



## New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

# MEETING SUMMARY

## Monkfish Advisory Panel

Webinar

November 28, 2022

The Monkfish Advisory Panel (AP) met on November 28, 2022, via webinar at 10:00 AM to give input on 1) the *Framework Adjustment 13 to the Monkfish Fishery Management Plan* (FW13) specifications and management measures, 2) the *2023 Council Priorities regarding Monkfish*, and 3) other business.

**MEETING ATTENDANCE:** Mr. Greg DiDomenico (AP Chair), Mr. James Dopkin, Mr. Greg Mataronas, Mr. Ted Platz, Mr. Chris Rainone, and Mr. Tim Froelich. NEFMC Council staff: Dr. Rachel Feeny (Plan Development Team (PDT) Chair), Ms. Jenny Couture, Chris Kellogg, and Janice Plante. GARFO staff: Danielle Palmer and Spencer Talmage. NEFMC Monkfish Committee Chair (Ms. Elizabeth Etrie), five other Committee members, and Council Chair Eric Reid. MAFMC staff: Mr. Jason Didden. About eleven other people attended.

### **KEY OUTCOMES:**

- On Framework Adjustment 13
  - Specification alternatives (Action 1): recommended Alternative 2 (Status Quo).
  - Effort control alternatives (Action 2): recommended Alternative 1 (No Action).
  - Gillnet mesh size (Action 3): recommended Alternative 2 Option B (12” minimum mesh size) with a delayed implementation to Fishing Year (FY) 2026.
  - Recommended remanding the 2022 monkfish management track assessment.
- On 2023 Council management priorities regarding monkfish, recommended prioritizing formation of a working group to ensure the RSA and other research is being used in the assessment process; addressing the sturgeon bycatch reduction recommendations; evaluating whether the current management system provides enough flexibility for the fishery; and exploring managing winter skate and monkfish in one Fishery Management Plan. The AP made three other recommendations.
- Under other business, the AP Chair requested clarification on what happens if FW13 is not completed on time and if federal regulations require both NEFMC and MAFMC to review the Terms of Reference for the NEFMC SSC when it recommends a monkfish ABC.

### **AGENDA ITEM #1: INTRODUCTIONS, APPROVAL OF AGENDA, AND OTHER UPDATES**

The AP Chair introduced the advisors, welcomed attendees, and sought approval of the agenda. There were no agenda changes. Staff reviewed the timeline for 2022 monkfish work and FY 2022 fishery performance based on monthly in-season quota monitoring. There was a brief discussion on who on the AP is active in the monkfish fishery. Staff noted that the new AP term starts in January and that the applicants are under review by the Executive Committee, considering prior participation in AP meetings. The results of the review are not yet available.

## ***AGENDA ITEM #2: FRAMEWORK ADJUSTMENT 13***

### ***Specifications***

Staff provided an update on the development of 2023-2025 specifications including summarizing the outcomes of the 2022 management track assessment and peer review; the Scientific and Statistical Committee (SSC) recommendations on setting the overfishing limits, acceptable biological catches, and discard deductions; the range of alternatives, and the impact analysis.

***Discussion:*** Advisers asked several questions including the terminal year of the survey index (last year of data, 2022 for spring and 2021 for fall), data used to calculate the Ismooth catch advice (the last three years of total fishery monkfish catch and the trawl survey multiplier), if there were missing surveys and stations in the survey (no survey in 2020), and the assumed discard mortality rate being used (100% except for the newly revised rate of 64% in the scallop dredge gear). Regarding the discard mortality rate, one adviser stressed that 100% is inaccurate. He noted his participation in a winter skate tagging study that showed discard mortality of skate was 11%. Staff noted that like revising the scallop dredge gear discard mortality rate, other research on discard mortality can be incorporated into the next assessment.

Several members expressed frustration with the assessment process and the outcome given they believe monkfish are very abundant and that the trawl survey is not sufficient for estimating monkfish abundance. Several AP members active in the southern management area pointed out that the trawl survey is done in the early fall when the fish are no longer present; fishermen begin targeting monkfish after Thanksgiving in recent years given warming waters and impacts from offshore wind development have changed fish distribution. One member stated that the last three years of fishing catch are not indicative of future fishing effort because of the pandemic, high fuel prices, low monkfish prices, etc. The AP generally thought the main issue is that the science does not match what fishermen observe on the water.

