5, and 6)

Discussion: Three permit based eligibility alternatives are presented here, the first two of which, apply only to limited access monkfish vessels in sectors. In these alternatives, any open access Category E vessel in a sector would neither contribute to the ACE nor would it be able to exceed the incidental monkfish limit for all Category E vessels. Under this provision, Category E vessels would also not be subject to sector based accountability measures if monkfish ACE is exceeded. The third alternative would include multispecies sector vessels with open access monkfish permits. In this approach, the landings history of the Category E vessels would contribute to the sector's ACE, and all monkfish landings by those vessels would be deducted from the ACE.

1.2.1.1 Only Multispecies/Monkfish limited access vessels

All limited access monkfish Category C and D permits that are also issued limited access NE multispecies permits, including those held in CPH, would be able to participate in groundfish sectors, with monkfish catch restricted by a sector-specific and area-specific monkfish ACE based on the cumulative monkfish PSCs of participating vessels, instead of being based on monkfish DAS and trip limits. When sector monkfish catch equals the monkfish ACE, fishing by sector vessels in the respective monkfish management area would cease (pending decision regarding focusing on directed landings or all landings in Oct. 12 memo).

Discussion: Allowing permits in CPH to join groundfish sectors is consistent with existing sector measures, and reduces the administrative burdens and costs to issue permits to inactive vessels simply to participate in sectors. The PSC for monkfish permits participating in a sector during a fishing year would need to be removed from the ACT available to the directed monkfish fishery when developing monkfish DAS allocations and trip limits for monkfish permits that do not participate in sectors. Resulting monkfish DAS and trip limits may need to be revised annually to account for monkfish permits participating in groundfish sectors each fishing year.

1.2.1.2 All Monkfish limited access vessels

All limited access monkfish permits (Categories A, B, C, D, F, and H permits), including those also issued limited access NE multispecies and scallop permits and those in CPH, would be able to participate in groundfish sectors, with monkfish catch restricted by a sector-specific and area-specific monkfish ACE based on the cumulative monkfish PSCs of participating vessels instead of monkfish DAS and trip limits. When sector monkfish catch equals the monkfish ACE, fishing by sector vessels in the respective monkfish management area would cease (pending decision regarding focusing on directed landings or all landings in Oct. 12 memo).

Discussion: Allowing monkfish limited access vessels that do not already have a multispecies permit to join groundfish sectors **would require joint action with the Multispecies FMP**. Allowing permits in CPH to join groundfish sectors is consistent with existing sector measures, and reduces the administrative burdens and costs to

issue permits to inactive vessels simply to participate in sectors. Similar to the eligibility option above, the monkfish PSC for participating vessels would need to be removed from the ACT available to the directed monkfish fishery when developing monkfish DAS allocations and trip limits for monkfish permits that do not participate in sectors.

1.2.1.3 All Multispecies permits with any monkfish permit, including Category E, open access permits

Under this alternative, all vessels in groundfish sectors would contribute PSC to the sector, including those with Category E permits, based on all landings by member vessels. All monkfish landings by sector vessels would be counted against the monkfish ACE, and when the ACE is caught, all fishing by member vessels would cease, since there would be insufficient ACE to cover any incidentally caught monkfish. Alternatively, if the sector program is based on ALE (landings), all monkfish caught once the ALE is reached would be discarded.

1.2.2 Eligibility based on “Active” status

Discussion: Independent of eligibility based on permit type in the previous section, the Committee may want to consider eligibility based on vessels history of participation in the directed monkfish fishery. If the Committee proposes to include only vessels active in the directed fishery, permit Category E vessels would not be eligible to participate (i.e., receive an allocation and fish against a sector’s ALE).

1.2.2.1 Active vessels only

Only “active” limited access monkfish permits would be able to participate in groundfish sectors, with monkfish catch restricted by a sector-specific and area-specific monkfish ALE based on the cumulative monkfish PSCs of participating vessels on directed trips. Active permits are defined as those that have participated in the directed monkfish fishery. For the purpose of determining historical directed effort there are several options, including landings on trips while on a monkfish DAS, or, for landings history prior to 2007 (when vessels fishing in the NMA were not required to use monkfish DAS) trips on which the landings exceeded the applicable trip limit.

Discussion: Limiting participation in groundfish sectors to monkfish permits active in the directed fishery would address the concern that latent effort could be activated and increase monkfish landings beyond those documented in recent years. Similar to the other eligibility options above, the monkfish PSC for participating vessels would need to be removed from the ACT available to the directed monkfish fishery when developing monkfish DAS allocations and trip limits for monkfish permits that do not participate in sectors.

