



New England Fishery Management Council

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MEETING SUMMARY

Monkfish Committee

Radisson Airport Hotel, Warwick, RI

April 7, 2015

The Monkfish Committee met on April 7, 2015 in Warwick, RI to discuss Framework Adjustment 9.

MEETING ATTENDANCE: Dr. John Quinn (Chairman), Ms. Laurie Nolan (Vice Chair), Mr. Alexander, Mr. Terry Alexander, Mr. Vincent Balzano, Mr. Thomas Baum, Ms. Libby Etrie, Mr. Steven Heins, Mr. Jeff Kaelin, Dr. Matt McKenzie, Mr. David Preble, and Mr. Michael Ruccio; Dr. Fiona Hogan (NEFMC staff); Mr. Douglas Christel (NMFS GARFO staff). In addition, approximately 15 members of the public attended.

KEY OUTCOMES:

- The Committee provided guidance to the PDT on further development of draft measures contained in Framework Adjustment 9.
- The Committee recommended moving the alternative (Increase monkfish-only DAS based on higher groundfish common pool DAS counting) to the considered but rejected section of the Framework Adjustment 9.
- The Committee recommended adding 2 new alternatives to Framework Adjustment 9. The first alternative would allow vessels to re-declare to a monkfish RSA DAS while at sea. The second would allow vessels to use less than 10" standup gillnet while on a monkfish or monkfish/NE multispecies DAS in order to target other stocks such as dogfish, bunker, mackerel or bluefish.

AGENDA ITEM #1: DRAFT FRAMEWORK 9 ACTION PLAN AND TIMELINE

Staff provided a brief overview of the action plan and current working timeline. The timeline must be modified if the scope of the framework action was expanded.

AGENDA ITEM #2: FRAMEWORK 9 MEASURES AND ANALYSES

Draft measures, contained in Framework Adjustment 9 (FW9), included allowing vessels to declare a NE multispecies DAS while at sea, allowing vessels in the Southern Fishery Management Area (SFMA) to declare a monkfish DAS while at sea, increase monkfish only DAS based on higher NE multispecies common pool DAS counting, modifying the DAS/trip limit allocation for Category F vessels, and eliminating the Northern Fishery Management Area (NFMA) trip limit while on a NE multispecies DAS. Staff presented the background PDT analyses conducted to date on these draft alternatives (full details were available in the PDT memo dated March 31, 2015) and outlined a series of questions the PDT had for the Committee to clarify the intent of these measures. The Committee tasked the PDT with analyzing the re-declaration to a monkfish RSA DAS while at sea and the use of less than 10 inch mesh standup gillnet on monkfish DAS at their August 26, 2014 meeting. The PDT used observer data to analyze the use of less than 10 inch standup gillnet gear while on a monkfish DAS in order to also target dogfish. This

is currently prohibited by the regulations but has been occurring. The PDT found there was a difference in the monkfish length frequencies caught by gillnet gear of less than 8” and greater than 8” and suggested the use of 5-7” standup gillnet to target dogfish while on a monkfish DAS but caveated that this should be monitored for impacts on immature monkfish.

Discussion on the Presentation

A Committee member expressed some concern about alternative 1.1.1 that would allow vessels to declare a NE multispecies DAS while at sea. It was feared that this could result in an increase in effort in the SFMA. It was suggested that alternative 1.1.1 should be restricted to just the NFMA in order to maintain status quo in the SFMA.

Public comment included:

- Maggie Raymond, Associated Fisheries of Maine – I’m trying to understand what the rationale is for this alternative to begin with. What fishery is already participating in, that would then prompt the vessel to need to declare a groundfish DAS? I missed the last meeting and I don’t understand the context of this alternative at all. So this would involve 3 declarations, first you’d start out on monkfish only, then on a groundfish DAS. So the other option is that the vessel could start the trip on the groundfish DAS and then change it. That option already exists and this is just to prevent the unintended use potentially of that groundfish DAS if they did not need it.
- Bill McCann, AP member – I think the whole purpose of this was for the SFMA to be able to flip like you can in the NFMA while on an A DAS so you can flip to a monkfish DAS while at sea. You don’t have that option in the SFMA like you do in the NFMA and that would reduce a lot of discards.
- Jan Margeson, AP member – That was the intent of this when we talked about it back in August. The biggest problem we have is running into skates down on Nantucket shoals. It’ll be fine 4 or 5 times but then everything will change and monkfish come in and we end up having to discard all the monkfish because we can’t flip like we can in the NFMA. The idea was to give us the option to be able to change from an A DAS to a monkfish DAS in the SFMA.
- Tim Froelich, AP member – I think a lot of people were torn about this. I’m not totally against it but my only concern is that if you’re allowed to flip in the SFMA a lot of us don’t have any access to any groundfish DAS. What’s that increased effort from a groundfish DAS to monkfish DAS going to do to my monkfish DAS? That’s my concern. In the future, if things worked, maybe through a loophole that the monkfish DAS allocation is no longer going to be 36 DAS for anybody in the directed monkfish fishery, it would be reduced to some unknown amount because there’s this giant pool of groundfish DAS of 80,000 or 100,000 or whatever DAS that aren’t being used. I think that’s a lot of the concern that people had over this option in the SFMA.