Regarding the Ismooth method and results, the AP Chair reiterated that the assessment is not an appropriate approach for monkfish given the method was generalized for a groundfish stock, and that the Legault, et al. paper includes several cautions with using the Ismooth approach. The Committee Chair stated that the Ismooth approach was first adopted in 2016 after the analytical assessment failed. She agreed that the decline in survey indices will cause disruptions in the fishery but that this is the method approved to be used for the fishery as a backup for the rejected analytical assessment. Questions about the assessment method can be discussed during the upcoming NEFMC meeting after the assessment scientist's presentation on December 6<sup>th</sup>.

Several AP members shared other frustrations with the Ismooth approach. More specifically, that the method does not account for other reasons why catch declines beyond a decline in biomass including economic factors, skate limits, high bait skate prices, lack of labor, DAS management versus quota management, labor availability, etc. The approach is self-perpetuating and causes a downward spiral in catch advice. The economic factors are preventing fishermen from achieving their total allowable landings. Advisers objected to using the Ismooth model for setting catch advice for FY2023-2025 and suggested selecting status quo given what they see as a bad assessment and high monkfish abundance. One adviser commented that fishing is good, and if there is no crisis then there is no management. Additional questions on the Ismooth method were discussed including why the time series of the trawl survey is scaled to 1 (to help determine the slope multiplier of the last three years) and if all sources of discards are included in the discard deduction (yes).

### **Public Comment:**

- **Josiah Dodge (new monkfish fishermen):** Stated that he is a new monkfish fisherman and inherited his vessel from his father. He is concerned with large decreases in DAS and commented that this unexpected DAS reduction, warming waters, offshore wind development, and high diesel fuel prices will substantially impact his ability to survive fishing. There is a need for better science, use of gillnet versus trawls for surveys, and inclusion of more data such as observer data.

- **Drew Minkiewicz (Fisheries Survival Fund):** Asked if catch stays below the ACL, then that will lead to lower catch advice in future years based on the Ismooth method.

Staff noted that if the survey trend is increasing then catch advice would increase too if the magnitude of the survey catch outweighs any decline in catch. If the survey index shows a flat trend and catch is also decreasing, then catch advice would decrease.

- **Dan Farnham (Monkfish Committee member):** Asked if catch per unit effort (CPUE) data are available for the directed monkfish gillnet fishery and how the pandemic impacted the trawl surveys.

Staff answered that CPUE data were not in the assessment report and that the missing 2020 survey value was imputed, taking an average of 2019 and 2021 survey data.

- **Emerson Hasbrouck (Cornell Cooperative Extension Program):** Shared the results of his monkfish Research Set Aside (RSA) projects that showed there is a single genetic stock across the coast. He asked why this result is not being incorporated into management and why the Councils are still managing monkfish as two separate stocks).

Staff answered that the Councils manage stocks as defined by assessments and that research such as this could be incorporated into the next research track assessment in 2027.

1. **Motion (Rainone/Platz):** For Action 1 FY 2023-2025 Specifications, the AP recommends to the Committee Alternative 2 (status quo).

*Rationale:* There is insufficient data. The fishery is not fishing in the early fall when the trawl survey is happening, so the AP feels that the survey timing is off. The last six years of status quo specifications have produced a consistently increasing biomass of monkfish. Given the recent pandemic and the resulting fish prices, the fishery has had severely reduced landings. That should not be used against the fishery.

**Discussion of the motion:** The Committee Chair cautioned that the Status Quo recommendation is higher than the SSC recommendation which could mean NOAA Fisheries deems this action is inconsistent with the Magnuson-Stevens Act and be thus unable to approve this action. She noted that this will be discussed further during the Committee meeting the following day (November 29<sup>th</sup>).

Greg DiDomenico	No vote	Randall Morgan	Absent
James Dopkin	Yes	Nicholas Muto	Absent
Tim Froelich	Yes	John Our	Absent
Michael Karch	Absent	Ted Platz	Yes
Greg Mataronas	Yes	Chris Rainone	Yes
Bill McCann	Absent		

Motion 1 carried 5/0/0 with a quorum.

### Effort Controls

Regarding effort controls, staff presented the range of alternatives and the preliminary impact analyses for separate monkfish Day-at-Sea (DAS) allocation by area and reduction of DAS allocations (Action 2) and reduction in incidental possession limits while using a Northeast Multispecies DAS for permit category C and D vessels (Action 3).

