

New England Fishery Management Council

SUMMARY

Monkfish Oversight Committee and Advisory Panel

Joint Meeting

Marriott Courtyard, East Boston, MA

August 8, 2012

Committee members: Alexander (chair), King (vice chair); NEFMC: Avila (absent), Dempsey, Libby (absent) Odlin (absent), Preble; MAFMC: Berg, Himchak (absent), Nolan.

Staff: Haring (NEFMC) and Armstrong (MAFMC)

Advisory Panel: Raymond (Chair), Alexander, Caldwell, Froelich, Hickman, Johnson (absent), Jordan (absent), Julliard (absent), Margeson, McCann, D. Mears (absent), R. Mears, Platz, Rainone, Walker (Vice Chair)

The primary purpose of the meeting was to review the Amendment 6 range of alternatives developed by the Monkfish Plan Development Team (PDT). The Committee had tasked the PDT with developing a range of alternatives to address the amendment goals and objectives adopted by the Councils through modifications to the current days-at-sea (DAS)/trip limit management system, allowing monkfish DAS leasing, integrating monkfish into sectors and creating a monkfish individually transferrable quota (ITQ) program. The PDT has completed a draft range of alternatives to address all but the ITQ system, although some specific elements within the alternatives still require further development.

Following a staff presentation on the PDT's report, Committee members made some general comments. One member, who is also a member of the NEFMC's Groundfish Committee observed that events and circumstances in the groundfish fishery are likely to result in major changes to the structure of the region's fisheries, including the number of participants. Addressing the groundfish situation will draw heavily upon staff resources and time available to address other fishery matters, possibly including Amendment 6. Furthermore, he noted, proposing changes to the monkfish fishery at the same time the groundfish fishery is undergoing such fundamental changes will greatly complicate the transition and would be extremely difficult to accomplish.

Another Committee member stated that the current groundfish sector program has so negatively impacted vessels in New York and New Jersey that there is no support for adopting sector management in the monkfish fishery. She also suggested that the document needs to have an alternative that retains the current system, with some modifications, in the southern area while accommodating the needs of northern area fishermen who are involved in groundfish sectors.

A Committee member observed that with all of the restrictions looming in the groundfish fishery, vessels are going to be looking for alternative fisheries, one of which is the monkfish fishery. He suggested that the efforts shifts will cause significant changes to the monkfish fishery even under the status quo alternative, and that the Committee should be more

aggressive in addressing the situation. Latent effort, he said, is the most important issue ahead.

A member of the AP noted that the fishery in the north has only landed half or two-thirds of the landings target in recent years, which is evidence that the current system is not working. This sentiment was echoed by others, noting that emphasis needs to be directed toward addressing “vulnerability” of the southern area monkfish fishery to redirected fishing effort as the result of groundfish fishermen looking for other fishing opportunities while allowing for the full utilization of the northern area TAC.

One of the points in the PDT presentation was to seek clarification of the Committee’s intent with the part of the motion that tasked the PDT to develop alternatives. One of the broad areas in that motion was “integration of monkfish into sector management.” The PDT asked if that meant into groundfish sector management, or more broadly to develop stand-alone monkfish sectors. A Committee member stated that one of the goals of the amendment is to simplify the plan, and that the complications of introducing overlapping sector programs would be counter to that, and that separate sectors would be redundant and greatly increase administrative costs. This view was echoed by other participants.

Motion

To move section 2.3 Monkfish Sectors (separate from GF sectors) to the considered and rejected portion of the document(Dempsey/Preble, **motion passed 5-0**)

One of the advisors commented that there is a lot of concern in the southern area about transfers of effort from the northern area as groundfish restrictions further limit fishing opportunities there. He suggested that an allocation scheme that is based on area-specific fishing participation would alleviate much of that concern.

The Committee then discussed the section of the draft document dealing with allocation of DAS based on DAS usage history as a way to address latent effort. Under that concept, vessels that did not meet the qualification criteria would not be allocated monkfish DAS. In the context of this approach, the PDT had developed alternatives that would establish a reserve pool of DAS for vessels that did not receive an allocation to re-enter the directed fishery by obtaining, through one of several alternative approaches, DAS from the reserve pool. A Committee member suggested that the reserve pool would undermine efforts to limit latent effort in the fishery. Several individuals commented that if DAS leasing were established, those who wanted to enter/reenter the directed fishery, or who wanted to increase their DAS allocation, could do so in the marketplace. NMFS noted that it may be premature to remove options from the document until the Committee’s intended direction regarding certain measures is clear, otherwise, vessels may not have any option to obtain more DAS or quota.