Alternative 1.1.3, on common pool DAS allocations, was not considered to be a major issue for common pool vessels and discussion was limited. Alternative 1.1.4, modify DAS/trip limit allocation for Category F vessels, was intended to increase efficiency for Category F vessels. Any monkfish limited access permit can opt into the Category F fishery, however, while Category F vessels have a higher trip limit, they must fish offshore and have a reduced DAS allocation. A Committee member noted that these vessels are currently forced to stay offshore longer than it takes to catch multiple DAS worth of monkfish. Category F vessels would prefer to come in sooner but still accept the relevant DAS charge for their landings. GARFO staff clarified that a monkfish overage adjustment was implemented a few years ago that would

allow vessels to land an extra trip limit per trip, i.e. if a vessel stayed out for 24 hours and 1 minute they could land 2 DAS worth of monkfish. There was some concern that allowing a running clock would increase the incentive to opt into the Category F fishery.

Some public comment included:

- Bill McCann – Wouldn't it be better to make the option like how they do on the research DAS? Whatever comes first, time or weight? That solves the problem.
- Dave Borden, Atlantic Offshore Lobster Association - I was on the Council when we originally adopted these provisions and one of the things that developed with that early fishery were some horrific gear conflicts that took place when this type of system was in place. I would hope that if there's any kind of analysis it would go back and reflect on those gear conflicts. There was a period of time where monkfish boats, tilefish boats, crab boats, lobster boats, couldn't fish inside of 100 fathoms because there was such an inducement for trawlers to actually work some of those areas. I think there's a dynamic here that you're going to set up. You've also got the issue that there may only be 6 Category F boats now but any of the limited access boats can convert to a Category F boat simply by signing into the system and meeting the requirements. If you build this up so there's a huge financial incentive for a lot of boats to declare in the Category F I think you're going to have horrible gear conflicts.
- Ted Platz, Newport, RI – I like Mr. McCann's solution because it's so simple but it's effectively a running clock and if you give it to one sector of the industry then, it's not equitable. You also could see a massive increase in this category F. It used to only be 1 boat for any number of years and now a few people have figured out these numbers work and will do it. You can't give one sector of industry a running clock. Believe me we all have to sit out there and wait. Most of us are doing 24 hour and a minute trips and now we can come in less than 24 hours and we get charged but we don't get to catch 4 DAS worth of fish and come in in just 1 DAS and say charge us the 4 DAS. A quota system would be nice because it would let us be efficient but a lot of people don't want that. Going to a running clock in Category F will change the nature and size of Category F fishery and it's not equitable across all our fisheries. We said that these 6 boats should come up with a ratio that works better for them so they can catch more per day if they end up getting charged 3.6 DAS instead of 4.5 come up with a better ratio then let's all stay on the level playing field and make it work better for you but the solution is to come up with a better ratio and not give a handful of boats a running clock while the rest are still stuck with DAS.
- Rich LaRocca, AP member - If you did a running clock everybody is just going to jump into that permit. I'd be foolish not to do it myself. You may as well eliminate every other permit and everyone will be on a running clock and you catch what you can when you catch them.

The Committee discussed which permit categories alternative 1.2 should pertain to. There were specific landing history criteria that vessels had to meet to qualify for a particular permit category. The Category E permit was incidental and there was concern that if this alternative pertained to Category E permits then it would have a negative impact on the value of Category E and D permits.

Some public comment included:

- Maggie Raymond – When the plan was first implemented there was no trip limit for vessels in the NFMA who were on a groundfish DAS who had a limited access permit. If this option moves

forward I think it should mirror that alternative and the Category E permit is open access so that should be factored into your analysis.

1. Motion (Mr. T. Alexander/Mr. Balzano):

To advise the PDT to revise alternative 1.1.1 (Allow vessels to declare a Northeast Multispecies DAS at sea - Option 5) to allow category C and D sector vessels in the NFMA to declare a NE multispecies DAS while at sea.

Discussion on the motion

In response to PDT questions, the Committee decided that only Category C and D permits should be allowed to declare a NE multispecies DAS while at sea. A Committee member considered this to be an advantage for vessels, particularly in the NFMA, who may not be fishing on a monkfish DAS to be able to land the higher incidental limit allowed under a NE multispecies DAS. The Committee member thought this option should be available for sector vessels because a common pool vessel must be on a DAS before leaving the dock anyway.

Public comment on the motion

- Bill McCann – I think the intent of this is that certain sector vessels will go out not using an A DAS and not intending to target monkfish or skate and then this gives them the option that if they do get into the monkfish or skates they can flip to an A DAS and then legally land them. Otherwise it's a 50lb/DAS tail limit on monkfish and you can't land skate without an A DAS. This would solve that problem.

Motion #1 CARRIED 11/0/0.

Some Committee members were concerned with the impact this measure could have in the SFMA and proposed restricting it to the NFMA. Other Committee members thought it might be beneficial to both areas.

- 2. Motion** (Ms. Nolan/Mr. Kaelin): to move alternative 1.1.1 (Allow vessels to declare a Northeast Multispecies DAS at sea) Option 2 (all limited access Monkfish C, D and H permits in SFMA and NFMA) and Option 3 (sector vessels holding limited access Monkfish C, D and H permits in SFMA and NFMA) to considered but rejected to further clarify to the PDT that this alternative addresses the NFMA only.

