



New England Fishery Management Council

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MEETING SUMMARY

Joint Monkfish Advisory Panel and Committee

Radisson Airport Hotel, Warwick, RI

May 26, 2015

The Monkfish Advisory Panel and Committee met on May 26, 2015 in Warwick, RI to refine and recommend preferred alternatives for Framework Adjustment 9 to the Councils.

MEETING ATTENDANCE: Committee members present were Dr. John Quinn (Chairman), Ms. Laurie Nolan (Vice Chair), Mr. Mark Alexander, Mr. Terry Alexander, Mr. Vincent Balzano, Ms. Libby Etrie, Mr. Steven Heins, Mr. Jeff Kaelin, Dr. Matt McKenzie, Mr. Mike Ruccio, and Mr. David Preble. Advisory Panel members present were Mr. Timothy Caldwell, Mr. Timothy Froelich, Mr. Michael Karch, Mr. Richard LaRocca, Mr. William P. McCann, Mr. James Nash, Mr. Ted Platz, and Mr. Christopher Rainone. They were supported by staff members Dr. Fiona Hogan (NEFMC) and Mr. Jason Didden (MAFMC), Mr. Jason Berthiaume and Mr. Doug Christel (GARFO), and Mr. Greg Ardini and Dr. Tammy Murphy (NEFSC SSB). In addition, approximately 10 members of the public attended.

KEY OUTCOMES:

- The Committee recommended No Action for the following alternatives: allowing vessels in the Southern Fishery Management Area (SFMA) to declare a monkfish DAS while at sea, modifying the DAS/trip limit allocation for Category F vessels, allowing vessels to re-declare from a monkfish DAS to a RSA DAS, eliminating the Northern Fishery Management Area (NFMA) trip limit while on a NE multispecies DAS.
- The Committee modified the alternative to focus on the SFMA. Recommended minimum gillnet mesh sizes vary by exemption area to be consistent with current regulations. The modified alternative constitutes the Committee's preferred alternative.
- The Committee recommended allowing vessels to declare a NE multispecies DAS at sea.

DOCUMENTATION:

Committee and AP discussion was aided by the following documents: Draft Framework 9 (FW9) Alternatives under Consideration dated May 26, 2015, Draft FW9 Biological Impacts dated May 26, 2015, Draft FW9 Essential Fish Habitat Impacts dated May 26, 2015, Draft FW9 Protected Resources Impacts dated May 26, 2015, Draft FW9 Economic Impacts dated May 26, 2015, Draft FW9 Social Impacts dated May 26, 2015, PDT memo re Framework 9 to the Committee dated May 20, 2015, and Monkfish Committee meeting summary dated April 7, 2015.

PRESENTATION: FRAMEWORK 9 UPDATE

Staff provided the Committee and Advisory Panel with a summary of the draft alternatives and impact analyses. The Groundfish Committee will review the draft alternatives at their June 4, 2015 meeting. 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, modifying the DAS/trip limit allocation for Category F vessels, allowing vessels to re-declare from a monkfish DAS to a RSA DAS, eliminating the Northern Fishery Management Area (NFMA) trip limit while on a NE multispecies DAS, and allowing the use of 5-7" mesh standup gillnet while on a monkfish DAS. Staff reviewed the existing exemption area regulations in the SFMA and outlined potential strategies for the AP and Committee to consider. The PDT recommended focusing the alternative on the SFMA based on potential interactions with groundfish in the NFMA. The expected impacts for all the alternatives were summarized for the AP and Committee.

ALLOW VESSELS TO DECLARE A NORTHEAST MULTISPECIES DAS AT SEA

The Committee did not think there was any justification presented that would support excluding common pool vessels from being able to declare a NE multispecies DAS while at sea. The number of common pool vessels was low and their inclusion could help increase catch in the NFMA. Common pool vessels would need to hold the relevant monkfish permit to take advantage of this. VMS changes could be made for the relevant component of the fleet, however, there could be an issue as to the timeliness of the VMS changes.

Allowing a NE multispecies DAS to be declared at sea would circumvent the pre-trip notification system (PTNS), which is used in the allocation of observers. This could have far reaching implications on the observer process, which was discussed by the PDT. A Committee member noted that the squid fishery was moving away from using the PTNS system because it wasn't useful for that fishery.

1. MOTION: Mr. Terry Alexander/Mr. Balzano

Recommend the Council select the option to "Allow all limited access monkfish category C and D vessels to declare a NE multispecies DAS at sea in the Northern Fishery Management Area" (Committee document Section 1.1.1.2 Option 2) as the preferred alternative.

There was no public comment on the motion.

The motion **carried** on a show of hands (9/0/1).

