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New England Fishery Management Council

SUMMARY

Monkfish Oversight Committee and Advisory Panel

Joint Meeting

Biltmore Hotel, Providence, RI

December 6, 2012

Committee members: Dempsey (chair), Nolan (vice chair); NEFMC: M.Alexander, T. Alexander, Cunningham (NEFMC Chair), McKenzie, Preble, Quinn; MAFMC: Berg (absent), DiLernia, Himchak,

Staff: Haring (NEFMC) and Armstrong (MAFMC).

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

The primary purpose of the meeting was to continue development of the Amendment 6 range of alternatives. The Committee had tasked the Monkfish Plan Development Team (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 Committee and AP had begun their review of the PDT alternatives document at their August 8 meeting. Also on the agenda were a review and discussion of MAFMC fishery performance reports as they might provide a model for the Monkfish FMP, and an update on the 2013 stock assessment plans and possible specifications setting for the 2014-2016 fishing years.

The initial discussion focused on how many stakeholders have expressed an interest in knowing what their potential initial allocation would be under the various catch shares proposals being considered. Starting with the initial scoping hearings and continuing to this point, advisors, committee members and other stakeholders have consistently stated that information regarding landings history is necessary for informed decision-making..

Motion:

Request that NMFS provide the monkfish committee with landings data based on the timelines provided by the PDT (Nolan/DiLernia)

Comments on the motion:

- Vessel owners need to know their allocations before deciding which alternatives to support
- The Councils made a similar request last year but it was denied based on the resource burden it imposed on the agency as well as confidentiality concerns

- This motion is different in that it does not ask for individual vessel owner data be provided to permit holders, but that it be provided to the committee without individual vessel identification numbers, as it has been done in other MAFMC plan development
- I am unsure of the utility of providing these data to the committee, when it is the individual vessel owners who want to know where they stand.
- The first question for the agency should be to find what resources could be made available for such a data request

Motion to amend:

Request the service inform the Committee regarding their ability to provide the data necessary to develop a sector or ITQ management program (DiLernia/T. Alexander)

Comment on the motion to amend:

- The normal procedure in requests of this nature is to ask the Council to send a letter to the Regional Administrator

Motion to amend perfected by friendly amendment

Request the Council send a letter to the RA regarding their ability to provide the data necessary to develop a sector or ITQ management program

Comment on the perfected motion

- What happens if NMFS cannot provide what we are asking for? Does the development process come to a stop?
- This amendment has been a Council priority for some time, and NMFS has never indicated it cannot provide the needed support
- (NMFS staff) There are two questions: “does NMFS have the data”, and, “do we have the resources to provide the industry with all of the data for all of the permutations and possibilities for allocation alternatives?” The answer to the first is “yes”, but the second is more problematic because it is a resource intensive effort, and, also, there are confidentiality issues. Once a specific alternative is identified, the agency can likely provide the requested information.
- This motion is not a request for all of the data for all of the permutations, but a summary of the distribution of landings that will illustrate how the allocation might end up. Individual vessel owners can request their own data to find out where they fall within that distribution
- Many individuals will want to know their specific allocation under the various alternatives before deciding.

Motion to amend withdrawn without objection

Motion to substitute

Request the Council send a letter to the Regional Administrator regarding NERO’s ability to provide in a timely manner the data necessary the for the purpose of developing a sector management or ITQ program for monkfish (DiLernia/Nolan)

Comment on the substitute motion:

- The intent of the motion is to obtain, for committee use, the vessel landings data in anonymous format
- The data should be separated by directed and non-directed trips by year and area for each vessel
- The staff should include those details when drafting the letter for Council approval

Motion to substitute passed 6/1/1

Main motion as substituted passed 7/0/1

The Chairman noted that up to now in the development of Amendment 6, the Committee has not formally adopted alternatives, but rather has focused on the general approaches and the alternatives drafted by the PDT. He indicated that from this point forward, the Committee will develop the range of alternatives by considering motions to formally include specific alternatives in the draft amendment document.

Motion

that the Committee adopt the Amendment 6 draft range of alternatives document dated 9/12/12 and the ITQ alternative supplement (document 4 in the Committee meeting package) as a working draft of Amendment 6, along with introductory language highlighting the independence of northern and southern management areas (McKenzie/M. Alexander)

Comment on the motion:

- The intent of this approach is to build an administrative record and formalize the development of alternatives. Any changes to the draft document, therefore, would have to be done through Committee motions.

Motion passed 5/2/1

The Committee then turned its discussion to the questions and issues raised by the PDT in a memo pertaining to the sector management approach, specifically whether the management system would be based on all catch (individual vessel landings and discards) of monkfish (as is done in groundfish sectors) or only based on landings, as is currently done in the monkfish fishery, and whether the system would cover all catch (directed and incidental), or just the directed component. NMFS staff explained that in the current monkfish system, discard estimates from the most recent assessment are deducted from the Annual Catch Target (ACT) to derive the annual total allowable landings. The landings target is then reduced by the amount of incidental landings by open access and state-permitted vessels, as well as non-directed trips by limited access vessels, to derive the landings target on which DAS and trip limits specifications are based.