There was no public comment on motion.

Motion #2 CARRIED 11/0/0.

The PDT had one last clarifying question for the Committee on whether this alternative should apply to vessels already on a monkfish DAS. These alternatives were removed from Amendment 6 and there was some confusion because some of the language had lost the context of the original sections. This alternative would increase flexibility on where a vessel could fish, in addition to increasing trip limits.

Public comment included:

- Tim Froelich – Personally I don't understand what the whole purpose of this even discussion is. I was at the meeting and I'm more confused than ever about this whole thing. My belief is we spent a long time closing loopholes. This seems like you're adding one. I'm not necessarily against it

but that's my belief. There is no groundfishing in Southern New England to speak of anymore and if there is you're not allowed to catch any significant amount of it. I'm going to give you a hypothetical situation for myself. I can go fishing now on no DAS at all when before I had to declare before I left the dock. So I can say I'm going to catch dogfish or an incidental limit of skate, I can catch fluke, bluefish or any other thing that I'm allowed to catch that I have a permit to fish outside of 3 miles and when I get there and now I see my fish in the net when before I could have lived under the incidental limit or, maybe, I want to bend the rules a little and live in the grey area. Before they started counting before I left the dock and now it starts counting when I get there and when I call up. That's just a loop hole you're going to maybe create.

- Bill McCann – What Mr. Froelich is talking about really only applies to monkfish only DAS because you don't use an A DAS and you are restricted to certain boxes. This allows them to get outside the box.

The Committee further discussed the benefit of increased flexibility for the SFMA. Vessels in the SFMA would benefit from increased flexibility on where they could fish if they were able to declare a NE multispecies DAS while at sea. However, they would not have a great increase benefit in terms of landings. The motion the Committee passed would only provide benefits to NFMA vessels. There was some confusion because alternatives 1.1.1 and 1.1.2 were closely linked due to the tiered nature of monkfish trip limit system – vessels could go from the low trip limit tier (no DAS trip), to the middle tier (NE multispecies DAS trip), and then the highest tier (monkfish DAS trip). In light of this, a Committee member thought it was necessary to revisit the discussion for the SFMA.

2a. Motion to reconsider (Ms. Etrie/Mr. Preble) motion #2 that would move alternative 1.1.1 (Allow vessels to declare a Northeast Multispecies DAS at sea) Option 2 (all limited access Monkfish C, D and H permits in SFMA and NFMA) and Option 3 (sector vessels holding limited access Monkfish C, D and H permits in SFMA and NFMA) to considered but rejected

Rationale: Before the decision is made that this measure is inappropriate for the SFMA, a better understanding of the impacts for these vessels should be established.

Motion #2a CARRIED 7/4/0.

Several Committee members did not think this measure had much support from the Advisory Panel members or from the public. They had heard from fishermen in the SFMA that status quo was more favorable but the Committee could work to increase flexibility in the NFMA.

2b. Motion as reconsidered: to move alternative 1.1.1 (Allow vessels to declare a Northeast Multispecies DAS at sea) Option 2 (all limited access Monkfish C, D and H permits in SFMA and NFMA) and Option 3 (sector vessels holding limited access Monkfish C, D and H permits in SFMA and NFMA) to considered but rejected to further clarify to the PDT that this alternative addresses the NFMA only.

Public comment on the motion

- Bill McCann – I don't see what good it will do even for me. If you're going after skate you have to be on an A DAS. Sector boats I believe dogfish you have to use an A DAS but not during the exemption. What boat would flip and consider going to an A DAS? What fishery? I don't know of any. I think it's a waste of time.

- Ted Platz – I think Ms. Nolan captured it really well, it’s a potential loophole. In the SFMA we want to fish monkfish on monkfish DAS. We don’t want to build a side incidental fishery based on groundfish DAS and incidental fishing limits. You go monkfishing on a monkfish DAS. One of the issues that have really been driving the south and why we want this framework to move forward is the standup net and being able to get back to dogfishing like we used to. To bog the PDT down with this, to create a potential loophole that most people think they’re going to be opposed to anyway just seems to be a waste of time and limited resources. I would urge you to vote this down. I’m not aware of anybody who is looking to target bunker on monkfish trip. We have a seine operation in Narragansett Bay. My knowledge is that it is exclusively for going after dogfish.
- Tim Caldwell, Point Judith, RI – I think any kind of thing that would add any effort right now is definitely not a good idea. I feel that this should be shot down. Any loop holes would add effort and from what I’ve seen the last couple of years I don’t think we need any more effort in this fishery.

Motion #2b CARRIED 8/2/1.

A couple of Committee members explained that they voted to reconsider the motion in order to have more discussion on that alternative in the SFMA.

Based on the discussion, the Committee agreed to have the PDT move forward with development of alternative 1.1.2 – allowing monkfish DAS to be declared at sea in the SFMA.

3. **Motion:** move that alternative 1.1.3 (Increase monkfish-only DAS based on higher groundfish common pool DAS counting) be moved to considered but rejected (Mr. Kaelin/Mr. T. Alexander)

There was no further discussion on the motion

Motion #3 CARRIED 11/0/0.

