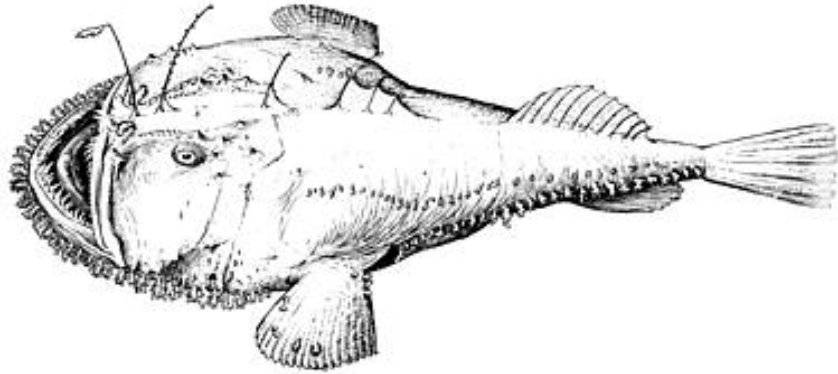


Monkfish Fishery Management Plan

Amendment 6



Public Scoping

Written comments submitted after the deadline

February 2011 onward

New England Fishery Management Council and the
Mid-Atlantic Fishery Management Council
in consultation with the
National Marine Fisheries Service



March 26, 2011

Richard B. Robins, Jr.
Chairman, Mid-Atlantic Fisheries Management Council
800 North State Street, Suite 210
Dover, DE 19901-3910

Dear Chairman Robins:

As members of the Monkfish Advisory Panel who attended the last AP meeting, we thought it critical to bring to your and the full Mid-Atlantic Council's attention our collective evaluation of the decisions made at the meeting – primarily those concerning the imposition of catch shares in the fishery – and the manner in which those decisions were reached.

It appeared to us as if the various motions had been prepared beforehand and were very hard to follow, particularly in a Southern Fishery Management Area (SFMA) context. This was a definite departure from the AP meetings we have become used to, as was the announcement at the start of the meeting that the chairman of the New England Council had requested that votes be recorded for all motions. Up until now the Advisory Panel has operated on a strictly consensus basis. If consensus has not been reached on an issue, the issue has been passed over.

The vote that is most troubling to us was the one that recommended the examination for both management areas of a full range of options including catch shares and sectors. It was particularly troubling because the vote on it was tied and the tie was broken by the Chairperson, who is from Maine and is committed to catch shares and sectors.*

Another issue that is critical to the participants in the monkfish fishery in the SFMA is definite and continuing separation of all aspects of the Northern and Southern components of the fishery. Since the plan first went into effect, fishermen in the SFMA have had fewer DAS and lesser trip limits than those in the Northern area. Hence, we all have catch histories that are much smaller than those of our Northern colleagues who were allowed to fish for monkfish with far fewer encumbrances than we accepted. This has been and continues to be acceptable to us because it has been instrumental in maintaining the character and the stability of the fishery and has obviously contributed heavily to the better condition of our fishery. If, regardless of what form of management regime is adopted, catch histories and the attendant division of the harvest among the participants do not remain in the area in which they were earned, the Mid-Atlantic industry could lose a significant part of the monkfish harvest to the boats, the docks and the processors/exporters from up North.

We are sure that no one involved in monkfish management would wish to add us to the ranks of fishermen who were penalized for accepting reasonable conservation measures, but such a penalty could easily be an unintended consequence of future management actions.

This all reinforces our resolve to work with the Mid-Atlantic Council through its visioning process on a management program for the SFMA that is totally separate from that put in place in the North. That is the only way that we can foresee that will allow the Mid-Atlantic Council to optimize the fishery for the fishermen, the docks, the processors/exporters and the economy of the Mid-Atlantic states without being dragged inextricably into the New England groundfish sector morass that we have had nothing to do with.

On a related note, it has been brought to our attention that in 2010 the Cape Cod Commercial Hook Fishermen's Association received over half a million dollars from the Gordon and Betty Moore Foundation *"to provide expertise and support to ensure appropriate and durable implementation of sectors for groundfish, expansion of catch shares into other bottom-dwelling fisheries, and regulations and design elements for sectors that address sustainable fishing communities"* and that the Environmental Defense Fund received 2.2 million dollars from Moore to, among other things, implement *"good catch shares for monkfish through an exemplary and inclusive design process."* AP member Thomas Dempsey is employed by the CCCHFA and AP member Ted Platz is a consultant for Environmental Defense Fund, which has spent tens of millions of foundation dollars in its efforts to

force catch shares on U.S. fishermen. At the last AP meeting Ted and Tom were the most outspoken AP members promoting catch shares in the monkfish fishery. We feel that it is extremely important that these connections be made public. Without such disclosure, it is too easy to assume that they are speaking for or acting solely for themselves or for the fishermen they represent. Obviously, that may not be the case.