NMFS staff also pointed out that if sector allocations were based on all catch rather than landings (ACE, rather than ALE), then some vessels, i.e., those in sectors, would be immediately and directly accountable for all discards, while others, namely, those in the common pool, would only be indirectly and collectively accountable under the current specifications process. The chair suggested that if the FMP created a sub-ACL (Annual Catch Limit) for sector vessels, they could be held accountable for all catch, while the common pool calculation could continue as it is currently done with the remaining portion of the ACL being the basis for calculating the ACT. Another commenter suggested that basing the sector allocation and management system on landings, rather than total catch, would be contrary to the amendment goal of simplification of the rules.

A member of the AP requested that there be an option to monitor total catch in the sector system, otherwise, there is no incentive to reduce discards. Another AP member supported the idea that each of the subdivisions of the monkfish fishery (open access, incidental and directed) be given sub-ACLs and that all catch be allocated and monitored. The Chairman suggested that the Committee break at this point and hold some informal discussion on this matter so they could reach consensus.

Motion

Place any alternatives contained in Section 2 of the Draft Range of Alternatives Document (sectors) and Section 3 (ITQ) pertaining to the Southern Management Area into Section 5.0 (Considered and Rejected) (Himchak/Nolan)

Comment on the motion:

- Some who fish in the Southern Management Area are interested in considering the full range of options for management changes, and would not support eliminating these alternatives at this point in the process
- This issues has come up numerous times in the past two years, and it should be resolved by some sort of referendum
- Individual fishermen need more information about how sectors and ITQs would affect them specifically before they can make final decisions on which approach to support or oppose
- At this stage in the development of the amendment, the Committee should not be removing broad and viable alternatives from consideration
- As far back as the scoping hearings, there was near universal opposition to sectors and ITQs in the mid-Atlantic area. In regards to a poll or non-binding referendum General Counsel has advised that that is what the scoping process is intended to accomplish.
- As long as there is even only one stakeholder in the southern management area that might be interested in considering catch shares management, the Committee should retain those alternatives at this stage to allow for public comment

Motion failed 2/5/1

The Chair then suggested that the focus of the next meeting should be on the elements in the DAS leasing section, rather than trying to address the entire document. Doing so, he said, would give NMFS some time to prepare its response to the data request letter that Committee is recommending. He also asked the AP and Committee members whether joint meetings or separate, back-to-back meetings would be more productive. The advisors who commented supported separate meetings.

One of the advisors suggested that in the DAS discussions, the Committee should consider eliminating the minimum mesh size for gillnets. He said that vessels now are using gillnets with 12-13" mesh when targeting monkfish, larger than the 10" minimum, because it is more effective, but it prevents them from catching groundfish and dogfish, even if the vessels are burning a groundfish DAS. If they were allowed to use 7" mesh on those trips, they could land groundfish and dogfish on the same trip. The groundfish are already protected by the ACLs, and, therefore, allowing monkfish vessels on a groundfish DAS to catch groundfish should not have any conservation impacts. The Chair suggested that these types of proposals should go through the AP and then be formally considered by the Committee.

The Committee then heard a presentation by the MAFMC staff on their approach to Fishery Performance Reports (FPRs). Those reports provide a forum for advisory panels to comment on what factors other than biology (environmental conditions, other fishery regulations, markets, etc.) they see as having an effect on catch, as a supplement to the assessment reports. In preparing the FPRs, the staff provides the APs with catch data, a summary of management measures, and a brief list of trigger questions. The FPRs are provided to the SSC, and are considered by the Council as it develops management measures.

The Chair suggested that such an approach provides value to the specifications process, and directed staff to work with MAFMC staff to put together a set of trigger questions for the monkfish AP in the upcoming specifications setting, either before the assessment, or in parallel. In regard to the assessment, staff informed the Committee that an assessment is being planned for this Spring, but the date has not yet been set. When the results are available, the formal specifications process will start, and measures should be in place for the start of the 2014 fishing year.

Committee members then raised the possibility that the proposal to eliminate the permit category H, or the northern boundary of the Category H fishery be considered in the specifications framework so it could be expedited. To that end, the Chair directed staff to follow up with General Counsel on the previous request for a determination on what steps could be taken within a framework adjustment (as opposed to a full amendment) to address this issue, and to provide that opinion at or before the January NEFMC meeting. He also directed staff to prepare a specifications timeline, and make any modifications to the Amendment 6 timeline that may be necessary. Staff pointed out that at some point in the near

future, the Councils will receive the Biological Opinion for the listing of Atlantic Sturgeon which may also impact the Amendment 6 timeline.