1.2.2.2 All vessels, regardless of directed fishery participation history

All vessels meeting permit eligibility requirements would be eligible to participate in groundfish sectors, regardless of their history of participation in the directed monkfish fishery. All of the monkfish landings of those vessels, both directed and incidental, would contribute to the vessels' PSC, and all monkfish landings by sector vessels would be counted against the sector's ALE.

1.2.3 Method for calculating PSC

(Sub-goal 4, Original Objective 1 and 2, Objectives 1, 3, 4, 5, and 6)

Discussion: To ensure that all limited access vessels contribute equally to Research Set Aside, and because sector allocations are in weight, the calculation of PSC requires conversion of RSA contributions to weights prior to allocating sector ACE and developing common pool measures. The calculation of PSC also needs to be area-based, which implies that catch monitoring and accountability measures would also be area-based.

1.2.3.1 Monkfish landings history during fishing years 2000-2006.

For each permit eligible to join a groundfish sector, monkfish landings will be summed over fishing years 2000 – 2006. This value will then be divided by the total monkfish landings by permits eligible to join sectors as of May 9, 2012 (monkfish control date), including permits held in CPH. The result will be the share of monkfish landings for each permit. For the purposes of calculating monkfish PSCs, monkfish landings will be distributed between the NMA and SMA based on the proportion of landings from each area, as reported on the VTRs. Discards will not be counted when calculating monkfish PSC.

1.2.3.2 Monkfish landings history during most recent 5 years.

For each permit eligible to join a groundfish sector, monkfish landings documented in federal dealer reports will be summed over the most recent 5 fishing years. This value will then be divided by the total monkfish landings by permits eligible to join sectors as of May 9, 2012 (monkfish control date), including permits held in confirmation of permit history. The result will be the share of monkfish landings for each permit. For the purposes of calculating monkfish PSCs, monkfish landings will be distributed between the NMA and SMA based on the proportion of landings from each area, as reported on the VTRs. Discards will not be counted when calculating monkfish PSC.

1.2.3.3 Monkfish landings history during most recent 10 years.

For each permit eligible to join a groundfish sector, monkfish landings will be summed over the most recent 10 fishing years. This value will then be divided by the total monkfish landings by permits eligible to join sectors as of May 9, 2012 (monkfish control date), including permits held in confirmation of permit history. For the purposes of calculating monkfish PSCs, monkfish landings will be

distributed between the NMA and SMA based on the proportion of landings from each area, as reported on the VTRs. The result will be the share of monkfish landings for each permit. Discards will not be counted when calculating monkfish PSC.

1.2.3.4 Equal allocation based on initial permit qualification criteria.

Consistent with the initial permit qualification criteria, each limited access monkfish permit eligible to join a groundfish sector would be allocated a monkfish PSC based on its monkfish permit category. The PSC for each permit category would be calculated in a way that maintains the same landings ratio used in the initial permit qualification criteria. Limited access monkfish Category A and C permits landed at least 50,000 lb of monkfish during the initial qualification period, while Category B and D permits landed at least 7,500 lb of monkfish during the initial qualification period. Accordingly, the ratio between the landings criteria used to qualify vessels for either a Category A/C or Category B/D permit was 6.7:1 (i.e., 50,000 lb ÷ 7,500 lb). Therefore, in calculating PSCs, Category A and C permits would be allocated 6.7 times more monkfish than Category B and D permits based on the following formula: (to be developed).

1.2.3.5 Other PSC criteria?

1.2.4 Method for translating PSC into ACE

To convert the PSC of member vessels, which is a proportion of individual permit landings relative to total landings, to sector ACE, which is a total weight of allowable catch including landings and discards, the estimated discard rate by area from the most recent stock assessment will be applied to scale up the weight in landings to total ACE. For example, if the PSC of all members in a sector amounts to 1% of the total landings in an area, and the TAL (ACT-estimated discards) for that area is 10,000 mt, and the discard rate from the assessment is 10%, then the ACE would be calculated as follows: $0.01 \times 10,000 \text{ mt} = 100 \text{ mt}$; $(100 \text{ mt} \times 0.10) + 100 \text{ mt} = 110 \text{ mt}$, which would be the ACE for that sector.

Discussion: PSC refers to the proportion of the total available catch allocated to each sector participant. PSC is calculated based on individual vessel landings history relative to total landings of all potential participants. ACE refers to the annual catch entitlement of a sector in pounds, and includes both discards and landings, and is the sum of PSC contributions by sector members applied to the ACT. In the monkfish fishery, annual specifications of DAS and trip limits are based on landings and an assumed discard rate from the stock assessment. This section describes the alternatives for allocating total catch (landings plus discards) to sector participants. Since the determination of PSC is based on landings, while ACE is an allocation of both landings and discards, a method needs to be developed to add an estimate of monkfish discards by participating

sector vessels to specify monkfish ACE for each sector. NOTE: The method described above needs to be further developed by the PDT and evaluated for effectiveness.