SOUTHERN FISHERY MANAGEMENT AREA AT-SEA MONKFISH DAS DECLARATION

This alternative would allow a monkfish DAS to be declared at sea in the SFMA and was considered to be consistent with the monkfish option in the NFMA. However, an AP member considered this to be a giant loophole that would potentially harm the current participants, who had invested in the fishery and were willing to allow younger monkfish year classes to grow into the fishery. It was thought that this would increase effort and ultimately reduce the DAS allocation of long term participants. Other AP members thought this would reduce discards in the SFMA, and further, protection was in place for the stock in the form of accountability measures. A Committee member thought directed trips should occur on a monkfish DAS as opposed to a NE multispecies DAS. This was thought to have potential implications on the next round of DAS allocations – if this alternative allows more trips to be successful then individual DAS allocations could decrease. The Committee member did intend this alternative to increase directed monkfishing. The fleet was trying to protect young fish. An AP member thought this might allow part of the fishery to build and would increase the success of trips.

An AP member raised the issue of what system would be used for this declaration; it was thought that the majority of vessels in the SFMA use the IVR system as opposed to VMS.

Another AP member considered the purpose of this to alleviate NE multispecies permits targeting skates; a large amount of monkfish could be encountered while targeting skates. This alternative could allow them to reduce discards. Generally, reducing regulatory discards by allowing this measure was considered to be positive for the fishery.

2. MOTION: Ms. Nolan/Mr. Kaelin

Recommend the Council select No Action (Committee document Section 1.1.2.1 Option 1) for “Southern Management Area at-sea Monkfish DAS declaration” as the preferred alternative.

There was no public comment on the motion.

The motion **carried** on a show of hands (6/1/3).

MODIFY DAS/TRIP LIMIT ALLOCATION FOR CATEGORY F (OFFSHORE) VESSELS

An AP member considered this alternative to effectively establish a quota system. Staff clarified that that was not the explicit intention of the alternative. The formula assumed that the maximum possession limit was achieved. When setting specifications for the Category F fishery, the allocation was done based on a set amount and was independent of the normal specifications calculations.

A Committee member reminded the Committee that the main issue with this was Category F vessels being forced to sit offshore if they’ve caught their allocation in too few DAS. The preference would be a running clock but that was not adopted at the last Monkfish Committee meeting. A Committee member suggested moving forward with no action for FW9 with the intention of addressing this issue again in Amendment 6. The majority of vessels participating in the Category F fishery were merely doing so to maintain some level of fishing history because of potential alternatives in A6. Category F vessels participate in other fisheries and must gear up specifically for the Category F fishery.

An AP member was concerned about latent effort and that this alternative could increase incentive for other vessels to join his fishery, which might have a negative impact on the fishery as a whole.

3. MOTION: Ms. Nolan/Mr. Ruccio

Recommend the Council select No Action (Committee document Section 1.1.3.1 Option 1) for “Modify DAS/trip limit allocation for Category F (offshore vessels)” as the preferred alternative

Rationale: The intent was to return to this discussion when the Committee continues development of Amendment 6 (A6) where alternate strategies could be considered in addition to other trip limits.

There was no public comment on the motion.

The motion **carried** on a show of hands (10/0/0).

DAS REQUIREMENTS FOR RSA VESSELS WHEN ON A MONKFISH DAS

A Committee member thought the same rationale applied for supporting No Action for re-declaring to a monkfish RSA DAS while at sea as the alternative that would allow vessels in the SFMA to declare a monkfish DAS while at sea. It was thought that this would allow an increase in effort for the vessels participating in the RSA program, which is not the entire fishery. An AP member, participating in the

RSA program, supported Option 2 because it would allow for an increased catch of monkfish on trips where there was also a large catch of skate or in the case of inclement weather requiring the need for the whole string to be pulled quickly. It can be difficult to predict prior to leaving the dock when a monkfish RSA DAS might be needed. Fish left in the net too long would likely die and not benefit the stock. Option 2 was further supported because it would reduce discards and increase efficiency especially at a time when the TAC was not being achieved.

Another AP member, also participating in the RSA program, was not in favor of re-declaring to a monkfish RSA DAS while at sea because this would create an advantage for a select few who were able to obtain monkfish RSA DAS. An AP member did not think that the underutilization of the TAC was showing true effort – effort was thought to be up for monkfish – but did not support Option 2 because it increased potential success for one group over another.

A Committee member raised concerns over PTNS and the timing of the re-declaration while at sea – a minimum time frame to re-declare might be necessary before a vessel demarks. The system would have to be modified to reduce incentive to take advantage of the system, i.e. trips being taken in the hopes of not having an encounter with enforcement. The RSA program was abolished in the Mid-Atlantic because of enforcement issues, so ensuring this was constructed carefully was important. A Committee member was in favor of Option 2 based on discussion regarding minimizing discards and increasing efficiency – any enforcement concerns could be addressed over time.