The Committee discussed the Category F trip limit alternative. The PDT had requested clarification on whether the Committee intended this measure to deal with accrual or allocation. The Committee made it clear they intended allocation. A Committee member proposed including an measure that would establish a running clock for Category F vessels. Based on the DAS allocation for Category F vessels, most vessels would only be able to take 1 or 2 trips per fishing year. After their allocation was achieved, they would be only allowed the incidental limit of 50 lb/DAS. After declaring into the Category F fishery, vessels cannot re-declare during a fishing year but can choose not to declare into the Category F fishery in the following year.

The measure involves a number of decisions on the part of the Committee. The trip limit could be increased, with the monkfish DAS allocation adjusted accordingly, but the DAS allocation formula could also be changed. The Committee could maintain the current formula, which would keep estimated overall catch for Category F vessels similar to the No Action level or it could modify the formula, which would reduce the estimated landings.

4. **Motion:** to include, in Framework 9, an alternative that would use a “running clock”, also known as an overage adjustment, to allow monkfish category F permit holders to harvest their cumulative trip limits. (Ms. Nolan/Mr. T. Alexander)

A Committee member clarified that this could likely be done via a framework action (Amendment 5 established the monkfish overage option) but that would have to be confirmed by NOAA General Counsel.

Another Committee member was not in favor of this because it appeared to be a quota, which was inconsistent with the current system. This approach was also considered to favor only the Category F fishery – if this was allowed it was thought that it should be available to every permit category. There was support for any system that increased efficiency but not for only one component of the monkfish fishery. There was also concern expressed over how this would work in, if extended to, the Category C and D fisheries in the NFMA. A Committee member was concerned about potential enforcement issues arising from this and from an apparent increased incentive to join the Category F fishery. Several Committee members were in favor of having this analyzed by the PDT but were concerned about the overall PDT workload considering the short time period available before expected final action in June. A Committee member suggested returning this alternative to Amendment 6 because it contradicted the current monkfish management strategy.

Public comment on the motion

- Bill McCann – I was out when you first started so did you ever address the 2200 lb issue? That would solve a lot of the problems with a running clock. Being able to land more weight in less space so they don't have to stay out so long. That's the other option – increase the poundage per day.
- Ted Platz – I spoke on this before. First of all, I'd like to point out that the Category F do already have the overage provision that everyone else has. So if they are out for 2 DAS they can land 3 DAS worth of fish. Same as everyone. They are not at a disadvantage. They have the exact same opportunity that we do. If that's a motivation for giving them this then that's mistaken. Category F also has the overage provision like every other vessel does. Ms. Nolan mentioned that they're under harvesting their quota. Every single category of monkfish permit is under harvesting their quota. That's the nature of DAS management. If you want to harvest your quota we'll switch to a quota management system and be done with meetings like this for the most part. They are not unique in that they are under harvesting their quota. They are not at a disadvantage. We all have days when we go out and don't get to catch our limit. That's part of the deal. Hypothetically I would pose to you why not say Category B, there's not a lot of those vessels in the fishery, let's give them a running clock and quota. Everyone has to be on the same level playing field. The DAS overage provision came out of the fact that this Committee already considered a running clock through all categories and rejected it. The evolution of that conversation brought us to the realization that allowing boats to bring in 1 day overage eliminated 90 something percent of this need to sit out, which we all did sitting 5 miles off the coast waiting for our clock to expire. That's where this overage provision comes from and it applies to Category F vessels. I would suggest this Committee either don't send it to the PDT because I think it's a bad option. Alternatively you could move this to Amendment 6 and not slow down the framework. You have monkfish vessels throughout the south that are harvesting anywhere from \$300 to \$800 per day less conservatively because they can't fish for dogfish on a monkfish DAS. We've been waiting about 3 years for this to get through. Let's not hold it up anymore. We're bleeding money. The other alternative is, and this has been put on the table before, to change the ratios. That ratio is not fixed. Have those guys determine what would work better for them and come back to the table with a number or have the PDT analyze different alternatives for ratios and bring that to the table. Then they can say this one works better for us. Those are superior options than having the PDT looking at what amounts to running clock privilege for a handful of vessels.

Motion #4 FAILED 5/6/0.

5. **Motion:** instruct the PDT to explore options for an optimal category F trip limit and DAS ratio (Mr. Ruccio/Mr. T. Alexander)

Rationale – This would provide the PDT With the latitude to look at both inputs to determine what would be an appropriate daily input.

A Committee member thought this was going in the right direction; it was difficult to find the right ratio.

Motion #5 CARRIED 11/0/0.

The Committee provided some guidance on a range of trip limits for the PDT to analyze and suggested 1,600, 1,800, and 2200 lbs. The Committee wanted to see both DAS allocation formulas applied to the range of trip limits in order to help them decide between formulas. One complication for the PDT analysis is that the “true” catch per DAS is unknown. Vessels plan their trip so their average DAS trip limit is 1,600 lbs and the number of observed trips is likely too low for adequate analysis.

The Committee discussed alternative 1.2 and agreed that Category E vessels should not be part of this measure.