1.2.5 Calculation of common pool specifications

(Sub-goal 4, Original Objective 1 and 2, Objective 9 maybe)

Under the current FMP, specifications of DAS and trip limits are recalculated every three years. With the introduction of sector participation by some monkfish vessels, either an adjustment is necessary to account for annual changes in sector participation, or sector vessels must commit for a three-year period to preserve the current specifications program.

1.2.5.1 Three-year sector commitment.

The owner of each limited access monkfish permits must declare his/her intent to participate in a particular groundfish sector for a 3-year period. Cumulative ACE of monkfish permits participating in groundfish sectors during each fishing year would be deducted from the monkfish ACT prior to calculation of common pool specifications for the three year period. This allows for maintenance of the current 3-year specification process for those monkfish permits not participating in groundfish sectors.

Discussion: This provision would preserve the 3-year specification process and not require additional adjustments to monkfish measures. This higher degree of stability of measures would require a longer commitment to participating in a groundfish sector. This may be controversial, as it limits the flexibility of vessel operations.

1.2.5.2 Annual adjustment.

The current 3-year specifications setting process would be maintained, that is the calculation of the ACT and the baseline DAS and trip limits, but an annual adjustment to the DAS and trip limits would be necessary to account for changes in sector participation. Under this method, the cumulative monkfish ACE of all groundfish sectors during a particular fishing year would be deducted from the monkfish ACT after May 1 of each year and the remainder would be used to calculate DAS and trip limits applicable to monkfish permits not participating in groundfish sectors during that year. As a result, the actual number of DAS and trip limits allocated to non-sector vessels could change each year, after the start of the fishing year.

Discussion: This provision parallels what is done in the multispecies FMP, and would require monkfish DAS and trip limits to be adjusted annually based on the number of sector participants and their individual monkfish PSC. Such

adjustments would become effective after the start of each fishing year to accommodate final sector rosters as of May 1 of each year. Effectively, if the Councils adopt this option, it will require annual recalculation of DAS and/or trip limits specifications for all non-participants (versus the three-year specifications currently in place).

1.2.6 Monkfish ACE transfers

(Objectives 1, 3, and 4)

1.2.6.1 Transfer of monkfish ACE would not be allowed

1.2.6.2 ACE transfer would be allowed between sectors

1.2.6.3 Transfer approval criteria

NMFS will consider the same criteria as it does when considering transfers of ACE in groundfish sectors (i.e., whether VTRs are submitted by sector participants).

1.2.7 Accumulation limits

(Objective 8)

1.2.7.1 No limits

Under this alternative, the FMP would not specify any limits on the accumulation of monkfish ACE.

1.2.7.2 20 percent cap

No single groundfish sector ACE can equal or exceed 20% (or some other agreed upon limit) of the monkfish ACT in either management area, based on the cumulative monkfish PSCs of vessels participating in that sector either through initial allocation or through acquisition of additional monkfish ACE from another sector through an ACE lease.

Option A: Cap based only on cumulative ACE of member vessels

Option B: Cap based on cumulative ACE of member vessels plus any ACE acquired from other sectors.

1.2.8 Catch monitoring

(Original objective 1)

1.2.8.1 Catch estimation methodology

- 1.2.8.1.1 Existing catch estimation methodology specified in the NE Multispecies FMP for groundfish sectors would apply to monkfish permits participating in groundfish sectors, including at-sea and dockside monitoring requirements, weekly sector catch reports, and catch and discard monitoring protocols.

Discussion: Currently, several sectors are exempt from dockside monitoring requirements south and west of 72°30' W. longitude because groundfish are generally not targeted south and west of Shinnecock Inlet, NY. However, under this option, approval of that exemption may no longer be appropriate to ensure that all operations that would count against a sector's ACE, including fishing for monkfish south and west of 72°30' W. longitude can be monitored.

- 1.2.8.1.2 Electronic monitoring (details to be developed)
- 1.2.8.1.3 Landing stations or windows (details to be developed)
- 1.2.8.1.4 Instant landing validation (details to be developed)

Discussion: This is a method used in the red snapper ITQ fishery. In this system, the vessel captain validates species and quantities landed entered by the dealer directly into NMFS database immediately following the catch offloading. For an output-based system such as sectors, it offers real-time catch accounting and validation, improving timeliness and accuracy of catch monitoring. However, since it would impose requirements on all dealers, it would be difficult to implement, particularly for only one fishery.