**Discussion:** A couple of AP members disagreed with the idea that if fishermen are only on a Northeast (NE) Multispecies DAS that they are not targeting monkfish in the north. Several fishermen set gillnet gear on the side of fishing for groundfish, and that the Council created the ability to add a monkfish DAS

while out at sea. Reducing DAS will pressure fishermen to high-grade which means there will be longer soak times to harvest the full monkfish limit and achieve the best price, so not likely to lead to substantial discards. When fishermen use all of their monkfish DAS, then they will likely fish on a NE Multispecies DAS to fish skate and discard any monkfish over the incidental limits. Fishermen will continue fishing, thus any option other than status quo for effort controls would lead to an increase in monkfish discards. Another adviser pointed out that the directed monkfish fishery has the lowest discards, so it is not sensible to reduce the monkfish DAS. The directed fishery would have a high negative economic impact. A few advisers commented that the monkfish fishery is healthy.

**Public Comment:**

- **Patrick Duckworth (monkfish fishermen):** Agreed with the AP comments that fishermen would switch to using a groundfish DAS if monkfish DAS are reduced and that the northern fishermen do target monkfish even if on only a groundfish DAS.

*A quorum was lost prior to when Motion #2 was made.*

2. **Motion (Platz/Mataronas; no quorum):** For Action 2 Effort Controls, the AP recommends to the Committee the No Action alternative.

*Rationale:* The fishery is abundantly healthy, and we should be considering increases in DAS. To reduce effort controls is not rational.

**Discussion of the motion:** One adviser wanted clarity on what happens if both NEFMC and MAFMC reject all options in the FW13 document and if FW13 is not submitted to NOAA Fisheries by February 1. Staff clarified that the ACL would be 0 lb beginning on May 1 because the fishery does not have default specifications in place.

Greg DiDomenico	No vote	Randall Morgan	Absent
James Dopkin	Yes	Nicholas Muto	Absent
Tim Froelich	Absent	John Our	Absent
Michael Karch	Absent	Ted Platz	Yes
Greg Mataronas	Yes	Chris Rainone	Yes
Bill McCann	Absent		

Motion carried 4/0/0. The AP did not have a quorum. The majority of those present supported the motion. Prior to leaving the meeting (before this motion was on the board), Tim Froelich indicated that he supports status quo effort controls. The Chair noted his support of this motion.

*A quorum was then regained.*

*Gillnet Mesh Size*

Regarding gillnet mesh size, staff presented the alternatives and impact analyses in the FW13 document on potentially increasing gillnet mesh size from 10” to either 11” or 12”.

**Discussion:** One adviser requested a 3-year delay (one additional year than what is included in the FW13 document) to help minimize the economic costs for the few fishermen using < 12” mesh and to help sync with the specification setting process. The larger mesh helps minimize discards in the skate and monkfish fishery, improves general custodial of the fishery, and is long overdue given most fishermen already use this larger mesh size.

3. **Motion (Platz/Dopkin):** For Action 3 Gillnet Mesh, the AP recommends to the Committee Alternative 2, Option B (12” minimum). The AP supports a delayed implementation to FY 2025 (as written) but requests a delayed implementation until FY 2026.

*Rationale:* Delaying implementation another year would allow more of the impacted vessels to adjust. Virtually everyone in the fishery is using 12” already. This change is overdue, and the fishery has already moved to using larger mesh to better optimize monkfish landings and reduce catch of unwanted fish.

**Discussion of the motion:** No other discussion on the motion.

Greg DiDomenico	No vote	Randall Morgan	Absent
James Dopkin	Yes	Nicholas Muto	Absent
Tim Froelich	Yes	John Our	Absent
Michael Karch	Absent	Ted Platz	Yes
Greg Mataronas	Yes	Chris Rainone	Yes
Bill McCann	Absent		

Motion carried 5/0/0 with a quorum.

Tim Froelich had not been present for the vote on Motion #2 on effort controls. He then indicated his support for Motion #2.

- 4. Motion (Platz/Rainone):** The AP believes that the Ismooth model has known deficiencies and is unsuitable for the monkfish fishery. The AP rejects Ismooth as a model for this fishery and asks that the 2022 assessment be remanded. The AP asks that the MAFMC and its SSC be included in the science and model development for this fishery.

*Rationale:* The results of the Ismooth are wildly inconsistent with the biomass reality of the current fishery and suggest management actions that undermine a perfectly healthy fishery.

**Discussion of the motion:** One adviser asked about the ability to land an additional DAS' worth of fish on a trip. Staff clarified that was previously included in the alternatives, but the NEFMC removed this in September when it learned that catch reductions were likely needed and this could increase fishing effort. The AP Chair noted that this can be brought up in a future action.