6. **Motion:** to focus the analysis of alternative 1.2.1 (Northern Area Monkfish Trip Limit on a Groundfish DAS) to monkfish category C and D permit vessels only (Mr. T. Alexander/Mr. Balzano)

Public comment on the motion

- Bill McCann – You might find it useful to have the information for when they took the trip limits so the PDT can analyze the increased effort or not. Whether it was a good idea or not.
- Dave Borden – I’m curious having listened to the discussion, how is the PDT going to project redirection of effort from the NFMA into the SFMA? What’s the mechanism going to be to do that because, essentially, if you take the trip limits off they never use any DAS those DAS can be used in the SFMA. So how do you project that?
- Ted Platz – If you eliminate the incidental limit in the NFMA then you have no reason to use a monkfish DAS in the north. All those DAS become available in the south. The PDT says we’re not seeing a shift in effort, you know, a lot of effort took place 200-2007 – the northern vessels didn’t need to use a monkfish DAS so they used them all in the south. You catch your monkfish in the north on a groundfish DAS and you have whatever your allocation of DAS is to use in the south. You get 2 bites at the apple. Mr. Alexander is totally right on the Category E vessels issue. You make the value of monkfish permits zero when you let category E vessels have any landing limit on monkfish. By the same token, you have to watch the shift to the south. groundfish status is very different right now and the status of the stock in the south is certainly not in great shape. We were offered to go up to 53 or 56 DAS in the south and the advisors debated between status quo staying at 28 DAS and we ended up taking the modest step to 32 DAS because we were concerned about the health of the stock. Historically when we were getting 12 DAS and 20 DAS and we thought the science was off. The stock was healthier than the science said. Now we have a new survey vessel. The R/V Bigelow is catching a lot of monkfish compared to the F/V Albatross and it’s saying there’s a ton of monkfish but no, their conversion factor is off. There’s not as many monk as they say are out there and that’s why we didn’t take the DAS. This whole effort

coming out of GARFO to create effort on monkfish could be just leading us right off the cliff because the stock is not healthy and the science is off. We're just candid enough to tell you the science is off in the other direction and we put our money where our mouth is by not taking the increases in DAS that we're allowed. If you look at the NFMA landings history this inability to catch the TAL with emergency actions and everything done to create as much opportunity as possible is probably telling you the same thing that the southern advisors are telling you. The southern stock isn't as healthy as the science would indicate and you're potentially leading a charge off a cliff because the monkfish stocks can't take the transfer of effort from the groundfish and so anything that facilitates landing monkfish incidental groundfish limit in either area is creating effort that effort comes off the top and diminishes the directed fishery and is a problem for the stock, which most of us think is struggling at best. I have a real issue with directing monkfish effort through groundfish trips. We have these inflated incidental landing limits particularly in the south for the trawl vessels and it's directed fishing on the side. It's not bycatch. It's not an accurate use of the terminology.

- Maggie Raymond – I'm really confused because I don't understand why we're debating the merits of this particular alternative unless it's not going to go forward. The reality is that this potential shift in effort could occur today because vessels fishing in the NFMA have one trip limit that's on a groundfish DAS and if that's sufficient then they still have their monkfish DAS. The fact is that they are not going to the SFMA to use those monkfish DAS and they haven't. Part of the reason is because historically the trawl fishery that took place in the southern area is the one you were talking about earlier in that offshore areas. The majority of the fishery in the SFMA is taken with gillnets and the majority of vessels in the NFMA in the groundfish fishery are trawl vessels. They do not go into the southern area to fish for monkfish. It's all a lot of speculation, but it hasn't happened. Just to the motion that's on the board I would agree that the Category E vessels should be eliminated from this alternative. I do hope that the alternative will go forward for analysis and consideration.

GARFO staff clarified that the trip limit in the NFMA was eliminated as part of the 2013 Emergency Action. During the 6 months the emergency action was in place, no shift in effort from the NFMA to the SFMA was observed. The PDT could attempt to examine the time period between 2000 and 2007, the last time there was no NFMA trip limit, however, there was no area declaration at that time. The PDT does not have the ability to project forward and predict what the actual consequences of this might be. This would reduce the incentive for vessels in the NFMA to fish on a monkfish DAS.

Motion #6 CARRIED 11/0/0.

To address concerns over effort shifts, a Committee member suggested creating an annual declaration that would require vessels to declare into a management area and remain in that area for the entire fishing year. Staff noted that there are a number of vessels that fish in both management areas during a fishing year. It was also unclear whether this would result in a substantive change that could not be implemented via a framework action. A Committee member thought it might be more appropriate in an amendment to fully analyze the impacts.

Public comment

- Maggie Raymond – There are some boats, primarily New Bedford boats, that fish in both areas on same trip. There are other boats, primarily gillnet vessels, that fish part of the year in the NFMA and part of the year in the SFMA. This has been going on forever. I think the Northern area boats that went down to fish in the SFMA is relatively new in the past 10 years. The trawl boats that fish out of New Bedford that fish in both areas on the same trip, this kind of declaration

could be an issue for them as well as those boats that seasonally change areas. I don't know what the numbers are but it's been going on for a long time.