1.2.8.2 Cost coverage

- 1.2.8.2.1 Cost structure, as applied to groundfish sectors

This includes industry funding, to the extent that such monitoring coverage is not funded by NMFS based on available funding each year.

- 1.2.8.2.2 Monkfish ACE set-aside to help offset monitoring costs (details to be developed)
- 1.2.8.2.3 Industry-funded (details to be developed)

1.2.9 Program administration

1.2.9.1 Existing sector administration measures specified in the NE Multispecies FMP

The sector administration elements for groundfish sectors would apply to monkfish permits participating in groundfish sectors, and any future changes would automatically apply. For example, monkfish permits intending to participate in groundfish sectors would be subject to the same sector roster deadlines, operations plan requirements, and would be included in yearly assessments of environmental impacts and in sector annual reports.

1.2.9.2 Alternative roster and contract deadlines (details to be developed)

1.2.9.3 Alternative joint/several liability measures (details to be developed)

1.2.10 Sector Performance measurement

1.2.10.1 Use annual sector reports

Annual sector reports would be used to evaluate the performance of sectors regarding key performance metrics developed by the Northeast Fisheries Science Center.

1.2.10.2 Use annual SAFE Reports

Annual SAFE reports would be used to evaluate the performance of sectors regarding key performance metrics developed by the Northeast Fisheries Science Center.

1.2.11 Integration with other FMPs

(Original objective 1, Objective 9)

1.2.11.1 Integration with the Skate FMP

1.2.11.1.1 No Action

Monkfish permits that intend to catch more than the incidental catch limit of skate wings must declare a monkfish DAS. This is similar to the current provision that groundfish sector vessels intending to land skate wings in excess of the incidental limit must declare a groundfish DAS.

1.2.11.1.2 Revise Skate FMP

This would require a joint regulatory action to modify the Skate FMP to allow for skate wings to be landed on sector trips. This would enable monkfish and groundfish permits to land allowable possession limits of skate wings when on a sector trip instead of on a groundfish or monkfish DAS.

1.2.11.2 Integration with the Atlantic Scallop FMP

(to be determined)

Discussion: Depending on the sector qualification alternative adopted, the potential exists for scallop vessels that also possess a limited access monkfish permit to join sectors. Issues to be addressed could include removing the requirement to use a scallop DAS when fishing under a monkfish DAS, and allowing the use and possession of dredge gear on board a vessel when fishing for monkfish, as appropriate.

1.2.12 Exemptions for sector vessels

(Objectives 1, 3, 4, 6, and 7)

1.2.12.1 No action.

Existing universal sector exemptions specified in the NE Multispecies FMP for groundfish sectors would apply to monkfish permits participating in groundfish sectors. For example, monkfish permits intending to participate in groundfish sectors would be exempt from groundfish seasonal closure areas, groundfish DAS requirements, groundfish trip limits, and codend mesh size restrictions when operating on Georges Bank.

1.2.12.2 Revised universal exemptions for sector vessels

1.2.12.2.1 Monkfish DAS requirements.

Monkfish permits participating in groundfish sectors would be exempt from the monkfish DAS requirements.

1.2.12.2.2 Monkfish trip limits.

Limited access monkfish permits participating in groundfish sectors would be exempt from existing monkfish trip limits. Category E permits would still be subject to the monkfish incidental limits.

1.2.12.2.3 Monkfish mesh size requirements.

Monkfish permits participating in groundfish sectors would be exempt from the monkfish minimum mesh size requirements when fishing on a sector trip. Such vessels would still be subject to applicable monkfish minimum fish size limits.

1.2.12.2.4 Other exemptions?

1.2.12.3 Sector-specific exemptions

Groundfish sectors would be allowed to request the NMFS Northeast Regional Administrator to exempt approved groundfish sectors from individual monkfish regulations.

1.2.12.4 Prohibited exemptions

Groundfish sectors may not request exemptions from the following monkfish measures:

- Monkfish permitting restrictions (i.e., a vessel must be issued a monkfish permit to land monkfish from federal waters)
- Reporting requirements (e.g., VTRs, declarations, etc.)
- Monkfish closure areas
- Monkfish minimum fish size?
- Others?

1.2.13 Accountability measures for individual sectors

1.2.13.1 Area closure

Exceeding monkfish ACE would trigger immediate closure of fishing by all sector member vessels in the monkfish management area (i.e., NMA or SMA) in which the ACE was exceeded.

1.2.13.2 Overage penalty

Existing individual sector overage penalties in groundfish sectors would be expanded to include monkfish (individual ACE deduction based upon the overage, or proportional monkfish DAS reduction for vessels exiting sector participation in a subsequent fishing year based on the amount of the monkfish ACE overage).