Motion

To move Section 1.3.3 Reserve Pool of DAS to the considered and rejected portion of the document (Dempsey/King, **motion passed, 5-0**)

A Committee member then proposed a motion, which did not receive a second, to change the qualification period in the sector management alternatives to cover the longest possible period under the FMP but prior to implementation of sector management in the groundfish fishery, or 2000-2009. At this point in the discussion, the staff pointed out that motions to modify or remove items from the document are not necessary because those alternatives had not been formally adopted by the Committee, but rather had been developed by the PDT as a starting point for Committee discussions.

The Committee next addressed the issue of how the current regulations are impairing the ability of vessels fishing in the northern area to fully utilize the landings target. One of the constraints is that the incidental limit of 50 lbs. when a vessel is not on a groundfish DAS is too restrictive to allow sector vessels that are not using groundfish DAS to land all incidentally caught monkfish. NMFS staff suggested that the current trip limit structure is a legacy of the pre-sector management period, and that the issue could be partially address if the incidental limit for sector vessels was raised to the 300 lbs. that applies to vessels fishing on a groundfish, but not a monkfish DAS.

A member of the AP pointed out even if a vessel were to declare a monkfish DAS when it exceeds the incidental limit, on a long trip, that burns up a significant portion of the allocated DAS, even if the incidental limit is only exceeded on some of the days. Another AP member agreed, stating that a vessel does not want to use a monkfish DAS unless it is catching at least 700-800 lbs. of monkfish. Someone suggested considering allowing a vessel to declare monkfish DAS only for those DAS in which the vessel intended to target monkfish. Someone else suggested charging monkfish DAS based on the amount of monkfish landed. An AP member noted that groundfish DAS are not constraining monkfish DAS usage, since groundfish DAS can be leased cheaply, and can be leased to and from sector vessels of any size.

Someone commented that there is a general reluctance to declare a monkfish DAS when the incidental limit is only marginally exceeded because of the value of those DAS when the full trip limit is achieved. NMFS staff suggested that if the trip limit is lowered and DAS increased proportionally, it would lower the perceived value of those DAS. He noted that vessels rarely land the full amount allowed under the trip limit, so such an approach would likely not result in discards. This was confirmed by Council staff and other AP members. Another commenter suggested that the trip limit could be removed, as it was during the first year of under the FMP. The chairman directed the staff to include such an alternative for the northern area in the next version of the document.

A member of the AP who fishes in the southern area pointed out that vessels targeting skates in that area must be on a groundfish DAS to exceed the skate incidental limit. On occasion, when fishing for skates there is a substantial monkfish incidental catch that must be discarded if the vessel is not on a monkfish DAS. He suggested that the at-sea monkfish DAS declaration provision that currently exists in the northern area be expanded to include the southern area, and that the incidental limit for fixed gear (50 lbs.) should be consistent with that for trawl gear (300 lbs.) in the southern area. Others objected, noting that doing so would

cause a big shift of effort into the dayboat skate fishery. The chairman agreed that the provision should be included in the document for analysis and further comment.

On the subject of southern area trip limits, another AP member raised the point that when the whole fish conversion factor was corrected in Amendment 5, it had the effect of reducing the trip limit on vessels that land whole fish. He suggested that the document include an option that would raise the trip limit to what it was in whole-fish weight prior to the correction. The staff pointed out that in the specifications process, there are always a range of alternatives including increasing the trip limit, increasing DAS, or combination of the two. Staff also noted that while the specifications are scheduled to be reviewed and adjusted in 2013, for the start of the 2014 fishing year, there is no stock assessment scheduled, so there would be no new information on which to base the specifications setting. A member of the Committee stated that the matter of scheduling an assessment needs to be formally raised so some of the issues that have been raised at this meeting could be addressed in a timely way.

The Committee then discussed the DAS allocation alternatives. An AP member commented that allocating individual DAS creates two problems. The first is that there will be an allocation fight, and the second is that the result will still be an inefficient management system. A Committee member noted that allocating effort to those who are active in the fishery would address the latent effort problem, but that it should be done on a fleet basis, not individually, and it should be based on meeting certain landings qualification criteria, while on a monkfish DAS. The PDT's draft alternatives included a landings-based qualification alternative, but it only applied to individual DAS allocation options.