- Bill McCann – I've been fishing for monkfish up off Maine for over 40 years. I started fishing down south on monkfish seasonally about 25 years ago. In fact when I went down there, they laughed at me because I was the first boat down there going after monkfish. Now I do 8 months in SFMA and 4 months in GOM. I've been doing that for the last 20 years along with my son on my other boat. So you would really be tying my hands and putting me out of business if I have to declare into one area and if it does go that way then I'd declare in SFMA because that's where I do most of my business.
- Jan Margeson – We also work out of Chatham, MA in the NFMA all summer, from June on. We head back to the SFMA in Nov/Dec and spend all winter down there. There are several boats, up to 16 boats, that do the same. This would be a bad idea.
- Tim Froelich – I'm not in favor or against this. I would hardly ever agree with Mr. Platz 100% but I can honestly say, today I do. Maybe the way to go about this issue, I'm not looking to take any time away from anyone else. This all went down to latent effort in Amendment 6. Mr. Haring isn't here anymore to explain this that's what this all boils down to. No one is looking to take away from someone else what they were historically doing. A lot of the effort that is in the paper, those vessels no longer exist. They're just pieces of paper held by somebody. The groundfish DAS can all be leased. I can hold my leased DAS over here that I don't have access to but I have all of these DAS over here that I'm using now. There is the potential there for effort change. It's not going to be something easy that shows up overnight. It is going to take time until you accrue and finally realize what you have. This whole thing was in Amendment 6 now it's in FW9 more or less. That's just my general opinion. I'm not for or against it. I don't believe anyone should be eliminated from fishing if they're fishing in both areas they should still have access to that. No one wants to put someone out of business. My family has been put out of a lot of different fisheries over the years, I'm not going to sit across the table from someone else and say I'm going to go fishing and you can't.

AGENDA ITEM #3: PDT ANALYSES

The PDT requested further clarification from the Committee on whether the potential measure that would allow a vessel to re-declare from a monkfish DAS to monkfish RSA DAS would apply the RSA DAS to the entire trip as opposed to using both monkfish DAS and monkfish RSA DAS on the same trip. GARFO staff explained that monkfish RSA DAS are additional DAS. They are compensation DAS – vessels are paying for the DAS with the money going towards research.

Public comment

- Ted Platz – I put this forward some time ago. These are compensation DAS so you're paying roughly \$600/DAS. It's set up so you don't have a daily landing limit on these DAS. So if you go out there and you see you've got this massive surge of monkfish that's hit your net you could flip to an RSA DAS and then land a greater quantity than your daily limit of monkfish and you get charged for those DAS. You catch so much weight or use so many DAS. It helps you eliminate discards and better utilize this DAS that you spent \$600 on. The main thing especially in the fall when you go out there are times that you know you're going to haul half your gear and hit your limit and you have a storm coming the next day. Your fish aren't going to survive it and you've got this RSA DAS and you can't flip to it and say I could haul all my nets and bring in all the fish

and have no discards or waste and use these RSA DAS that I've already paid Southern New England University or GMRI for. You can't do that now. You have to leave the fish in your nets and lose them to the storm. It does create the opportunity for efficiency as well. That's a component of it. Those are the DAS, it's just the compensation DAS that was set up a number of years ago. You don't have a landing limit whenever you go on one of them. It never occurred to me that you could use part of the trip on a monkfish DAS I don't believe that works. I was surprised that the PDT came up with that. There are draggers out of Point Judith from the program, or if I have DAS I haven't used up I will sell them to them, and they go and use them but they have to use them for the whole trip. I don't think there's any issue with that or another way to calculate that given they have this quota component. If you have a 3,200 lbs limit and you buy 10 DAS you can fish 10 DAS of clock time or land 3,200 lbs. With respect to the Category F issue discussed earlier, these RSA DAS are available to every permit category across the board. They're not just for special categories. Everybody including Category F has access to this so it's not just for one preferred group of people. Industry also pays for these DAS so you have a cost incursion in getting these DAS that supports science. Right now I'm doing research work with Dr. Sulikowski and our winter skate discard mortality is standing at 4% after last summer. If we get those numbers in we'll get a lot more winter skate in the fishery because it's not the 50% that we're being charged right now. There's a benefit to the entire monkfish community from this RSA program and this is available to everybody. It's not a select group of 15 boats. You have to declare a RSA DAS before you leave the dock. If you're getting bogged down with skates, you may end up rolling the dice. Sometimes you roll the dice and you spend the \$600 on the DAS and when you have a free DAS from GARFO and you go out and haul your first net and you're going to hit your skate limit after 2 nets and you threw \$600 away. It's a lottery. This would eliminate discards. I've cold called fishermen up and down the coast to get them in this program so we could have more science done and we could get this working. We now have guys from NJ to Cape Cod participating in this program, when the first 2 people who could do it for a few years were myself and Mr. Caldwell. The cost was \$1000/DAS then. This is open to everybody and it's about reducing discards. This is not a running clock. We're not going to get 100% utility but you are going to have days where you steam home saying this system sucks because I'm leaving 2000 lbs of monkfish in my nets and it's going to blow 50 mph tomorrow. If that's too efficient then that's too efficient and we have to go move from input to output controls. I advocate output controls.

A couple of Committee members considered this to be inconsistent with the discussion regarding Category F trip limit allocations. One Committee member suggested this could be considered to be an ITQ of poundage rather than extra DAS. The Committee agreed by consensus that the monkfish RSA DAS would apply to the entire trip and intended this measure to be included for consideration in FW9.