Thank you,
SFMA Monkfish advisors

Timothy Froelich

Rick Mears

Chris Hickman

Chris Walker

Michael Johnson

Kevin Wark

Dan Mears

cc MAFMC Staff, MAFMC Members, John Pappalardo

*From Ms. Raymond's statement on behalf of Associated Fisheries of Maine (AFM) on Monkfish Amendment 6 - *"However, the current management plan could be improved to address the economic needs of businesses and communities historically dependent on the resource, to promote efficiency, **to align with groundfish management**, to address the discard issues inherent in trip limit management, and to decrease impacts on habitat and protected species" and "AFM **strongly supports allocations based on landings history only**, as this best addresses the economic needs of those businesses and communities most dependent on the resource"* (emphasis added).

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

February 23, 2011

Patricia Kirkul, Northeast Regional Administrator
NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

Re: Scoping comments on Amendment 6 to the Monkfish Fishery Management Plan

Dear Ms. Kirkul:

As the highest elected official in Suffolk County, which has more than 1.5 million residents, it is with great concern that I write on behalf of those residents involved in the County's commercial fishing industry.

I am sure you are aware of the efforts to jumpstart the weakened economy, of which retaining – and adding - jobs is one of the priorities. Every job in Suffolk is an important one and fishery management determinations that could cause job loss cannot be made without weighing the impact of all options.

Suffolk County's fishing industries continue to bow under increasing pressure from regulatory agencies. Unfortunately, with the proposed implementation of a catch shares program, Suffolk's monkfish fishery is no exception.

The monkfish fishery is one of many commercial fishing outlets in Suffolk contributing millions of dollars and creating hundreds of jobs for the County's economy. No less important, fishing of all kinds represents a significant thread in the socio-economic history of the County, from the former whaling docks in Sag Harbor to the current commercial docks in Montauk and Shinnecock.

To date, Suffolk's monkfish fishery has been subject to, and has followed, the Days at Sea (DAS) management system with much success in terms of catch and fishery sustainability. For more than five years, stock assessments for monkfish have shown to be on the positive side of the species rebuilding schedule.

As a result, the monkfish industry has great concern over the proposed implementation of a catch shares program as a fishery management tool for monkfish. There is the fear this will result in a rapid consolidation of the commercial fishing fleet, resulting in fewer fishermen and a loss of the economic multipliers associated with the maintenance of a healthy fishing fleet.

Every regulation that has been implemented at the state and federal levels of government on the fishing industry is another burden that a weakening industry has to carry. Suffolk's commercial fishing

Received

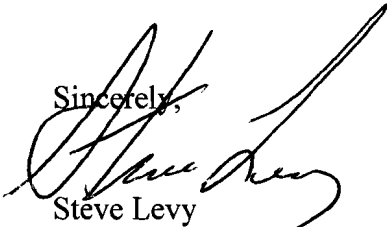
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industries are fighting for survival and cannot afford to have any facet adapt to a new management plan, especially when the current plan is working.

Implementing a catch shares management program will likely result in further shrinkage of the Suffolk's fishing industry. This industry already follows the current regulations related to catch limits and bears the cost of updating equipment, all while battling ever increasing fuel prices and diminishing returns.

The fishing industry in Suffolk is not only a mainstay of the local economy, it is an important part of its heritage. I strongly urge that the DAS management program be maintained for the monkfish fishery in Southern New England waters.

Thank you for your attention to these concerns.

Sincerely,

Steve Levy
County Executive of Suffolk County

cc: Senator Charles Schumer
Senator Kirsten Gillibrand
Congressman Timothy Bishop
NYS Senator Ken LaValle
NYS Assemblyman Fred Thiele
ASMFC Fishery Management Plan Coordinator Toni Kerns
NYDEC Marine Bureau Chief Jim Gilmore
NOAA Fisheries North East Regional Administrator Patricia Kurkul

East Hampton Star
East Hampton Independent
East Hampton Press
Patch

Maggie Raymond, Chair
Monkfish Advisory Panel
New England Fishery Management Council/Mid-Atlantic Fishery Management Council
March 7, 2011

Dear Ms. Raymond,

Prior to the Monkfish Advisory Panel meeting on this coming Wednesday, March 9, we wanted to take the opportunity to reaffirm our own personal positions and that of the Monkfish Defense Fund (testimony submitted on January 30 and attached) on catch share management in the monkfish fishery.

Collectively our companies (Viking Village, Lund's Fisheries and Agger Fish Corp.) handle what we estimate is 75% of the monkfish landed in the Southern Fishery Management Area, (SFMA) and we interact regularly with the fishermen who land them.

Most importantly, it is our firm belief that at least a two thirds majority of the monkfish fishermen in the SFMA are strong in their opposition to any form of catch share management, including "sectors" such as is being applied to the groundfish, in their fishery. Each of us personally shares this position.


As you know, there are no problems with the monkfish fishery in the SFMA. The stock is thriving, the fishermen are making a living and the markets are stable. In fact, when the condition of the stock was considered problematic, it was shown that this was due to inadequacies in the science underlying the stock assessment, not to any inadequacies in management. This is a management regime that has evolved over the life of the fishery, and while it isn't perfect, it is as close to perfect as any other fishery that any of us are involved in.

