



#4

New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
C.M. "Rip" Cunningham, Jr., *Chairman* | Thomas A. Nies, *Executive Director*

May 28, 2013

Mr. John Bullard
Regional Administrator, Northeast Region
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear John:

As you are aware, in consideration of NMFS' decision regarding the monkfish emergency action, to remove the monkfish trip limits while a vessel is on a **monkfish** day-at-sea (DAS) in the Northern Management Area (NMA), the Council voted (13/2/0) on April 25 the following motion:

*the Council requests the NMFS to expedite modification of the final rule on the monkfish Emergency Action to increase the monkfish possession limit while fishing on a **groundfish** DAS as follows: 600 lbs. (tail weight) per groundfish DAS for Category D vessels and 1,250 lbs. (tail weight) per groundfish DAS for Category C vessels in the NFMA only.*

This request revises the Council's original request to eliminate the monkfish trip limit for sector vessels fishing on a groundfish DAS in the northern area, an alternative that was considered but not adopted in the Emergency Action. The current request differs from the initial one in that it would not allow unlimited landings of monkfish on all groundfish DAS trips, but would apply current monkfish DAS trip limits on those trips.

The purpose of this request is to provide economic relief from restrictive groundfish regulations for vessels landing both monkfish and groundfish. As explained in earlier correspondence, the Northeast Multispecies Fishery is facing reduced Annual Catch Limits in FY 2013 for several key stocks. The most restrictive quotas are for the key stocks of Gulf of Maine cod and Georges Bank cod and will result in large reductions in revenue on groundfish fishing trips. Framework (FW) 48 suggested that revenue declines could be on the order of 40-60% from FY 2012, and several alternatives in FW 48 attempt to partially mitigate revenue losses.

The expected revenue declines are large enough that changes should not be limited to groundfish regulations. The requested emergency modification to the monkfish trip limit could increase the revenues on groundfish trips and provide a small measure of relief.

Concerns over this request might include the possibility of causing overfishing in either the Northern or Southern Management Areas (SMA) and a possible shift in monkfish fishing effort from the northern area to the southern area. In terms of potential overfishing, only 54% of the NMA target total allowable landings (TAL) and 45% of the SMA target TAL were landed in fishing year 2012 so substantially more monkfish could be landed without exceeding the TALs and would come closer to achieving optimum yield from the fishery. Since Emergency Action is limited to six-months, any action can be evaluated over this relatively short interval to make sure it does not cause the TALs to be exceeded.

In terms of vessels possibly shifting effort to the SMA, the Council believes this is not a significant concern. Historically, the majority of vessels that fish in the NMA have not used their DAS allocations (in either area) because it is not profitable for them to do so. The lower monkfish trip limits in the SMA vessels make it even less economically feasible for NMA vessels, particularly trawlers, to use their DAS in the SMA. The Council's Monkfish PDT, however, stated that the potential for an effort shift is a valid concern but cannot be quantified or projected with any acceptable degree of precision. If the Council's request is approved, effort should be closely monitored to detect any large-scale shifts so that the action can be modified if necessary.

In approving the motion requesting Emergency Action, Council members considered public comment that the current Emergency Action rule would not achieve its intended purpose of alleviating the financial impact of 2013 groundfish quota cuts because the monkfish incidental limit applicable when a vessel is on a groundfish DAS constrains the ability of the fleet to land the full amount of the monkfish annual landings target.

If you have any questions, about this request, please contact me.

Sincerely,



Thomas A. Nies
Executive Director

cc: Dr. Christopher Moore, MAFMC Executive Director



Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | Toll Free: 877-446-2362 | FAX: 302-674-5399 | www.mafmc.org
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

May 30, 2013

Mr. John K. Bullard
Regional Administrator
National Marine Fisheries Service
Northeast Region
55 Great Republic Drive
Gloucester, MA 01930-2276



Dear John:

This letter reflects the Mid-Atlantic Council's concerns regarding the temporary emergency rule (78FR25214) that eliminated monkfish trip limits for limited access monkfish Category C and D vessels fishing on monkfish days at sea (DAS) in the Northern Fishery Management Area (NFMA). The Council appreciates that this action is a modification from the initial proposal (78FR12708) that would have eliminated trip limits for C and D monkfish vessels fishing on both monkfish *and* groundfish DAS. As stated in the temporary rule, the initial proposal could have substantially increased effort on monkfish by "inadvertently and unintentionally creating incentives for vessels to fish for monkfish using readily available groundfish DAS in the NFMA, and then using their allocated monkfish DAS to fish for monkfish in the [Southern Fishery Management Area] SFMA."

The Mid-Atlantic Council is also aware that the New England Council is requesting that the current temporary rule be revised so that Category A (1,250 lb.) and B (600 lb.) monkfish trip limits be extended to Category C and D vessels, respectively, when they are fishing on groundfish DAS in the NFMA. The letter communicating their request addresses two potentially negative outcomes: 1) overfishing, and 2) the movement of effort into the SFMA. Both of these concerns were expressed in the Mid-Atlantic Council's response to the original proposed rule (78FR12708).

In addition, the New England Council does not provide an estimate of the potential effort increases associated with their proposal and suggests an evaluation of the effects of their proposal on total landings during the rule's six month timeframe. We suggest that rather than revise the existing emergency rule, the Region allow the fishery in the NFMA to adjust to the suspended trip limits as currently specified and then re-evaluate toward the end of the six month period.

According to the most recent assessment (2010 SAW/SARC), stock information for both the NFMA and SFMA has a high degree of uncertainty. Removing the limits on trip-level landings for vessels fishing on monkfish DAS, as currently envisioned, is an experiment with considerable risks for monkfish stocks in both the NFMA and SFMA. Although the Council is sympathetic to the hardships associated with the recent cuts in groundfish ACLs, the solution should not be to jeopardize the monkfish stocks. As such, the Council supports the current emergency action as described in 78FR25214.

cc: Council, Pet (5/31), RN, MF etc

Thank you for your consideration. Please contact me or Jim Armstrong of my staff if you have any questions.

Sincerely,



Christopher M. Moore, Ph.D.
Executive Director

cc: Rick Robins, Lee Anderson, Laurie Nolan, Tom Nies, Doug Christel