Staff presented PDT analyses regarding the use of less than 10 inch standup gillnet gear. The PDT used observer data and identified trips where this was already occurring. The length frequency of monkfish was compared between large (<8") and extra-large (>8") mesh sizes. The difference in length frequency was statistically significant, however, given the low level of this occurring in the fishery the impact on immature monkfish was considered to be low. The PDT suggested allowing the use of 5-7" standup gillnet mesh in order to target dogfish but recommended this be monitored periodically to ensure minimal impacts to immature monkfish in future. MAFMC staff noted that allowing this smaller mesh for dogfish fishing wouldn't cause major issues. A Committee member informed the Committee that this item, if added, would likely be framework-able considering the low impacts on undersized monkfish.

A Committee member was concerned with impacts on other fish, such as groundfish species in the NFMA. To date, the PDT analyses focused solely on monkfish. The Committee was informed that some Committee members/industry attempted to implement this directly with GARFO but a management

action was required. It was also suggested that fishermen might want to land bunker with small mesh on a monkfish DAS. A Committee member suggested examining monkfish bycatch data in the small mesh dogfish fishery and potential impacts on groundfish in the NFMA. Groundfish impacts were not thought to be substantial in the SFMA as few groundfish were said to occur there.

- 7. Motion:** to add, to Framework 9, an alternative to allow the use of less than 10” mesh standup gillnet on monkfish only DAS in the SFMA only (Ms. Nolan/Mr. Kaelin)

Rationale: This would implement this measure in this framework adjustment, allowing vessels to target dogfish on a monkfish DAS, and would focus analysis to the SFMA.

Public comment on the motion

- Rich LaRocca – I’m just trying to think back to the August meeting and think of the scenario of this situation and I really don’t know the area they would be fishing the smaller mesh but it would be targeting dogfish. Mr. Kaelin earlier brought up the menhaden issue. I believe they just wanted to be able to target other species on their steam in. Maybe they had a bad monkfish catch and they see a pod of bunker and they want to have the ability to at least make something out of the day. It was for flexibility to be able to target other species, primarily dogfish and possibly bunker.
- Dave Borden – I support the motion but the key provision here, when this originally came up, is that you have to be on a monkfish DAS. What that does is it builds in that huge incentive to use the flexibility judiciously if you will. In other words, you can earn lots of money on a monkfish DAS, nobody is going to sacrifice a monkfish DAS to catch cheap dogfish. There are only certain circumstances, where you can do it when you are going to burn 15 hours and catch your monkfish in 6 but you may then set some dogfish nets to do that. I think that’s a key aspect of the whole thing that everybody has to keep in mind. There are some built in incentives, if you will, to use this technique correctly.
- Tim Caldwell – Originally in the AP motion, we had in that it was during the dogfish exemption are in the SFMA only. In this situation, it would only be about 4 months a year anyway. And out of those 4 months, you’d probably only be out about 3 months. Basically it was only for the dogfish exempted months and there are no groundfish in that area so you could take that groundfish argument right out. The predominant mesh we use for dogfish in all areas is 6.5” mesh. The area would be in the exempted area, the southern dogfish exempted area. The time of year would be during the dogfish exemption which is May 1 through Oct 15.
- Ted Platz – Mr. Kaelin is right, this would take place in the groundfish exempted area so you’re on a monkfish only DAS and you can’t land groundfish during this groundfish exempted period of time in this area. You would be able to fish the smaller net to be able to target dogfish. We have another problem. I thought that if you’re on a groundfish and monkfish DAS as a gillnetter because you’re on a groundfish DAS you can fish a small mesh net and land dogfish. You cannot. A trawler can use a smaller mesh there but a gillnetter cannot. We’re going to have to perfect this to say that fishing less than 10” mesh on a monkfish only DAS and on a monkfish/groundfish DAS as well. If you don’t say that then anyone who has a groundfish DAS that you burn with your monkfish DAS you will still not be able to dogfish even though you have a GF DAS. Right now you’re prohibited on a monkfish/GF DAS. I’m one of these guys who didn’t understand the rules and submitted 2 VTRS and was informed that on a monkfish/groundfish DAS you cannot fish 7” mesh and land dogfish. That needs to be perfected or we’ll leave ½ people out in the cold still.