A few other advisers expressed interest in the status quo to help with business planning and to help offset high fuel prices. The advisers reiterated that the stock is healthy and there is desire to do collaborative research with the gillnet fishery to produce a better stock assessment. It is unclear why the trawl survey data is being used to inform a directed gillnet fishery's catch advice.

Greg DiDomenico	No vote	Randall Morgan	Absent
James Dopkin	Yes	Nicholas Muto	Absent
Tim Froelich	Yes	John Our	Absent
Michael Karch	Absent	Ted Platz	Yes
Greg Mataronas	Yes	Chris Rainone	Yes
Bill McCann	Absent		

Motion carried 5/0/0 with a quorum.

***AGENDA ITEM #3: 2023 COUNCIL MANAGEMENT PRIORITIES***

Staff reviewed the draft 2023 priorities and recent PDT recommendations for the AP to consider in making final recommendations on what the Council should work on next year regarding monkfish, including any ranking of priorities.

**Discussion:** One adviser commented that the stock assessments have been inaccurate in the fishery since 2001. From 2010 to 2016, assessments indicated that effort could be doubled, which one adviser noted he did not believe, and now the current assessment suggests that effort should be dramatically reduced. There was a suggestion to use the RSA program to help the science community develop a better model for the monkfish fishery and help reduce sturgeon bycatch. Another adviser did not think a model to help determine the impact of changing effort controls is needed given that is the AP's job. The stock assessment is the limiting factor; the AP and the Committee should work together to look at RSA collected data and other research that should be used in the assessment process. The Committee Chair commented that this type of approach (incorporating new data) is most likely to be used in a research track assessment (next one scheduled for 2027), not a management track assessment. The MAFMC PDT member spoke about his experience with the spiny dogfish fishery which had a similar aging issue as

monkfish and a delayed assessment process due to waiting for new data. It is unclear whether there is the necessary data to complete a research track assessment (e.g., age structure data, length data, etc.). One adviser reiterated his desire to have the research track be prioritized first before another management track assessment.

One adviser suggested forming a small working group of a scientist, an adviser, and a Committee member to look at previous RSA data and project findings. The adviser commented that one of the reasons monkfish catch is lower than expected is because of high bait price and high abundance of winter skate. He suggested including winter skate in the monkfish fishery because of the high abundance of winter skate, which is limiting the monkfish fishery given the skate limits are being harvested first. Several fishermen are harvesting both winter skate and monkfish together so joint decisions and recommendations on these species is reasonable.

*The AP lost quorum part-way through developing this statement.*

**Consensus Statement #1 (no quorum):** The AP recommends the following for 2023 Council work priorities:

1. Form a work group of Committee and AP members to ensure that RSA and other monkfish research is being used in the assessment process. We need more follow-up on whether prior research was used and if not, why not, to help solve problems.
2. Address monkfish recommendations in the NOAA Fisheries Action Plan to Reduce Atlantic Sturgeon Bycatch in Federal Large Mesh Gillnet Fisheries.
3. Evaluate whether the current management system (i.e., reliance on monkfish DAS and possession limits to control catch) provides enough flexibility to adjust the directed, incidental and discard fisheries to changing quotas.
4. Explore removing winter skate from the Skate FMP and move it into the Monkfish FMP. Given the overlap, this will put the interested people in the same room and will improve management.

Other AP recommendations:

1. The AP recommends not developing fishery models for predicting how the fishery may respond to effort control. Rather, the AP recommends relying on AP input rather than on models of the fishery.
2. A future Monkfish RSA program priority should be to develop research to address science shortfalls in current assessments and provide funding needed for alternative model development and exploration.
3. That the Council recommend to the Northeast Regional Coordinating Committee that the monkfish research track assessment be earlier than the current schedule (2027).

*The AP did not have quorum when the above statement was finalized, but there was no objection to this statement from AP members present.*

**Discussion of the consensus statement:** There was no other discussion on the consensus statement.

#### ***AGENDA ITEM #4: OTHER BUSINESS***

The AP Chair reiterated his uncertainty over what happens if the framework document is not complete in time and continued to ask whether federal regulations require both NEFMC and MAFMC to review the Terms of Reference for the NEFMC SSC when it recommends a monkfish ABC.

The Monkfish Committee Chair thanked the AP Chair for his service on the AP and as Chair. This is the last meeting before his term ends.

The meeting adjourned at 3:15 pm.