

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Monkfish Committee

I. STATUS

- A. Meetings: The Monkfish Committee has not met since the last Council meeting.
- B. Amendment 5 to the Monkfish FMP: The Council initiated Amendment 5, primarily to consider alternatives for Annual Catch Limits (ACLs) and Accountability Measures (AMs) pursuant to the 2007 re-authorization of the Magnuson-Stevens Act, and to adopt multi-year specifications of target catch levels (TTACs) and associated days-at-sea (DAS) and trip limits. The current TTACs were adopted in Framework 4 for fishing years 2007 – 2009, although a provision exists for the TTACs to continue in effect until replaced through regulatory action. Amendment 5 would implement new specifications for 2011-2013, or beyond. In addition, the Council is considering in Amendment 5 modifications to administrative and other components of the current management program, specifically: an automatic adjustment to DAS accounting for trip limit overages; permit Category C and D multispecies DAS usage requirements; research set-aside program modifications; mandatory VMS; and to allow the landing of monkfish heads.

At this meeting the Council will review Environmental Assessment, and approve taking the document to public hearings. The target date for approval of final measures for Amendment 5 is June, 2010 so the amendment can be implemented at the start of the 2011 fishing year.

- C. NMFS Regulatory Amendment: On October 26, 2009, NMFS published a proposed rule to solicit public comment on a regulatory amendment that would allow unused research set-aside DAS to be carried over to the following fishing year. This is a provision under consideration in Amendment 5, but implementing it by regulatory amendment would allow for it to take effect for the 2010 fishing year, rather than delay the action until 2011. Since Amendment 2, which established the RSA program, was silent on this issue, NMFS implemented a regulation in the Amendment 2 final rule that prohibited the carryover, under the agencies administrative authority. Given the improved stock status since that time, concerns about the impact of allowing the DAS carryover are no longer warranted, and allowing the carryover will remove a disincentive to industry participation in cooperative research that currently exists. The comment period ends on November 25, 2009.

II. COUNCIL ACTION

- A. **Draft Motion** – To approve the draft Environmental Assessment for Amendment 5 to the Monkfish FMP for public review and comment.
- B. Provide comment, as appropriate on NMFS regulatory amendment to allow unused research set-aside DAS to be carried over to the following fishing year.

III. INFORMATION

1. Amendment 5 Draft Environmental Assessment
2. Amendment 5 timeline
3. NMFS Proposed Rule – Regulatory Amendment to allow unused research set-aside DAS to be carried over to the following fishing year. (74 *Federal Register* 54945, October 26, 2009)