- Tim Froelich – I’m not going to participate in this, because where I live on Long Island it costs too much money to get dogfish off boat but what I understand from what some boats from NJ were saying is that they wanted to be able to catch dogfish while they’re doing other things and while they’re monkfishing. If you do it from May 1 for them the dogfish won’t even be where they’re at. They’re prosecuting their fishery at a different time. If I was wording the motion maybe I would say outside the SFMA if that’s the exempted area and include outside the northeast multispecies area because the 72° 30’ line, east of that line is the multispecies area, west of that line is outside the multispecies area I believe. So if you included that other area in that motion that would accommodate them. Then you wouldn’t have to put specific timelines on it you could just put those 2 areas. I do believe they want to be able to catch bunker during that time of the year. Before the monkfish regulations went in we used to target mackerel in the month of December and now we’re not allowed to prosecute that fishery because we’re not allowed to use less than 10” so who knows what size. At that time we were using 3 ¾ inch mesh, not that I’m looking for that today but I’m just using that. groundfish where we’re fishing is minimal. I can’t even get a fish to eat anymore.
- Rich LaRocca – What they’re looking to do in NJ is to look for fish they could fish for normally when they’re not on a monkfish DAS. They’re allowed to catch dogfish that season or on that quota if they have a 5,000 lbs quota. If they weren’t called into a monkfish DAS they could fish for them anyway. What they’re trying to do is to be able to go monkfishing, set their net maybe on the way out and then on the way back grab that net and land dogfish. They might also want to land a school of bunkers if they see them. If you restrict the mesh sizes just say less than 10” because bunker needs 3 ¾“ mesh. There’s basically no negative groundfish effect. They’re just looking to do now if they weren’t on a monkfish DAS at that time of year on those DAS they could catch those fish anyway. It’s just that because it’s a monkfish DAS they’re restricted from being able to do that. They’ve been doing it unknowingly technically illegally. They’ve been documenting it the whole time. It wasn’t like they were trying to sneak something over the dock. The observers were there. There’s no real negative bycatch and looking to do what they can do on a day that they’re not on the monkfish but want to be able to do it while they’re monkfishing. I don’t really do it but that basically simplifies this whole circle.

A Committee member wondered why the Committee was discussing increasing effort on dogfish when the Councils did not adopt measures that would achieve that in recent management actions. Several Committee members were in favor of this measure and it was thought that no vessel would use a monkfish DAS to only land dogfish. One Committee member was concerned with unanswered questions regarding impacts on other species and would prefer to see additional analyses before adopting this. A Committee member clarified that there are no gillnet restrictions in NJ to land menhaden and no one would use a monkfish DAS to solely catch menhaden. The motion was made specific to the SFMA area because it might not be appropriate in the NFMA out of concerns for interactions with groundfish. There were concerns regarding the request to expand this to allow the landing of bunker, which would require mesh smaller than 5” that was not examined by the PDT.

Motion #7 was WITHDRAWN.

8. **Motion:** to direct the PDT to develop, for Framework 9, alternatives for consideration with the intent to allow vessels on monkfish only or monkfish/NE multispecies DAS to allow the retention of legal sized monkfish and legal fish, including dogfish, from less than 10” mesh in standup gillnets. (Mr. Ruccio/Mr. Kaelin)

This motion would address the issue of vessels on a monkfish only or monkfish/NE multispecies DAS trip. The Committee Chair noted that this could substantially add to the PDT workload, which was counter to the Committee's intention to fast track this framework adjustment. Several Committee members expressed concern that an analysis that looked at multiple species for mesh size less than 5" would significantly delay the action. However, the Committee considered this to be such a high priority that it was willing to delay the action to fully develop it.

Public comment on the motion

- Dave Borden – My only suggestion, I do support the motion but I think that the PDT and GARFO staff should have the flexibility to work out the details of that. That should all be part of the record.
- Rich LaRocca – I don't know if you should limit it to dogfish, you might want to land bluefish, or mackerel or other legally caught fish. Maybe edit the language to say legally caught fish.
- Ted Platz – I appreciate the effort to get the wording right. Just listening to Ms. Etrie and thinking if you said 6" and greater it might lighten the load and first bite at the apple if we just settle for dogfish since that's over 90% of what we're after and then we can come back and revisit this and deal with bluefish and other things that we might want to land. If that helps the PDT get this done we can perfect it later. Dogfish is mostly what everyone is after and will be fishing with about 6" and then we wouldn't have to look at these other mesh sizes. Then we can complicated things down the road if that helps expedite things.

8a. Motion to amend: to direct the PDT to develop, for Framework 9, alternatives for consideration with the intent to allow vessels on monkfish only or monkfish/NE multispecies DAS to allow retention of legal sized monkfish and legal fish including dogfish from 6" mesh or greater in standup gillnets (Ms. Etrie/Mr. Preble)

Rationale: This would focus the analysis on dogfish, which could serve as a starting point for allowing the use of less than 10 inch standup gillnets. It would also help with the timeliness of the analysis and when final action could be taken.

A Committee member thought that since the analysis was focused on standup gillnet gear only, it might be a simpler analysis than thought.

Motion to amend: failed 4/7/0

The main motion 11/0/0

- 9. Motion:** to direct the PDT to provide suggestions on an appropriate monitoring program for the use of less than 10" mesh on standup gillnets to keep track of sub-legal monkfish and other bycatch species (Mr. Ruccio/Dr. McKenzie)

There was no further discussion on the motion.

Motion 11/0/0

AGENDA ITEM #4: OTHER BUSINESS

The Committee reviewed the monkfish RSA priorities. These priorities are published in the Federal Register notice for the Monkfish RSA proposal request. They assist the RSA program to evaluate proposals for RSA DAS.

10. Motion: to accept the RSA priorities as drafted (Dr. McKenzie/Mr. T. Alexander)

A Committee member suggested that in future, they receive an update on RSA project results.

11/0/0

The Committee held a brief closed door session to discuss AP chairmanship.

The Monkfish Committee meeting adjourned at approximately 3:30 p.m.