However, we can't claim to be able to speak for every fisherman in the fishery, so we will reinforce our request made through the Monkfish Defense Fund that before proceeding any farther with planning for any form of catch share program in the monkfish fishery in the SFMA, that the Mid-Atlantic Council, with the cooperation of the New England Council, carry out a referendum of all qualified participants in the fishery to determine industry interest in/support of such a revolutionary change in what has proven up until now to be a successful management program. Given adequate interest (a two-thirds majority), we can proceed to design a program. That program would then be presented to the members of the fishery for a vote on whether to accept it or not (again by a two-thirds majority).

We will also reinforce our insistence that any monkfish catch share program in the SFMA, in the unlikely event that the referendum results warrant proceeding further, be completely independent of the groundfish sector program. From a Mid-Atlantic perspective we see no possible benefit and a tremendous level of unnecessary complication from any such integration.

Finally, we are looking forward to participating with the Mid-Atlantic Council in the visioning process that it is about to undertake, not only for the monkfish fishery, but for all of the important fisheries in the Mid-Atlantic.

Thank you,



On behalf of:

Marc Agger, Agger Fish Corp.
Ernie Panacek, Viking Village
Jeff Reichle, Lund's Fisheries

cc: Howard King, Pete Himchak, Erling Berg, Terry Stockwell, Kevin Wark, Rick Robins, Jr., John Pappalardo, Chris Moore, Paul Howard

Monkfish Defense Fund
c/o Marc Agger
Brooklyn Navy Yard, Bldg. 313
Brooklyn, New York 11205

January 30, 2011

Subject: Comments on the Monkfish Fishery Management Plan Amendment 6 - Catch Shares Discussion and Scoping Document.

The Monkfish Defense Fund (MDF) is an association of monkfish fishermen, dealers, processors and exporters. Following are our comments on the Catch Shares Discussion and Scoping Document.

- 1) The Monkfish Defense Fund (MDF) is opposed to any form of Sector Management in the Southern Management Area (SMA), and is equally opposed to any attempts to LINK monkfish management in the SMA to the New England Groundfish Sector Management System in any way, shape or form.
- 2) The MDF supports having each permitted monkfish vessel's catch history in the Northern Management Area (NMA) and SMA clearly defined and restricted to that particular management area when determining future allocations, catch shares, quotas, any NMA-only sector program, etc.
- 3) The MDF urgently requests the councils reaffirm the Control Date for permitted monkfish vessels to coincide with the end of the 2009 fishing year at the earliest possible moment.
- 4) Considering the differences in the characteristics of the monkfish and associated fisheries in the NMA and the SMA, the MDF supports separate and distinct management regimes in each area if the industry in the North and the South cannot come to agreement over a single management program.
- 5) The MDF supports having a double referendum for all legitimate permit holders in the SMA to determine if the fishermen: (1) wish to explore the possibility of fishing under a catch shares program; and (2) to approve any final catch share program. Each referendum would be subject to the two-thirds majority requirement for adoption.
- 6) If the initial referendum shows that members of the fishery in the SMA are in favor of considering management via catch shares, the MDF requests that the Monkfish Catch Share Allocation and ITQ Referendum Proposal – revised 6/4/09, serves to initiate discussions on catch shares. The MDF does not endorse any of the particular options presented in the document, nor does it reject any options that are not included.
- 7) The MDF supports having the SMA monkfish fishery included in the Mid-Atlantic Council's "visioning process" for a discussion of potential catch share fisheries in the Mid-Atlantic region. The MDF believes this is an opportunity to inform future decision-making in the region that should not be ignored.
- 8) The MDF does not support moving forward with a catch share program while the monkfish stock remains in a data poor condition. The MDF requests that NMFS take whatever steps are necessary as soon as possible to have monkfish removed from the "Data Poor Species List"

including at least two more cooperative trawl surveys, one conducted every second year beginning in the spring of 2012.

- 9) The MDF will not support any management regime in the SMA that substantially changes the character of the fishery as it exists today if it is not designed and accepted by a majority of fishery participants.

The MDF believes that monkfish management as it is currently being done is meeting the needs of the monkfish industry and that from fisherman to dealer we would all be better served if resources that would be committed to designing and then “selling” a catch shares management program in the SMA were instead devoted to increasing the level of knowledge of the monkfish stock. Simply removing monkfish from the Data Poor category would provide significant tangible benefits to the participants in the fishery (as well as to the fish) while entailing none of the dislocations that a move to catch shares would unquestionably generate.

Finally, we have been informed that the Mid-Atlantic Council has formed a Social Science Subcommittee of its Scientific and Statistical Committee. While it’s not a part of the scoping document, we are taking this opportunity to request that this Subcommittee explore Community-Based Management options which might be appropriate for the monkfish fishery in the Southern Management Area. We will provide as much input, information and support to this effort as we are able to.

Sincerely,

Marc Agger

Email: marcagger@gmail.com

Telephone: 718-855-1717