GARFO staff explained that 500 DAS are taken off the top of the allocation for the RSA program. These 500 DAS are funded based on a formula that removes a certain amount of DAS allocation from all permits. A grants process selects scientific research – the projects are allocated a number of DAS which are sold to vessels (current rate approximately \$600/DAS). Monkfish RSA projects are allocated DAS, however, not all the DAS could be used if the associated poundage was reached first. There are unlimited landings on those RSA DAS but the potential impact is restricted. Based on the economic impacts analyses, there was some concern that fewer of these DAS would be used if the decision was made at sea. Another concern was that this may require vessels to have VMS on board in order to re-declare at sea. IVR would be a viable option if cell coverage was sufficient but there were technical limitations on how this could be applied without VMS.

4. MOTION: Ms. Etrie/Mr. T. Alexander

Recommend the Council select the option to “Allow monkfish vessels to re-declare from a monkfish DAS to a monkfish RSA DAS while at sea” (Committee document Section 1.1.4.2 Option 2) as the preferred alternative.

The RSA program was considered to be of value to the fishery as a whole. An example provided by an AP member was an ongoing skate discard mortality study that may increase access to skate catch to the monkfish fishery.

An AP member thought this was equivalent to asking for an ITQ for a select few in the fishery and considered it likely that effort would increase for a select few. The fishery should be moved in the right direction and no further loopholes or extra effort should be allowed. In FW8, the fishery was offered more DAS but requested a reduced number out of concern for the stock. Another AP member thought that RSA DAS would have to be cut back, in future, but this alternative would help with the discard rate.

- Scott Dudley – I was wondering, if this was allowed, how the A and B permits would be able to declare for this at sea. I have satellite phones on my boat so cell coverage isn't an issue.

The declaration system used was a complicated issue – VMS is capable of allowing declarations at any geographic location but IVR is limited to cell phone range, which is highly variable. The more reliable way to implement this is through VMS. There are technical limitations as to how this could be implemented outside of VMS.

4a. **MOTION TO SUBSTITUTE: Ms. Nolan/Mr. Kaelin**

Recommend the Council select No Action (Committee document Section 1.1.4.1 Option 1) for “DAS requirements for RSA vessels when on a monkfish DAS” as the preferred alternative.

Rationale: Based on concerns related to the stock and enforcement, this alternative needs further development that could be done in A6.

A Committee member thought there were too many concerns regarding this alternative and might support No Action so this could be further developed in A6. An AP member did think a conversation on how the RSA program as a whole was run, e.g. should dockside monitoring be associated with this program, but allowing the re-declaration of a MF RSA DAS a sea would not impact the program. The maker of the substitute motion considered the RSA program to be a privilege, also, the AP was split during the discussion, which indicated this needed further discussion in A6. A Committee member noted the DAS system was built on inefficiencies.

The motion to substitute **carried** on a show of hands (5/4/1).

The main motion as substituted **carried** on a show of hands (5/4/1).

NORTHERN AREA MONKFISH TRIP LIMIT ON A NE MULTISPECIES DAS

5. **MOTION: Mr. T. Alexander/Mr. Balzano**

Recommend the Council select No Action (Committee document Section 1.2.1.1 Option 1) for “Northern Area Monkfish Trip Limit on a groundfish DAS” as the preferred alternative.

There was no public comment on the motion.

The motion **carried** on a show of hands (8/0/2).

The 2013 emergency action expired April 30, 2014 and eliminated the trip limit while on a NE multispecies DAS. FW8 increased the incidental trip limit on a NE multispecies DAS to 600 lb/DAS. A Committee member noted the 600 lb/DAS trip limit effectively made the trip limit unlimited so this would be redundant.

MODIFICATION TO MESH SIZE REQUIREMENTS ON A MONKFISH DAS

GARFO staff clarified that groundfish regulations dictate where you can fish and with what gear types. Although, current monkfish regulations state that if you're on a monkfish DAS the minimum mesh size is 10". Exemption areas were set up to promote the use of gear at certain times. Currently there are no restrictions in the Mid-Atlantic Exemption Area as there is not much interaction with groundfish, i.e.

currently there is no minimum mesh size. The Southern New England (SNE) Exemption Areas were set up based on minimal bycatch of groundfish. However, the exemption areas were set up at different times for specific reasons. This alternative would have to modify or merge the exemption areas beneficially to the fishery. A Committee member suggested that the season for the SNE Dogfish Gillnet Exemption Area could be modified in A6, if warranted.