Discussion: Because monkfish ACE is allocated by monkfish management area, but monkfish DAS are allocated to the entire fishery, further development of how to apply a DAS penalty is needed. One example of such a penalty would be to apply the overage deduction to DAS allocated in both management areas, or just the area in which the ACE overage occurred.

2.0 Individual Transferrable Quota (ITQ) Program– (to be further developed by the PDT)

2.1 No action. An ITQ would not be developed in the Monkfish FMP.

2.2 Eligibility to participate

2.2.1 All limited access monkfish permits, including those in CPH

2.2.2 Only active limited access monkfish permits

2.3 ITQ qualification criteria

2.3.1 Monkfish landings history during fishing years 2000-2006.

2.3.2 Monkfish landings history during most recent 5 years.

2.3.3 Monkfish landings history during most recent 10 years.

2.3.4 Initial permit qualification allocations.

2.4 Monitoring requirements

2.5 Monkfish ITQ Leasing

2.5.1 Duration of lease

2.5.1.1 Temporary lease of quota

2.5.1.1.1 1 year

2.5.1.1.2 3 years (consistent with specification process)

2.5.1.2 Permanent sale of quota

2.5.2 Approval criteria

2.6 Accumulation Limit

2.6.1 No action.

No limits on the accumulation of monkfish ITQ share would be specified.

2.6.2 20 percent cap.

No single entity can acquire more than 20% of allocated monkfish ITQ based on the initial allocation or through acquisition of additional monkfish ITQ from another entity through an ITQ lease.

2.6.3 Other limit?

2.7 Cost recovery

Under Section 303A(c) of the Magnuson-Stevens Fishery Conservation and Management Act, Councils that establish a limited access privilege program such as an ITQ must develop a program for industry to pay for the costs of

management, data collection and analysis, and enforcement of any such program. This fee cannot exceed 3 percent of the ex-vessel value of fish harvested.

2.8 Referendum parameters

2.8.1 Voting eligibility

2.8.1.1 Permit holders

2.8.1.1.1 All monkfish permit holders

2.8.1.1.2 Limited access permit holders

2.8.1.2 Crew

2.8.1.2.1 Eligibility criteria (to be developed)

2.8.1.2.2 Documentation of eligibility (to be developed)

2.8.2 Vote counting methodology (to be further developed)

2.8.2.1 One vote per entity (individual, business, partnership)

2.8.2.2 One vote per permit or person (for crew)

2.8.2.3 Vote weighting for permit owners (to be developed)

Monkfish Amendment 6 Goals and Objectives

The original FMP specified the following management objectives:

1. To end and prevent overfishing; rebuilding and maintaining a healthy spawning stock;
2. To optimize yield and maximize economic benefits to the various fishing sectors;
3. To prevent increased fishing on immature fish;
4. To allow the traditional incidental catch of monkfish to occur.

The goals and objectives for Amendment 6 are to supplement the basic FMP objectives. Specifically: **GOAL:** Maximize yield and efficiency, and simplify regulations in the monkfish fishery while minimizing any resulting disruption in relative fleet distribution and composition, preserving monkfish bycatch allowances necessary to prosecute other fisheries, and minimizing impacts on protected species.

Sub-goal 1. Maximize yield.

Objective 1. Implement measures to reduce the ratio of discards to pounds landed.

Objective 2. Implement measures to provide incentives to reduce discards of undersized monkfish.

Objective 3. Implement measures to ensure the full utilization of the ACT.

Sub-goal 2. Maximize efficiency in the fishery.

Objective 4. Implement measures that allow vessels to more efficiently, economically and opportunistically harvest monkfish.

Objective 5. Implement measures that allow vessels to better utilize

monkfish bycatch on non-directed trips.

Sub-goal 3. Simplify regulations.

Objective 6. Implement measures that provide increased flexibility through better integration of Monkfish management measures with other FMPs.

Objective 7. Address existing geographic constraints on permit categories.

Sub-goal 4. Minimize disruption to current fleet distribution and composition and fishing community structure while allowing the fishery to evolve.

Objective 8. Implement measures that would result in accumulation limits if some sort of catch shares are implemented

Sub-goal 5. Maintain the monkfish bycatch allowances necessary to sustain the yield of other fisheries

Objective 9. Implement specifications/measures that quantify and allocate monkfish bycatch to other fisheries.

Sub-goal 6. Minimize the impacts on protected species.

Objective 10. Implement measures to reduce Atlantic sturgeon mortality in the monkfish fishery (if necessary).