A member of the AP said that any allocation based on DAS usage would be problematic because in the northern area vessels did not have any reason to use monkfish DAS until recently (because there was no monkfish trip limit while on a groundfish DAS), suggesting that the allocation should include landings. Another member said that the Committee should define latent effort to avoid disqualifying some vessels who do not meet some narrow qualification definition.

The next section discussed by Committee pertained to the alternative proposed by the PDT to address differential DAS allocations by management area. Currently, all vessels are allocated the same number of DAS, but are limited in how many can be fished in the southern area. The alternative would allocate the same number of DAS to each area, but apply a differential counting procedure if one area has a lower total effort allocation. An AP member pointed out that vessels that only fish in the southern area have DAS to carryover every year, but the proposed alternative would eliminate that. Furthermore, he said, he currently fishes his 28 DAS in the southern area and the remaining 12 DAS in the northern area. The differential counting method would eliminate the 12 northern area DAS. Committee members concurred, and since there was only one alternative to no action in this section, the section was dropped without objection.

This discussion raised another issue that pertains to the overlap with the sector program, should the amendment include the ability for vessels to bring monkfish Potential Sector Contribution (PSC) to groundfish sectors. That PSC would have to be area-based, or could be

limited to the northern area only, which would result in a need to adjust DAS allocations for those vessels that also fish in the southern area. One Committee member, and one AP member expressed concern about different management currencies being used in the two (i.e., quota in the northern area and DAS in the southern area). There was also the perception among several AP members who fish in the southern area that allocating monkfish ACE to groundfish sectors would be taking something away from the southern area TAC. The chair directed the PDT to further develop these alternatives for the next meeting.

The Committee discussed the alternatives for addressing the permit Category H area restrictions. A member of the AP who is affected by those area restrictions stated that the opportunities for fully utilizing their DAS allocations are becoming increasingly limited, as the cumulative effect of measures to protect sea turtles, harbor porpoise, bottlenose dolphins, and, in the near future, Atlantic sturgeon take effect, in combination with the limited seasonal availability of monkfish in the area. He asked the Committee if the alternative to remove the line could be implemented through a framework action sooner than the anticipated timetable for implementing Amendment 6. NOAA General Counsel was in attendance, and the Chair directed the question to him and other NMFS staff. They indicated that they would investigate the situation.

The Committee next discussed the DAS leasing alternatives. One member suggested, and the Committee generally agreed, that the sunset provision, which would require formal action to continue the leasing program, was unnecessary. He noted that if the Councils wanted to modify or eliminate the leasing program in the future, they could do so through regulatory action.

With regard to the alternatives for establishing vessel size restrictions in DAS leasing and permanent transfer proposals, an AP member pointed out that they are irrelevant because catch while on a DAS is controlled by the trip limit, which is based on the type of permit, not vessel size. Another AP member suggested that the DAS leasing measures are too complex and restrictive. She suggested that the PDT investigate the groundfish DAS leasing proposal developed by NMFS prior to Amendment 13 in 2003, and measures to control DAS leasing across management areas. One AP member questioned the need to have a permanent transfer provision at all if there is a temporary provision. He said the same outcome could be accomplished with a temporary leasing system, with greater flexibility. Based on the discussion, the Committee agreed without objection to remove the section pertaining to permanent transfers of DAS.

Due to the time of day, and travel commitments of some members, the Committee agreed to postpone discussion of the next sections, integrating monkfish into groundfish sectors and ITQs, to the next meeting. Also, the vice chair noted that the Mid-Atlantic Council would be holding up to four workshops in October to discuss these alternatives, and the results would greatly inform the Committee's work. Several people agreed that it was important for fishermen to know ahead of time roughly what their allocations would be under various alternatives. When this was raised earlier in the amendment development process, the Regional Administrator said it could not be done for several reasons, including the staff commitment and matters of confidentiality, since actual final allocations would depend on the

alternative that is adopted. The Committee agreed to reopen this discussion with the new Regional Administrator.

With regard to the development of ITQ options, the Committee directed the PDT to incorporate the alternatives that had been developed when it was considering catch shares in Amendment 5. Following an earlier suggestion that was not adopted at the time, another member added that a qualification option should be included that has the broadest time frame: 2000-2009. These are the years from the implementation of mandatory reporting up to the last year before groundfish sectors.

The Chair agreed to hold the next meeting in the mid-Atlantic region.