An AP member was in favor of allowing the use of 5-7" standup gillnet in order to land dogfish. In the NFMA, the minimum mesh size is 6.5" for gillnet gear when on a NE multispecies DAS. Based on the existing exemption areas, a 5-7" mesh could be used in the Mid-Atlantic exemption area and 6"+ in the SNE gillnet exemption area between May 1 and Oct 31, while allowing both dogfish and monkfish to be landed on the same trip. If not on a NE multispecies DAS in the SNE Monkfish Exemption Area, a minimum mesh size of 10" gillnet would be required year-round and retain both dogfish and monkfish on the same trip.

Because of the complicated regulations there was a lot of discussion on this issue by the Committee and AP. Both groups were in favor of developing modifications to the regulations that would allow vessels to continue to use less than 10" mesh while on a MF DAS.

A Committee member suggested confirming the net limits that would apply under these modified regulations and limiting the number of standup nets that could be used to 50. GARFO staff noted that current monkfish net limits would apply but there were no area specific net limits in the exemption areas.

6. MOTION: Mr. Kaelin/Ms. Nolan

Allow the use of 5" minimum mesh standup gillnets on monkfish DAS in the Mid-Atlantic exemption area, and allow for the possession of monkfish and dogfish on the same trip.

The Committee and AP were in agreement to focus this alternative on the SFMA, as suggested by the PDT. A Committee member clarified that from an enforcement perspective a range of mesh sizes was not useful – the Committee would have to recommend a minimum mesh size of 5" or 6" in an area. A Committee member suggested going to 6" in both exemption areas because enforcement may be difficult with 2 different mesh sizes. MAFMC staff noted that the 5-7" recommendation came from people interested in using that mesh size range to target dogfish. When configured as standup, gillnet gear catches a small amount of juvenile monkfish.

An AP member advised the Committee that it does not take long to catch dogfish, nets (approximately 10) could be soaked for 10 minutes before haul back.

6a. MOTION Perfected: Mr. Kaelin/Ms. Nolan

Allow the use of 5" minimum mesh standup gillnets on monkfish DAS in the Mid-Atlantic exemption area, and allow for the possession of monkfish and dogfish on the same trip and limiting the number of standup nets on board to no more than 50.

Rationale – This would not exceed the current gillnet restriction of a total 150 nets but would allow smaller mesh to be used to target dogfish. It would also allow the retention of dogfish and monkfish on the same trip

There was no public comment on the motion.

The motion **carried** on a show of hands (9/0/1).

The Committee struggled with how to craft the motion to address the multiple SNE Exemption Areas but wanted to stay consistent. They were aware that there may be enforcement issues with allowing the use of different minimum mesh sizes in areas.

7. MOTION: Mr. T. Alexander

To allow the use of 6” minimum mesh standup gillnets on MF DAS in the SNE dogfish and monkfish exemption areas, and allow for the possession of monkfish and dogfish on the same trip and limiting the number of standup nets on board to no more than 50.

A Committee member thought a better strategy would be to craft modifications based on distinct components to reduce confusion.

The motion was **withdrawn**. The Committee took a short break in order to allow members to craft a suitable motion.

8. MOTION: Ms. Etrie/Mr. T. Alexander

To allow vessels in the SNE dogfish and monkfish exemption area to be able to fish 6” inch minimum mesh stand up net while on a monkfish DAS during May to October using no more than 50 standup nets, and allow both monkfish and dogfish to be retained on the same trip at any time.

A Committee member clarified that vessels holding permits for other fisheries could continue those fishing activities consistent with this motion.

There was no public comment on the motion.

The motion **carried** on a show of hands (9/0/1).

9. MOTION: Ms. Etrie/Mr. T. Alexander

To allow vessels in the SFMA to be able to fish 6.5 inch minimum mesh stand up gillnet at any time and anywhere while on a groundfish/monkfish DAS.

There was no public comment on the motion.

The motion **carried** on a show of hands (8/0/2).

The Committee agreed by consensus to recommend the Council adopt Motions 6, 8, and 9 as the preferred alternative for “Modifications to gear requirements while on a monkfish DAS” (Committee document section 1.3).

10. MOTION: Mr. Ruccio/Mr. T. Alexander

Committee recommends that the Council formally adopt FW9 to the MF FMP.

GARFO staff noted that the final rule may be published in October or November with earliest implementation occurring in December. However, implementation could be delayed based on VMS changes, if there are administrative restrictions on when changes could be made.

There was no public comment on the motion.

The motion **carried** on a show of hands (10/0/0).

A Committee member noted that the PDT would continue to produce SAFE reports and would monitor the impact of the use of less than 10" mesh as part of that process, which was consistent with a Committee motion passed at the April 7, 2015 meeting.

An AP member requested the timeline for addressing latent effort in the fishery. The Chair informed the Committee that latent effort would be addressed in A6, which the PDT would begin work on after the completion of FW9.

Adjourned at 1:00pm.